NASSAU COUNTY FIRE PREVENTION ORDINANCE

2016

Table of Contents

ARTICLE I
GENERAL PROVISIONS

Section 1.0 Scope

This Ordinance shall be known and may be cited as the "Nassau County Fire Prevention Ordinance."

Section 1.1 Adoption of Generally Accepted Standards

1.1.1 National Fire Protection Association ("NFPA") standards are adopted by this Ordinance and are incorporated by reference in its Articles. The relevant NFPA editions are indicated in Article XXX of this Ordinance.

1.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article, the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

Section 1.2 Definitions

The following words and terms shall, for the purpose of this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

APPROVED – means acceptable to the Fire Marshal and in compliance with this Ordinance.

FIRE COMMISSION – means the Nassau County Fire Commission.

FIRE MARSHAL – means the Office of the Nassau County Fire Marshal and shall include the Chief Fire Marshal, Assistant Chief Fire Marshal, Division Supervisor (Fire Marshal III), Supervising Fire Marshal (Fire Marshal II), Fire Marshal (Fire Marshal I) and Fire Marshal Trainee of Nassau County and all other titles created within the Office of the Fire Marshal and all lawful designees of the Chief Fire Marshal.

CODE ENFORCEMENT OFFICIAL – means a Certified New York State Code Enforcement Official employed by local and county governments.

CODE COMPLIANCE TECHNICIAN – means a Certified New York State Code Compliance Technician employed by local and county governments.

COUNTY – means the County of Nassau.

UL – Underwriters Laboratory

Section 1.3 Appointment, Power and Duties of Fire Marshals

1.3.1 The Fire Commission may appoint one or more Fire Marshals within the appropriations made therefor, to assist the Chief Fire Marshal in enforcing the provisions hereof. Such Fire Marshals shall be appointed from a list certified by the Nassau County Civil Service Commission and the number and salary or compensation shall be fixed by the County Legislature and approved by the County Executive. Such Fire Marshals shall report all actions taken hereunder to the Chief Fire Marshal at such times and on such forms as the Commission may prescribe.

1.3.2 On the recommendation of the Chief of any fire department, the Chief Fire Marshal may appoint one or more Assistant Fire Inspectors in such department to assist and work under the supervision and direction of the Chief Fire Marshal only within the district covered by such department, in enforcing the provisions of this Ordinance. Such Assistant Fire Inspectors shall be appointed by the Chief Fire Marshal only after the establishment of their merit and fitness to the satisfaction of the Chief Fire Marshal, determined in so far as practicable by a qualifying examination. No compensation shall be paid to such Assistant Fire Inspectors by the County. Assistant Fire Inspectors shall report all actions taken hereunder pursuant to the regulations of the Commission at such times, to such persons and on such forms as may be prescribed by it. Such Assistant Fire Inspectors shall hold office at the will of the Chief Fire Marshal but in no event longer than the terms of office of the Chief recommending the appointment, unless a succeeding Chief shall recommend their reappointment.

Section 1.4 City and Village Fire Prevention Bureau

1.4.1 Within any city or village where a bureau of fire prevention has been or shall hereafter be duly created by the governing body of such city or village, a certified copy of the resolution or ordinance establishing such bureau shall be filed with the Fire Commission and the Clerk of the County Legislature and such city or village bureau, upon its establishment, shall have full power to enforce this ordinance within such city or village.

1.4.2 No employee of such city or village fire prevention bureau shall be compensated by the County but shall receive such compensation as may be provided therefor by such city or village. Such bureau shall report all action

taken hereunder to the Fire Commission upon such forms and at such times as may be prescribed by the Commission.

Section 1.5 Qualifications of Paid Inspectors

All paid Fire Marshals and inspectors appointed pursuant to this Ordinance, whether appointed by the Fire Commission or by a city or village bureau of fire prevention, shall be appointed from a civil service list established pursuant to law. No Fire Marshal or inspector shall be appointed unless that person shall have had at least five years of service as a volunteer firefighter with in the County of Nassau.

Section 1.6 Fee exempt

Municipalities, Special Districts and Political Sub-divisions of the state of New York shall be exempted from any fees imposed pursuant to the provisions of this Ordinance.

Section 1.7 Failing to Comply

No person, business entity, organization, association or corporation shall fail to comply with any order or regulation made under this Ordinance.

Section 1.8 Penalties

Unless an Article of this Ordinance provides otherwise, any person, firm or corporation violating any provision of this Ordinance or failing to comply therewith or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of an offense punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment for not more than one year or both for each and every such violation. The imposition of the penalty for any violation of this Ordinance shall not excuse the violation or permit it to continue, and each fifteen days that the prohibited conditions are maintained shall constitute a separate offense.

Section 1.9 Other Enforcement

1.9.1 The Fire Marshal has authority under this Ordinance, through the County Attorney, to seek and obtain injunctive relief against any individual, business entity, organization, association or corporation which is engaging in any improper practice, violating this Ordinance or permitting any violation of this Ordinance to continue.

1.9.2 Should a check used to pay a Fire Marshal's fee be returned for insufficient funds, the Fire Marshal may suspend or revoke any permit, design drawing

approvals, test approvals, licenses or Certificate of Fitness issued, based upon that fee.

1.9.3 Nothing in this Ordinance prohibits the Fire Marshal, should he observe or suspects an infraction of any law or regulation under the jurisdiction of any other agency of government, from reporting his observation or suspicion to such other agency.

Section 1.10 Enforcing Authority

The Fire Marshal shall be the enforcing authority of this Ordinance, unless otherwise specified or required by any law or regulation of the State of New York.

Section 1.11 Liability for Damages

Nothing in this Ordinance shall be construed as to holding the County of Nassau, its officers or employees, responsible for any damages to persons or property by reason of the inspection or re-inspection authorized herein, or failure to inspect or re-inspect as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

Section 1.12 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.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE II

Inspections, Investigations, Orders and Reports

Section 2.0 Scope

2.0.1 The Fire Marshal, shall inspect, as often as may be deemed necessary, all hazardous manufacturing processes, storage or installations of gases, chemicals, oils and other flammable materials, all interior fire alarms, standpipes and automatic sprinkler systems, and such other hazards or appliances as may be designated by the Fire Commission, and the Fire Marshal shall issue such orders with respect thereto as may be necessary for the enforcement of laws and ordinances, including the *New York State Uniform Fire Prevention and Building Code*, governing the safeguarding of life and property from fire.

2.0.2 The interior of detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade with separate means of egress and their accessory structures which are regulated by the *Residential Code of New York State* shall be under the jurisdiction of the local building department and exempt from this Section.

Section 2.1 Inspections of Buildings – Fire Marshal

2.1.1 The Fire Marshal, shall inspect, as often as may be deemed necessary, all buildings and premises, 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 laws or ordinances, including this Ordinance and the *New York State Uniform Fire Prevention and Building Code*, affecting conditions hazardous to life and property due to the dangers of fire.

2.1.2 Wherever such inspection shall disclose in any building or upon any premises combustible or explosive matter or unnecessary accumulations of rubbish, waste paper, boxes, or any other highly flammable materials which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, steps, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire, the Fire Marshal shall order such dangerous conditions to be remedied or removed.

2.1.3 The interior of detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade with separate means of egress and their accessory structures which are regulated by the *Residential Code of New York State* shall be under the jurisdiction of the local building department and exempt from this Section.

Section 2.2 Inspection of Buildings – Assistant Fire Inspector

2.2.1 Any Assistant Fire Inspector shall inspect, as often as may be deemed necessary, all buildings and premises, 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 this Ordinance, affecting conditions hazardous to life and property due to the dangers of fire.

2.2.2 The interior of detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade with separate means of egress and their accessory structures which are regulated by the *Residential Code of New York State* shall be under the jurisdiction of the local building department and exempt from this Section

Section 2.3 Orders

2.3.1 Contents of Order

An order issued by the Fire Marshal shall be in writing and shall designate the address of the building or premises affected thereby; state the specific condition to be remedied by the order; and set forth a reasonable time period for the remediation of the condition. The owners, lessees or occupants need not be named in any order.

2.3.2 Service of Order

The service of an order issued by the Fire Marshal may be made by:

2.3.2.1 delivery of the order to the owner or any one of several owners, to a lessee or any one of several lessees, or to any person of suitable age and discretion in charge of or apparently in charge of the premises; or

2.3.2.2 if no such person be found in the building or on the premises, service may be made by firmly affixing the order to a conspicuous part of the building or premises and sending the order via certified mail to the last known address of the owner or any one of several owners or a lessee or any one of several lessees.

2.3.3 Appeal of an Order issued by the Fire Marshal

A person or entity subject to an order issued by the Fire Marshal may appeal to the Fire Commission within five days of receipt of the order if the order is served pursuant to Section 2.3.2.1 of this Article or within eight days of mailing if served pursuant to Section 2.3.2.2 of this Article. Within 30 days of receipt of the appeal, the Fire Commission shall review such order and file its decision thereon in the Office of the Fire Marshal and send the decision by regular first

class mail to the appellant at the return address provided in the appeal. If the Fire Commission affirms the order, the order shall remain in full force and compliance shall be required on or before the date fixed by the Fire Commission in its decision or, if the decision does not provide a date, within the time period set forth in the original order.

2.3.4 Article 78 Review

Any order so affirmed by the Fire Commission shall be reviewable pursuant to Article 78 of the Civil Practice Laws and Rules.

Section 2.4 Investigation of Fires

Every fire shall be reported by the officer of the fire department or independent incorporated fire company in charge of such fire to the Fire Marshal on such forms and at such times as may be prescribed by the Fire Commission. The cause and origin of every fire is required by New York State Law to be determined by the officer in charge of the fire department or independent incorporated fire company in charge. If the fire is of a suspicious nature, undetermined in origin, involves a death or serious injury or County property, the officer in charge shall promptly notify the Fire Marshal.

Section 2.5 Emergency Orders

2.5.1 In the event that an inspection and/or investigation reveals a condition imminently perilous to safety, life or property, or that an order to correct such a condition issued by the Fire Marshal has not been complied with, the Chief Fire Marshal, or Assistant Chief Fire Marshal, shall certify in writing that an emergency exists, the nature of the condition creating the emergency, and shall issue an order that the building or premises be immediately vacated and that same be sealed, secured and closed by the use of any means available to render the building or premises inaccessible including but not limited to the use of a padlock.

2.5.2 Any order issued pursuant to this section shall be conspicuously posted upon the building or premises in question. Immediately, upon the posting of an order pursuant to this section, a copy of such order shall be delivered to the appropriate police department and the appropriate building department.

2.5.3 Any order issued pursuant to this section, shall be personally served upon the occupant(s) of the building or premises subject to the order.

Additionally, the record owner of the building or premises and any record mortgagee of the building or premises as established in the files of the County Clerk's Office shall be served with a copy of said order by overnight delivery service on the next ensuing business day,

A copy of the order shall also be filed with the County Clerk. Such filing shall be notice of the order to any subsequent owner and such owner shall be subject to such order.

2.5.4 Any order to seal, secure and close issued pursuant to this Article, shall contain notice of the opportunity for a hearing with respect to the order, to determine, if the order was properly issued in accordance with the provisions of this Ordinance. Such hearing shall be conducted before the Fire Commission. The hearing shall be held within three (3) business days after the receipt of the written request of an owner, lessor, lessee or mortgagee for such a hearing and the Fire Commission shall render a decision within three (3) business days after such hearing is concluded.

2.5.5 An order issued pursuant to this section shall not be rescinded unless the owner, lessor, lessee or mortgagee seeking such recession provides assurance in a form satisfactory to the Chief Fire Marshal or his designee that the conditions which caused the issuance of such order have been corrected and will not reoccur. The Chief Fire Marshal or his designee shall have the right to inspect the building or premises to insure that the condition which caused the order to be issued have been eliminated and remedied and that the building or premises may be reoccupied.

2.5.6 The expense for the enforcement of an order issued pursuant to this section shall be a charge against the owner(s) of the location and/or lessees and/or occupants of the location to which the order relates. Any damages that are related to an order issued to seal, secure and close shall be the responsibility of the owner and/or lessee or occupant to which such order relates.

2.5.7 In the event that any person, or business entity other than a corporation violates any provisions of this section, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars ($1,000.00) or by imprisonment for no more than one (1) year, or, both, for each and every offense. A corporation violating any provisions of this section, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars ($5,000.00) for each and every offense.

Section 2.6 Variances

2.6.1 The Chief Fire Marshal may, upon written application from any person subject to this Ordinance, grant a hearing before the Fire Commission for a variance from one or more specific provisions of this Ordinance, The Fire Commission may grant a variance after a public hearing. The Fire Commission may impose

specific conditions upon a variance if it believes those conditions are necessary to assure that the variance will have no significant adverse impact on public safety or the environment. An application for a variance shall include:

1. The specific article and section of this Ordinance or NFPA Standard from which a variance is sought; and

2. Evidence including but not limited to design drawings, specifications and test results from a nationally recognized testing laboratory that shows the new or alternative designs, practices or methods will protect public safety or the environment in a manner equal to or greater than the requirements of this Ordinance.

2.6.2 The applicant for a variance shall pay the fee provided for a hearing set forth in Article XXII of this Ordinance

2.6.3 The applicant for a variance shall arrange for a court reporter to prepare a verbatim transcript of the hearing. A copy of the transcript will be provided to the Fire Commission. The applicant shall be responsible for the court reporter's fee and the cost of the transcript provided to the Fire Commission.

2.6.4. The Fire Commission shall not grant variances from the *New York State Uniform Fire Prevention and Building Code.* Any variance from the *New York State Uniform Fire Prevention and Building Code* must be made by the State.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

Article III
Flammable and Combustible Liquids

Section 3.0 Scope

This Article pertains to flammable and combustible liquids with a flash point below 200 degrees Fahrenheit (93.3 degrees Celsius). Article XV pertains to regulation of Petroleum Bulk Storage.

Section 3.1 Adoption of Generally Accepted Standards

3.1.1 The following National Fire Protection Association ("NFPA") Standards are adopted for the County and incorporated by Referenced into this Article:

NFPA 11	Standard for Low-, Medium, and High-Expansion Foam
NFPA 12	Standard on Carbon Dioxide Extinguishing Systems
NFPA 12A	Standard on Halon 1301 Fire Extinguishing Systems
NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 15	Standard for Water Spray Fixed Systems for Fire Protection
NFPA 16	Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
NFPA 17	Standard for Dry Chemical Extinguishing Systems
NFPA 30	Flammable & Combustible Liquids Code
NFPA 30A	Code for Motor Fuel Dispensing Facilities and Repair Garages
NFPA 31	Standard for the Installation of Oil-Burning Equipment
NFPA 37	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
NFPA 110	Standard for Emergency and Standby Power

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

3.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the New York State Uniform Fire Prevention and Building Code shall apply. Where there is a difference between the provisions of this Article and Article XV of this Ordinance, the provisions of Article XV shall apply. In the case of conflict between this Article and the New York State Uniform Fire Prevention and Building Code or any federal, state or Nassau County law, the more restrictive provision shall apply.

3.1.3 Deviations from the NFPA Standards listed above or this Ordinance are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 3.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

ABOVEGROUND TANK – a stationary tank that is not entirely covered with earth or other material or a tank that can be inspected in a subterranean vault.

AUTOMOTIVE SERVICE STATION – means that portion of property where flammable and/or combustible liquids or gases used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles.

BULK PLANT OR TERMINAL – means that portion of property where flammable and/or combustible liquids are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle and/or portable tank or container.

BULK STORAGE FACILITY – means a terminal where products are received by tank vessel, pipe lines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle or container, or for on-site use.

For the purpose of this Article, bulk storage facilities, because of conditions associated with their physical locations shall be characterized as either Marine or Inland Terminals.

CARRIER – means a person who transports and transfers products from one pipe or tank to another.

COMBINED STORAGE CAPACITY – means the sum of the design storage capacity of each tank at a facility that has not been permanently closed.

CORROSION RESISTANT – when referring to an underground tank means any tank that meets standards for new underground tanks specified in Section 3.8 of this Article. When referring to a pipe, "corrosion resistant" means any pipe that meets standards for new underground pipe specified in Section 3.8 of this Article.

DISCHARGE – means an intentional or unintentional act or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of products into the waters, onto the surface or subsurface of the County, or into the waters outside the County when damage may result to the lands, waters, or natural resources within the County that is not pursuant to and in compliance with the conditions of a valid local, state or federal permit.

EXISTING FACILITY – means a facility that had been constructed and was capable of being operated prior to the effective date of this Article.

FACILITY or STORAGE FACILITY – means one or more stationary tanks, including any associated intra-facility pipelines, fixtures, or other equipment. A facility may include aboveground tanks, underground tanks or a combination of both including pipelines.

INLAND TERMINAL – means a product storage installation that is not located adjacent to or bordering on navigable waters surrounding or within the County.

LEAK MONITORING SYSTEM – means a leak detection system as required in Section 3.8.3.4 of this Article.

LINING – means a coating of a non-corrodible material resistant to the product stored and bonded firmly to the interior surface of the tank.

MARINE SERVICE STATION – means that portion of property where flammable and/or combustible liquids or gases used as a fuel for watercraft are stored and dispensed from fixed equipment on shore, piers, wharves, floats or barges into the fuel tanks of marine craft and shall include all other facilities used in connection therewith.

MARINE TERMINAL – means a product storage installation located adjacent to or bordering on navigable waters surrounding or within the County of Nassau.

NEW FACILITY – means a facility that is not an existing facility

NON – STATIONARY TANK – means any tank that is mobile in practice and design, including tanks on wheels, trolleys, skids, pallets or rollers.

OIL PRODUCTION FACILITY – means all wells, flow lines, separation equipment, storage facilities, gathering lines and auxiliary non-transportation related equipment used for the storage and handling of unrefined petroleum.

OPERATOR – means any person who leases, operates, maintains, controls or supervises a facility.

OUT OF SERVICE – means a facility or portion thereof that is no longer in use.

OWNER – means any person who has legal or equitable title to a facility.

PERMANENTLY CLOSED – means an out-of-service storage tank or facility that has been closed in a manner prescribed by Section 3.10.3.7.2

PERSON – except as where otherwise provided in the Article, means any individual, public or private corporation, municipality, political subdivision, government agency, industry, partnership, unincorporated association, joint venture, trust, estate or any other legal entity.

PETROLEUM – means any petroleum-based oil of any kind that is liquid at 68 degrees Fahrenheit (20 degrees Celsius) under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of being burned as a fuel to produce heat or usable energy or that is suitable for use as a motor fuel or lubricant in the operation or maintenance of an engine. Waste oil that has been reprocessed or re-refined and is being stored for sale or use as fuel or lubricant is considered petroleum for purposes of this Article.

PRODUCT – means any flammable or combustible liquid, of any chemical composition, which use and storage is governed by this Article.

SECONDARY CONTAINMENT – means containment that prevents any materials spilled or leaked from reaching the land or water outside the containment area before cleanup occurs.

SELF-SERVICE STATION – means that portion of an automotive service station where liquid motor fuels are dispensed from fixed approved dispensing equipment into the fuel tanks of motor vehicles by persons other than the service station attendant.

SPILL or SPILLAGE – means any escape of products from the containers employed in the course of storage, transfer, processing or use.

STATIONARY TANK – means all underground tanks or any aboveground tank that is non-mobile. Examples of stationary aboveground tanks include tanks that rest on the ground or are fixed in place permanently on foundations, racks, cradles, or stilts.

STORAGE FACILITY see FACILITY

A SUBSTANTIALLY MODIFIED FACILITY – means any existing facility that has been modified in one or more of the following ways; one or more stationary tanks has been added; an existing stationary tank has been replaced, reconditioned or permanently closed; or a leaking storage tank has been replaced, repaired or permanently closed. The repair, replacement or installation of a piping system or other equipment does not substantially modify a facility.

TIGHTNESS TEST – means a test that is performed in a manner consistent with the criteria set forth in Section 3.12.5.

UNDERGROUND TANK – means any tank completely covered with earth or other material. Tanks in subterranean vaults accessible for inspections shall be considered aboveground tanks for the purposes of this Article.

UNPROTECTED TANK – means any underground tank that does not meet standards specified in Section 3.8 of this Article. Examples of unprotected tanks include but are not limited to bare steel tanks, steel tanks that have been rehabilitated with an interior lining, steel tanks with exterior coatings of paint, asphalt or other similar material, steel tanks that have been retrofitted with cathodic protection, and permeable concrete encased bare steel tanks.

WATERS or WATERS OF THE COUNTY – shall be construed to include lakes, bays, sounds, ponds, impounding reservoir, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the County , and all other bodies of surface or underground waters, either natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters) that are wholly or partially within or bordering the County.

WORKING CAPACITY – means the total capacity of the tank less an allowance for expansion and freeboard.

Section 3.3 General Provisions

3.3.1 Existing, New and Substantially Modified Facilities

3.3.1.1 Operation of existing facilities

The owner or operator of an existing facility registered under this Article shall ensure that the facility complies with the requirements relating to the handling and storage of petroleum provided in this Article.

3.3.1.2 New and substantially modified facilities

The owner or operator shall ensure that the modified portion of a substantially modified existing facility or a new facility that is registered under this Article complies with requirements relating to new and substantially modified facilities set forth in this Article. With respect to existing facilities that have been substantially modified, the unmodified portion is not subject to requirements relating to new and substantially modified facilities set forth in this Article.

3.3.2 Classifications

For the purposes of this Article, flammable and combustible liquids are classified as follows:

3.3.2.1 A “flammable liquid” is a liquid that has a flash point below 100 degrees Fahrenheit (38 degrees Celsius), and a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at 100 degrees Fahrenheit (38 degrees Celsius). Flammable liquids are classified as follows:

Class I includes liquids that have flash points below 100 degrees Fahrenheit (38 degrees Celsius). Class I liquids are subdivided as follows:

Subclass IA liquids include liquids that have flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and boiling points below 100 degrees Fahrenheit (38 degrees Celsius).

Subclass IB liquids include liquids that have flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and boiling points at or above 100 degrees Fahrenheit (38 degrees Celsius).

Subclass IC liquids include liquids that have flash points at or above 73 degrees Fahrenheit (22.8 degrees Celsius) and below 100 degrees Fahrenheit (38 degrees Celsius).

3.3.2.2 A "combustible liquid" is a liquid that has a closed cup flash point at or above 100 degrees Fahrenheit (38 degrees Celsius). Combustible liquids are classified as follows:

Class II liquids include liquids that have closed cup flash points at or above 100 degrees Fahrenheit (38 degrees Celsius) and below 140 degrees Fahrenheit (60 degrees Celsius).

Class III:

Subclass IIIA liquids include liquids that have closed cup flash points at or above 140 Fahrenheit (60 degrees Celsius) and below 200 Fahrenheit (93.4 degrees Celsius).

Subclass IIIB liquids include liquids that have closed cup flash points at or above 200 degrees Fahrenheit (93.4 degrees Celsius).

3.3.2.3 This Article does not apply to Subclass IIIB combustible liquids. Where the term "Class III liquids" is used in this Article, it shall mean only Subclass IIIA liquids.

3.3.3 Prohibitions and Exceptions

3.3.3.1 Crude oil

When the Fire Marshal deems that it is in the public interest, the storage or processing of crude petroleum is permitted provided that such storage or processing complies with NFPA 30 and the regulations of the Fire Marshal.

3.3.3.2 Untested Appliances

The sale, or offering for sale, or use of any appliance using products for heating or lighting is prohibited unless such appliance has been tested by a nationally recognized testing laboratory and certified that it has been properly safeguarded against fire hazard. The Underwriters Laboratories, Inc. is deemed a nationally recognized testing laboratory.

3.3.3.3 Smoking

Smoking is prohibited within 25' of on premises where flammable and/or combustible liquids are stored, handled, or dispensed. The operator shall conspicuously post on the premises "No Smoking"

signs, in letters of at least two (2) inches in height, that which are visible upon entering the premises and at all fuel transfer points.

3.3.3.4 Sources of Ignition

All sources of ignition, including, but not limited to open flames, smoking, fire-producing devices, hot surfaces, frictional heat, radiant heat, static electricity, electrical and mechanical sparks, chemical reactions evolving heat, and materials or substances subject to spontaneous ignition, are prohibited where flammable and combustible liquids are stored, handled or dispensed.

3.3.3.5 Unvented portable heating equipment

The use of unvented portable heating equipment utilizing solid, liquid or gaseous fuels is prohibited except that such equipment may be used during building construction, alterations or repair. If such equipment is used during building construction, alteration, or repair, the heating equipment must be adequately ventilated and a means of fire extinguishing must be available. Unvented portable heating equipment used for this purpose must be listed by a nationally recognized testing laboratory and operated and maintained in accordance with manufacturer's recommendations. This prohibition shall not apply to the use of a kerosene fueled heater, approved by a nationally recognized testing facility, in a one- or two-family dwelling.

3.3.3.6 Untested Electrical Equipment

The use of electrical equipment installed as part of a Class I liquid handling or monitoring system is prohibited unless it is approved or listed by a nationally recognized testing organization.

3.3.3.7 Unattended Self-Service

All self-service stations shall have an attendant. Unattended self-service dispensing operations are prohibited.

3.3.3.8 Aboveground Gasoline Storage

Aboveground storage of gasoline outside of a Bulk Plant or Terminal is prohibited.

3.3.3.9 Unapproved Containers

No flammable/combustible liquids may be dispensed into or stored in unapproved portable containers. An approved portable containers

(listed by a nationally recognized testing laboratory) is one that is constructed of approved material and construction and has a tight closure with screwed or spring-loaded cover so designed that the contents can be dispensed without spilling.

3.3.3.10 Temporary Portable Tanks

Where approved by the Fire Marshal, portable tanks are allowed to be temporarily used in conjunction with the dispensing of flammable/combustible liquids into the fuel tanks of motor vehicles or motorized equipment on premises not normally accessible to the public.

3.3.4 Maintenance and Repair

3.3.4.1 Maintenance or repair work in a product storage or handling area is prohibited unless authorized by the Fire Marshal.

3.3.4.2 At least two (2) additional properly charged and maintained Portable Fire Extinguishers a with a minimum rating of 4-A; 40 B:C shall be deployed in plain sight and shall be readily available to protect the hazards area wherever conducting maintenance, repair, hot work or testing of any system where flammable/combustible liquids are stored, handled, or dispensed.

3.3.4.3 All equipment in any flammable/combustible liquid system, including motor fuel dispensing locations, shall be maintained in proper working order.

3.3.4.4 Hot work, including but not limited to, welding or cutting operations, the use of spark producing power tools, and chipping operations, is prohibited unless (1) all operating procedures comply with the safety requirements promulgated by the Fire Marshal and (2) the Fire Marshal has been notified prior to the commencement of such hot work. The owner or operator shall ensure that hot work complies with the following minimum requirements and conditions:

1. Welding and cutting is prohibited in flammable atmospheres; near large quantities of exposed, readily ignitable materials; and other such areas as may be designated by the Fire Marshal.

2. No welding or cutting is permitted within two hundred (200) feet of a transfer of flammable liquid or within one hundred (100) feet of a transfer of combustible liquid unless specifically authorized by the Fire Marshal.

3.3.4.5 The owner or operator shall provide a trained fire watch at the work area to observe the work and the surrounding area for any smoldering fires and to take immediate action to extinguish same.

3.3.4.6 "Hot Taps" may be performed only by specifically trained and qualified personnel using recognized methods. The Fire Marshal shall be notified and the Fire Marshal must approve the methods to be used prior to the commencement of work.

3.3.5 Discharge of Flammable or Combustible Liquids Prohibited

3.3.5.1 The discharge of products upon any roadway, on the surface, or into the sub-surface land, aquifer, or waterway is prohibited in the County by whatever method such discharge may occur.

Section 3.4 Fuel Oil

3.4.1 Fuel Oil Storage Tanks and Containers Connected Exclusively to Oil Burning Heating Equipment

All fuel oil storage tanks and containers that are connected exclusively to oil burning heating equipment shall conform with the requirements of the County Public Health Ordinance Article XI entitled "Toxic and Hazardous Materials Storage, Handling, and Control" as such provision may from time to time be amended or renumbered, and shall not otherwise be subject to the provisions of this Ordinance, except as required by this section.

3.4.2 Installation of Oil Burning Equipment

The owner or operator shall ensure that installation of oil burning equipment and all connections thereto conform to NFPA 31.

3.4.3 Discharge

The owner or other person in possession or control of (1) a fuel oil storage tank or container that is connected exclusively to oil burning heating equipment or (2) the real property upon which a fuel oil storage tank or container that is connected exclusively to oil burning heating equipment is situated, and any other person who has knowledge of a discharge of fuel oil from such fuel oil storage tank or container shall comply with all provisions of the New York State Department of Environmental Conservation Rules and Regulations, Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, this Ordinance, and Article XI of the County Public Health Ordinance, notwithstanding paragraph 4 of section 7 of the County Public Health Ordinance, as such provision may from time to time be amended or renumbered.

Section 3.5 Bulk Storage – Special Provisions

3.5.1 Filing of design drawings

Prior to the construction of a new bulk storage facility or the replacement or major repair of or addition or alteration to an existing bulk storage facility, the owner or operator shall file design drawings with the Fire Marshal showing compliance with requirements of this Ordinance. Work shall not commence unless and until such design drawings are approved by the Fire Marshal. The design drawings, at a minimum, shall conform with the requirements of Section 3.8.1.5 of this Article. The Fire Marshal may require additional information to be shown on the design drawings to indicate compliance with this Article. Design drawings must include a statement from a licensed professional engineer or New York State licensed architect, certifying that the proposed construction will conform to the regulations of the building department of the municipality wherein the plant is to be located. The owner or operator shall pay the plan review fee set forth in Article XXII of this Ordinance prior to approval by the Fire Marshal.

3.5.1.1 Approved design drawings

Original design drawings, stamped and signed by the architect or professional engineer, and approved by the Fire Marshal, shall be on site at all times during construction and until a final approval is issued from the Fire Marshal.

3.5.2 Certification

Upon completion of the work for which design drawings have been approved by the Fire Marshal, pursuant to Section 3.5.1 of this Ordinance, the owner or operator shall file with the Fire Marshal a certificate issued by a licensed professional engineer or registered architect stating that the completed work conforms to the design drawings approved by the Fire Marshal for such project. The owner or operator shall not place the project into service until it is inspected by the Fire Marshal.

3.5.3 Bulk Storage in Flood Plains

The owner or operator of any facility located in a flood plain, as determined by the Federal Emergency Management Agency (FEMA), shall safeguard the facility against buoyancy and lateral movement by flood waters in accordance with operating standards set forth in NFPA 30 and in accordance with all federal, state, and county flood plain laws and regulations. If such safeguards include ballasting of tanks with water during flood warning periods, tank valves and other openings must be closed and secured in a locked position in advance of the flood. The discharge of ballast water removed from the tank after a flood

into waters of the County is prohibited if doing so contravenes federal, state or county law relating to surface or groundwater quality standards.

3.5.4 Communicating Device

The owner or operator shall ensure that a fire alarm box or other communicating device is located on the premises in close proximity to the loading rack for the purpose of reporting a fire or emergency in the vicinity to the local fire department, police department or U.S. Coast Guard.

Section 3.6 Dike Enclosures

3.6.1 Fire Protection within Dike Enclosures

The owner or operator shall equip dikes in excess of eight (8) feet in height with a built-in fixed foam extinguishing system installed in accordance with NFPA 11. Such dikes must have fixed foam nozzles located in the dike wall that are connected to the required foam extinguishing system.

3.6.2 Maintenance

The owner or operator shall keep dike enclosures free of all combustible materials, barrels, drums, and any other encumbrances.

Section 3.7 Fire Protection and Emergency Equipment

3.7.1 Emergency and Extinguishing Equipment

Wherever products are stored, handled, or dispensed, the owner or operator shall provide a sufficient number of approved fire extinguishers. A minimum of two (2) portable fire extinguishers with a minimum rating of 4A; 40 B;C shall be provided, mounted, and accessible within 75 feet of pumps, dispensers and tank fill pipe openings. The owner or operator shall provide additional fire extinguishing and/or emergency equipment deemed necessary by the Fire Marshal.

3.7.1.1 All portable fire extinguishers on site shall be properly maintained, serviced, and inspected annually by a contractor licensed by the Fire Marshal.

3.7.1.2 All portable fire extinguishers mounted in an exterior location shall have an approved, valid, current, and readable inspection tag constructed of a weatherproof material affixed to it or shall otherwise protect the tag from the effects of weather by some other effective means.

3.7.2 Automatic Extinguishing Systems (including Automatic Fire Suppression Systems)

3.7.2.1 New installations of flammable motor fuel dispensing systems shall have an automatic fire-extinguishing system using an extinguishing agent suitable for petroleum fires and installed in accordance with NFPA 17 and their listings, and UL 1254 Standard for Pre-Engineered Dry Chemical Extinguishing systems. The fire protection system shall be connected to the fire alarm system, if provided, in accordance with the requirements of NFPA 72.

3.7.2.2 Design drawings are to be summited in accordance with Section 3.12.14.1 and Article 24 of this Ordinance

3.7.2.3 Automatic Extinguishing Systems shall be properly installed, maintained, serviced, and inspected every six (6) months by a contractor licensed by the Fire Marshal.

3.7.2.4 In the event of an Automatic Extinguishing System operation, the flammable motor fuel dispensing system being protected shall not be returned to service until the system is recharged, operational, and certified by a contractor licensed by the Fire Marshal.

3.7.2.5 Automatic Extinguishing Systems at flammable motor fuel dispensing locations shall have a remote release or operating device located in a conspicuous and accessible location.

3.7.2.6 Automatic Extinguishing Systems at motor fuel dispensing locations shall shut down all fuel dispensers upon system activation.

3.7.2.7 Automatic Extinguishing Systems at motor fuel dispensing locations shall have nozzles that are located to minimize damage or misalignment, and shall be provided with blow-off caps as prescribed in UL 1254 standards for pre-action systems.

3.7.2.8 Equipment shall be tested in accordance with Article 27 of this Ordinance

3.7.3 Foam Extinguishing Systems and Foam Supplies

3.7.3.1 Fixed Fire Extinguishing Systems. The owner or operator of a bulk storage plant storing Class I or Class II liquids in aboveground, vertical tanks, other than floating roof tanks, shall provide and maintain a fixed foam extinguishing system that complies with the applicable provisions of Standard NFPA 11.

3.7.3.2 Reserve Supply for Fixed Foam Systems. The owner or operator of a bulk storage facility equipped with a fixed foam system shall provide and maintain a readily available reserve supply of foam-producing materials equal to the amount initially required to meet design requirements. This supply shall be used to return the system to service after the system's operation. This supply must be in drums or cans located on the premises.

3.7.3.3 Foam Requirements for Other Bulk Storage Plants. The owner or operator of all other bulk storage plants shall provide and maintain on the premises a sufficient quantity of foam-producing materials for fire department use as required by the Fire Marshal, taking into consideration the classification and quantity of product stored, the size of tanks, area contained within the dikes, and the nature of operation involved.

3.7.3.4 The owner or operator shall ensure that any loading rack automatic extinguishing system as required by Section 3.9.1.5 of this Ordinance is flow tested annually, as per the requirements of the Fire Marshal, and inspected as per the requirements of the applicable NFPA Standard pertaining to the type of system installed. The owner or operator shall submit a copy of the test results to the Fire Marshal.

3.7.3.5 The owner or operator shall ensure that a foam extinguishing system is flow tested every two (2) years and inspected as per the requirements of NFPA 11. The owner or operator shall submit a copy of the test results to the Fire Marshal.

3.7.3.6 The Fire Marshal shall observe the tests mandated by Sections 3.7.3.4 and 3.7.3.5. The owner or operator shall provide the Fire Marshal's with a minimum of five (5) business day notice prior to said test. The owner or operator shall pay the applicable fee set forth in Article XXII of this Ordinance for the observation by the Fire Marshal.

3.7.3.7 Fire Protection within dike enclosures shall be installed as provided for in Section 3.6.7 of this Ordinance.

3.7.4 Absorbents

3.7.4.1 The owner or operator of a product dispensing and/or bulk storage facility, including marine terminals, shall provide and maintain a supply of absorbent material listed for such use by the Fire Marshal. The Fire Marshal shall specify the quantity of absorbents required.

3.7.4.2 The owner or operator shall ensure that the required absorbent material is stored in a location readily accessible at all times.

3.7.4.3 The owner or operator shall replace all used absorbent material as soon as reasonably practical under the circumstances as directed by the Fire Marshal.

3.7.5 Spill Containment at Marine Locations

3.7.5.1 The owner or operator of a marine terminal facility shall provide a floating boom of sufficient length to contain the largest boat, barge, or vessel which may discharge product at such facility and the necessary means available for the immediate deployment thereof.

3.7.5.2 The owner or operator of the marine terminal shall ensure that the required floating boom is designed to extend above and below the surface of the water when placed in position for use. When more than one section of boom is required, the boom must be capable of being connected to other sections to provide a positive seal for its full height and depth.

3.7.5.3 The owner or operator shall ensure that the required floating boom, when not in use, is located in close proximity to the marine loading dock and readily accessible. The owner or operator shall maintain and keep the boom in good repair at all times.

3.7.5.4 Prior to loading or unloading of any product to or from any boat, barge, or vessel, the owner or operator of the facility shall position the required booms to contain such boat, barge or vessel, and maintain the boom's position until the loading or unloading operations have been completed, and all transfer lines disconnected. Any discharge of product contained within the area encompassed by the boom must be removed prior to the movement of the boat, barge, or vessel. Exceptions to the positioning of the boom may be made by the Fire Marshal whenever conditions render it impractical or ineffective. Booming is not required from December 15th to March 15th; however, the owner or operator shall continue to locate the boom in close proximity to the discharge point so that it is capable of being deployed if a discharge occurs.

3.7.5.5 The owner or operator shall immediately deploy the boom when a product is discharged into adjacent or surrounding waters from a marine facility in order to contain the products and remove all such products from the water as soon as possible.

3.7.6 Surveillance at Bulk Storage Facilities

3.7.6.1 The owner or operator of all bulk storage facilities where products are received by tank vessel, rail tank car, and/or pipeline, in addition to any close circuit television or electronic system, shall:

3.7.6.1.1 Maintain a watchman's clock system to check the movements of a watchman and the regularity and continuity of the watchman's patrol of his route. Where more than one person has storage facilities at a bulk storage facility, a single watchman's clock system is acceptable if operated pursuant to the requirements of this section.

3.7.6.1.2 Perform surveillance between the hours of 5 p.m. and 8 a.m. daily, and for twenty four (24) hours on Saturdays, Sundays, and holidays whenever the plant is closed. For the purposes of this Ordinance, a plant is deemed to be closed when there is no person on the premises of the plant capable of visually observing the functions and conditions of the plant and equipment at least once every hour. The owner or operator shall post the schedule and assignment of personnel in the main office on the premises.

3.7.6.1.3 Ensure that the number and location of all key stations on each patrol route are designed so that the watchman is able to observe the entire plant at least once each hour.

3.7.6.1.4 Ensure that telephone or radio communications are available and accessible to the watchman at key stations, or along patrol routes for the purpose of reporting emergencies.

3.7.6.1.5 Maintain on file a chart and/or tape records of the watchman for a period of at least three (3) months following the date of patrol and provide such records to the Fire Marshal upon request.

3.7.6.2 Bulk storage facilities where products are received by tank vehicle. The owner or operator of a bulk storage facility shall submit operating procedures relating to surveillance when the facility is closed to the Fire Marshal. The Fire Marshal shall approve such procedures if they are satisfactory and, if rejected, set forth the reason for rejection. When closed for more than one (1) hour, the owner or operator shall secure the facility in accordance with the approved procedures.

3.7.7 Emergency Organization at Bulk Storage Facilities

3.7.7.1 The owner or operator shall provide a sufficient number of plant personnel at all bulk storage facilities, as determined by the Fire Marshal, to be trained by a member of the Fire Marshal or an officer of the local fire department in the operation of all fixed and portable fire extinguishing equipment located on the premises and the operation of valves and equipment to shut down flow of products in the event of an emergency. The operator shall make daily assignments of trained personnel and provide replacements when necessary.

3.7.7.2 The operator shall file with the Fire Marshal and the local fire department the names, addresses, and home telephone numbers of not less than three (3) persons, in order of preference, to be contacted in case of emergency. The operator shall ensure that persons designated are thoroughly trained and familiar with the layout of the plant, including the location and operation of shutoff valves, switches, pumps, fire extinguishing equipment and supplies. The operator shall timely provide the Fire Marshal with changes or additions to the list.

Section 3.8 Storage Tanks and Piping

3.8.1 Capacity. The maximum capacity of any tank used for the storage of Class I liquids is one million (1,000,000) gallons. The maximum capacity of any tank used for the storage of Class II or III liquids is three million (3,000,000) gallons.

Section 3.9 Flammable/Combustible Liquid Dispensing

3.9.1 Loading Racks at Bulk Storage Plants

3.9.1.1 The owner or operator shall ensure that loading racks at bulk storage plants are surrounded by reinforced concrete curbing or suitable concrete-filled stanchions to prevent vehicles from damaging any part of the loading mechanism, or any platform, support, or piping used in conjunction therewith.

3.9.1.3 Loading Procedures

3.9.1.3.1 The owner or operator shall ensure that motors and lights of any vehicle to be loaded are shut off when the vehicle is in position at the fill stand for loading. An owner or operator shall not load any vehicle which has its motor running or its lights on.

3.9.1.3.2 The owner or operator shall ensure that bond connection is made fast to the vehicle or tank before dome covers are raised, and remain in place until filling is completed and all dome covers have been closed and secured.

3.9.1.3.3 The owner or operator shall ensure that compartments, lines, manifold, meters, and pump are empty or contain the same product to be loaded.

3.9.1.3.4 The owner or operator shall ensure that tank discharge valves are properly closed.

3.9.1.3.5 The owner or operator shall ensure that valves used for the final control for filling tank vehicles are of the self-closing type and held open manually, except where automatic means are provided for shutting off the flow when the vehicle is full or filled to a preset amount.

3.9.1.3.6 Only one compartment per vehicle may be filled at a time.

3.9.1.3.7 The owner or operator shall ensure that the dome cover on each compartment is closed and secured immediately as each compartment is filled.

3.9.1.4 Dispensing Nozzles. The owner or operator shall ensure that dispensing nozzles are of a self-closing type, listed by a nationally recognized laboratory.

3.9.1.5 Loading Racks.

3.9.1.5.1 The owner or operator shall protect the loading rack area by an automatic fixed extinguishing system. Such system must be capable of being operated manually from the loading rack area and at a location sufficiently remote from the loading rack so as not to be endangered by a fire at the loading rack.

3.9.1.5.1.1 Depending upon the fire extinguishing medium used, compliance with, NFPA 11, 13, 15, 16 or 17, constitutes compliance with section 3.9.1.5.1 of this ordinance..

3.9.1.5.2 An automatic fixed fire extinguishing system is not required at an existing bulk storage facility that meets all of the following criteria:

3.9.1.5.2.1 The facility is permitted to contain a truck loading rack of not more than two positions or loading positions for not more than two tank vehicles or tank trailers to fill simultaneously.

3.9.1.5.2.2 The dispensing of liquid into a tank vehicle or container that contains a product with a flash point of less than 100 degrees Fahrenheit (38 degrees Celsius) or the fumes or residue of such flammable liquid is prohibited.

3.9.1.5.3 Any major alteration, replacement, or addition to an existing loading rack at a bulk storage facility that does not require a fixed fire extinguishing system is considered a new installation for the purposes of this Article and must meet all the requirements of Section 3.9.1.5.1 of this Ordinance.

3.9.1.5.4 At bulk storage plants, the owner or operator shall install an automatically operated remote control valve in each supply line to the loading rack. Such valves must be installed and the controls protected at a remote distance from the loading rack. All such valves must close automatically upon operation of the automatic fixed extinguishing system located at the loading rack.

3.9.1.5.5 The installation of pumps used for dispensing Class I flammable liquids is prohibited on, at, under or adjacent to loading racks. The owner or operator shall ensure that such pumps are located at a remote distance from all loading racks, remain accessible for repair and maintenance and are protected against mechanical damage. Metering devices from such pumps are permitted on the loading rack.

3.9.1.6 The owner or operator shall provide functional portable fire extinguishing equipment.

3.9.2 Indoor Class I Liquid Dispensing

Indoor Class I liquid dispensing is permitted if, and only if, it the following requirements are met:

3.9.2.1 Class I dispensing areas are separated from motor vehicle repairs, boiler room, and mechanical equipment rooms by fire resistive construction.

3.9.2.2 The Class I dispensing unit is mounted on a concrete island to protect such unit and its piping from physical damage. If the unit is located where it could be subject to damage from a vehicle ascending or descending a ramp or slope, further protection must be afforded.

3.9.2.3 The area where the Class I dispensing unit is located has a mechanical ventilation system capable of providing an air change of not less than two (2) cubic feet per minute per square foot of floor area.

3.9.2.4 An approved emergency switch, clearly marked and readily accessible, is provided to cut off the power to the Class I dispensing unit in the event of an emergency.

3.9.2.5 An oil separator is provided for the purpose of preventing flammable liquids from flowing into the main drainage system and shall be attached to the house drain.

3.9.2.6 Class I dispensing units are prohibited below grade level.

3.9.3 Coin Operated Dispensing Units

The installation and use of coin operated Class I dispensing devices are prohibited.

3.9.4 Motor Fuel Dispensing Locations

3.9.4.1 Motor Fuel dispensing units are permitted at outdoor, above-grade locations only.

3.9.4.2 The owner or operator shall ensure that a qualified attendant is on duty at all times to supervise, maintain, and control safe dispensing operations, including the proper handling of spills and emergencies, whenever the facility is open.

3.9.4.3 Smoking is prohibited in the dispensing area. The owner or operator shall post signs in conspicuous locations at each dispensing island in clear view of all motorist that reads “NO SMOKING - SHUT OFF MOTOR” with a minimum of two (2) inch letters. The sign shall also state “It is unlawful and dangerous to dispense gasoline into unapproved containers” which may be in smaller lettering. The sign may designate a dispenser island as “self-service” or “full service” and that designation may be included on the required sign.

Additional signs and/or decals shall be conspicuously posted or affixed on each dispenser in clear view of all motorists that states:

1. "Discharge your static electricity before fueling by touching a metal surface away from the nozzle."

2. "To prevent static charge, do not re-enter your vehicle while gasoline is pumping."

3. "If a fire starts, do not remove nozzle – Back away immediately"

4. "No filling of portable containers in or on a motor vehicle. Place container on ground before filling."

3.9.4.4 The dispensing of gasoline into a motor vehicle while its engine is running is prohibited.

3.9.4.5 No motor fuel may be dispensed into or stored in an unapproved portable container as defined in Section 3.3.5.9 of this Ordinance. Motor fuel shall not be dispensed into portable tanks or cargo tanks unless approved by the Fire Marshal as provided for in Section 3.3.5.10 of this Ordinance.

3.9.4.6 The on-duty attendant and/or person-in-charge shall have in his/her possession a valid form of picture identification issued by a governmental authority and recognized by the State of New York.

3.9.4.7 Self-Service Motor Fuel Dispensing locations shall meet the following additional requirements.

3.9.4.7.1 Emergency power control switches shall be installed, shall be clearly identified, and shall be capable of disconnection power to all dispensing units. Such switched must be located at least twenty (20) feet from the nearest dispenser and not more than fifty (50) feet from the most remote dispenser.

3.9.4.7.2 A qualified attendant shall be on duty in a location where all dispensing units are clearly visible. If all dispensing units are not clearly visible additional equipment or devices shall be installed so the attendant can clearly observe all dispensing units. If a CCTV system is installed for this purpose, it shall not share any other purpose other than to show a clear view of all dispensers. All equipment shall be maintained in proper operating condition and shall be functional; whenever dispensing is occurring.

3.9.4.7.3 An approved two-way audible intercom system between the attendant and each dispensing island or area shall be provided. This system shall be maintained in proper operating condition and shall be functional whenever dispensing is occurring.

3.7.4.7.4 An approved method of communicating with the fire department or summoning help in case of an emergency shall be provided for the attendant. This equipment shall be maintained in proper operating condition and shall be available whenever the location is open for business.

3.9.4.7.5 Only dispensing nozzles of the self-closing type are permitted for self-service dispensing devices. Latch-open devices on self-service dispensing nozzles are prohibited.

3.9.4.7.6 The owner or operator shall submit design drawings for the installation or conversion of self-service gasoline dispensing equipment to the Fire Marshal, and the design drawings must be approved by the Fire Marshal, prior to commencement of installation. The owner or operator shall pay a design drawing review fee set forth in Article XXII of this Ordinance.

3.9.4.7.7 Dispensing devices that are in compliance with standards set by the Underwriters Laboratories, Inc., or Factory Mutual Engineering Division, are deemed acceptable.

3.9.4.7.8 The owner or operator shall provide the number and type of all fire extinguishers indicated on the design drawings submitted to the Fire Marshal as required by Section 3.9.4.8 of this Ordinance and retain a copy of such documentation in the attendant's station.

3.9.5 Protection of Structures

3.9.5.1 Any structure adjacent to fuel dispensers, shall be constructed of non-combustible materials and protected by an automatic fire suppression system.

3.9.5.2 Each structure shall have a portable fire extinguisher with a minimum 4-A, 40-B:C rating installed and mounted within. This extinguisher shall be in addition to any other extinguisher required by this Article.

Section 3.10 Tank Vehicles

3.10.1 Operations

3.10.1.1 Driver-operators of motor vehicles used on private property for the transportation of products shall comply with the provisions of the *New York State Vehicle and Traffic Law* relating to their operation on Public Highways.

3.10.1.2 The operation of motor vehicles used for the transportation of products is permitted if, and only if, the operator is currently licensed to drive the vehicle by the New York State Department of Motor Vehicles or other similar state licensing entity.

3.10.2 Parking

3.10.2.1 No person shall leave a vehicle used for the transportation of products unattended on any public street, road or highway, unless the brakes on such vehicle have been set. Parking is limited to one hour. During actual loading or discharging operations, the driver-operator shall remain at the vehicle and observe the actual loading or discharging operations. The driver-operator shall protect the vehicle, hose, fittings, adapters, and connections by the use of barricades, traffic cones, or other reasonable means to restrict passage of persons and vehicles in the immediate area. When delivering fuel oil to storage tanks for oil heating equipment, the driver-operator may remain at the fill location. After sunset, drivers shall turn on the parking lights of such vehicles temporarily parked on public thoroughfares and, to the extent practicable, park such vehicles in an area where street lighting illuminates the vehicle.

3.10.2.2 Parking of vehicles used for the transportation of products out of doors on private property is prohibited within twenty-five (25) feet of any building used for public assembly, educational purposes, institutional purposes, or residential occupancy.

3.10.2.3 The parking or garaging of a vehicle used for the transportation of products is prohibited in any building or structure other than those specifically approved by the Fire Marshal for such use and is subject to the fire safety conditions of the New York State Uniform Fire Prevention and Building Code.

3.10.3 Transfer Operations

3.10.3.1 Discharge and/or transfer of products from a tank vehicle to a storage tank and piping must be by means of hoses, fittings, and adapters that make a liquid-tight connection between tanks.

3.10.3.2 Responsibility for Transfer. The owner or operator, when on the premises or when in control of a product transfer, is responsible for transfer activities. If the owner or operator is not on the premises or not in control of a product transfer, the vehicle driver is responsible for transfer activities. The owner, operator or vehicle driver shall employ practices for preventing transfer spills and accidental discharges. Prior to the transfer, the owner, operator or vehicle driver shall determine that the receiving tank has available capacity to receive the volume of product to be transferred. The owner, operator or vehicle driver shall monitor all phases of the product delivery and shall take immediate action to stop the flow of product when the working capacity of the tank has been reached or should an equipment failure or emergency occur.

3.10.3.3 Dispensing of a Class I flammable liquids from tank vehicles or tanks cars directly into the fuel tanks of motor vehicles is prohibited.

Section 3.11 Garages, Automotive Repair and Similar Occupancies

3.11.1 Washing Parts with Flammable Liquids

The use of Class I flammable liquids in any garage or similar facility for washing parts to remove grime, grease, or dirt is permitted if, and only if, the operation is performed in a machine used for such purposes, or in a separate, well-ventilated room enclosed by walls having a fire resistance rating of not less than two (2) hours, with openings in the walls protected by approved fire doors or fire windows, and with no opening from the room to any upper or lower story, and where all heating, lighting, and electrical equipment is suitable for a flammable liquid atmosphere.

Section 3.12 Maintenance, Inventory, Records, Inspections, Testing, Registration and design drawing Requirements

3.12.1 Maintenance

The owner or operator shall ensure that all bulk storage installations, tanks, piping, vehicles, structures, equipment, applications, and/or devices for the

transportation, storage, sale, or use of products, including, but not limited to, fire protection equipment, closed-circuit television, watchman's clock system, plant emergency organizations, and electrical equipment, are properly maintained and kept in operating order.

3.12.2 Design Drawings Submission Required

3.12.2.1 In addition to the submission of design drawings required pursuant to Sections 3.5.1 and 3.8.1.5 of this Ordinance, the owner or operator shall submit design drawings to the Fire Marshal for review and pay the applicable fee set forth in Article XXII of this Ordinance if the design drawings are for the proposed installation, new construction, or modification of existing facilities and one or more of the following criteria is met:

1. An automatic fire suppression system is required, or an existing system is modified.

2. Flammable and/or combustible liquids are stored, handled, dispensed, mixed, transferred or packaged.

3. Emergency generators using a product as a fuel are installed.

3.12.2.2 The design drawings, at a minimum, must conform to the requirements of Section 3.8.1.5 of this Ordinance. The Fire Marshal may require additional information on the design drawings to indicate compliance with this Article.

3.12.2.3 If any proposed installation, construction, or renovation does not commence within twelve (12) months of the date the design drawings were approved by the Fire Marshal, the design drawing is deemed void and the owner must submit new design drawings for review and pay the design drawing review fee.

3.12.3 Functionality Test

3.12.3.1 The owner or operator shall have a functionality test of the leak detection system and in-tank monitoring system conducted to assess proper operation of any and all leak detection equipment and systems.

3.12.3.2 All motor fuel dispensing equipment must be tested at least once every two (2) years. All other product dispensing equipment shall be tested at least once every five (5) years.

3.12.3.3 Only those contractors approved and licensed tank installers by the Fire Marshal are authorized to conduct functionality tests of leak detection equipment and systems.

3.12.3.4 The Fire Marshal shall observe the functionality test. The owner or operator shall provide the Fire Marshal with a minimum of five (5) business day notice prior to the test.

3.12.3.5 The owner or operator shall submit test results in writing to the Fire Marshal no later than ten (10) business days from the date of the test.

3.12.3.6 Functionality Test Fee Required. The owner or operator shall pay a non-refundable fee for each functionality test of the leak detection and in tank monitoring system prior to the test date. In the event the test is canceled less than twenty-four (24) hours before the scheduled test date and time, by any person or persons other than the Fire Marshall or the test cannot be conducted for any reason other than an "Act of God" on the scheduled date and time, the owner is required to reschedule the test and pay an additional fee set forth in Article XXII of this Ordinance.

3.12.3.7 Functionality Test Failure. In the event that a leak detection system and/or in tank monitoring system fails a functionality test, the test administrator shall notify the Fire Marshal via telephone immediately and in writing no later than five (5) days after the test date. If a leak detection or in-tank monitoring system fails a functionality test, the owner or operator shall place the tank system out of service, immediately repair it, or replace and retest it pursuant to this section. The approval of the Fire Marshal is required prior to placing a tank or tanks back into service.

Section 3.13 License, Permits and Certificates of Fitness

3.13.1 License and Permits Required

3.13.1.1 Any person performing the following work shall secure the applicable license from the Fire Marshal in accordance with Article XX of this Ordinance:

1. Removing or abandoning underground flammable and/or combustible liquid storage tanks or;

2. Installing, testing, inspecting, or maintaining product storage tanks or piping, leak detection equipment and systems, excluding those connected exclusively to oil burning heating equipment or;

3. Installing, testing, inspecting or maintaining any automatic fire suppression system.

3.13.1.2 No person shall use or cause to be used, any motor vehicle, tank truck, tank semi-trailer, or tank truck trailer for the transportation of more than 110 gallons of flammable and combustible liquids, unless after complying with these regulations, a permit to operate any such vehicle has first been secured from the Fire Marshal. No permit is required when used in permanently installed containers on the vehicle as motor fuel. This section shall not apply to any motor vehicle, tank truck, tank semi-trailer or tank truck trailer traveling through the County and making no deliveries of flammable and combustible liquids within the County.

3.13.2 Certificate of Fitness

3.13.2.1 Certificate of Fitness Required

3.13.2.1.1 Any person performing a test to determine the tightness of underground or aboveground flammable and combustible liquid handling equipment including storage tanks and piping is required to hold a valid Certificate of Fitness issued by the Fire Marshal in accordance with Article XX of this Ordinance. Such certificate is subject to revocation by the Fire Marshal at any time where the certificate holder displays evidence of non-compliance with the provisions of this Ordinance.

3.13.2.1.2 Any person transporting flammable and/or combustible liquids in or on a vehicle displaying a permit or requiring a permit from the Fire Marshal shall be required to have a Certificate of Fitness in accordance with Article XX of this Ordinance.

Section 3.14 Vehicle Requirements

3.14.1 The owner or driver of any vehicle having a valid permit pursuant to Section 3.13.1.2 of this Ordinance shall ensure that the vehicle has:

1. A valid state registration;

2. A valid state inspection, where required by the state of registration;

3. A fire extinguisher, dry chemical, having a minimum rating of 2A20BC, mounted with an approved bracket and properly maintained;

4. A minimum of three (3) emergency reflectors;

5. A minimum of two (2) wheel chocks;

6. A minimum of four U.S. Department of Transportation approved placards to be used only when transporting product in accordance with this Article. The vehicle shall be placarded in accordance with Title 49, Code of Federal Regulations;

7. An exhaust system that is tight and clear of the cargo area.

3.14.1.1 In addition to the requirements listed above, bulk transport vehicles manufactured in accordance with D.O.T. MC306, MC307 and MC312 specifications, shall have at a minimum:

1. A data plate affixed;

2. The tank and all surfaces maintained in good condition;

3. A working remote controlled shutoff valve;

4. The delivery hose in good condition.

3.14.2 Smoking Prohibited

3.14.2.1 Smoking is prohibited within 25 feet of any vehicle transporting a cargo containing a product.

Section 3.15 Failure to Comply

No person, entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 3.16 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment

for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

Article IV
Electrical Code

Section 4.0 Scope

This Article pertains to all electrical installations except for the interior of detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade with separate means of egress and their accessory structures which are regulated by the *Residential Code of New York State*. These are under the jurisdiction of the local building department and exempt from this Article.

Section 4.1 Adoption of Generally Accepted Standards

4.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 70 National Electrical Code®

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

4.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

Section 4.2 Definitions-reserved

Section 4.3 Inspector

The Chief Electrical Inspector and each of the duly appointed Electrical Inspectors of an Approved Electrical Inspection Company may make inspections and re-inspections and approve or disapprove of all electrical installations. These inspectors are not agents and/or employees of the County and no charge is to be made for any inspections or re-inspections against the County.

4.3.1 Qualifications of Approved Electrical Inspection Companies, Chief Electrical Inspectors and Electrical Inspectors.

4.3.1.1 In order to be considered an Approved Electrical Inspection Company the following requirements shall be met:

1. Approved Electrical Inspection Companies shall designate at least one employee who meets the requirements for a Chief Electrical Inspector as prescribed in this Ordinance. The Chief Electrical Inspector's signature shall appear on all reports required to be submitted to the Fire Marshal.

2. An approved Electrical Inspection Company and all Chief Inspectors and Inspectors shall be certified members of a recognized chartered trade association with certification programs and continuing education courses such as but not limited to the International Association of Electrical Inspectors. All Chief Electrical Inspectors and Electrical Inspectors within the company shall hold a valid certification from the association and shall have participated in the continuing education program provided by the association. Proof of such certification(s) and continual education course participation shall be submitted to the Fire Marshal upon request.

3. No Chief Electrical Inspector or Electrical Inspector shall perform electrical work within the County of Nassau while working for or acting as an Approved Electrical Inspection Company.

4. An application shall be submitted to the Fire Marshal on forms provided and shall include the applicant's answers in full to inquiries set forth on such forms. Applicant is subject to approval by the Fire Marshal prior to being considered an Approved Electrical Inspection Company. Any violation of this Ordinance by an Approved Electrical Inspection Company may result in the revocation of their approval status.

4.3.1.2 A Chief Electrical Inspector designated by an Approved Electrical Inspection Company shall be someone who has satisfied one or more of the following minimum requirements:

1. A certified Licensed Electrical Engineer with at least two (2) years experience supervising electrical projects.

2. An electrician who holds a Master electrician's license valid within the State of New York.

3. A person with special qualifications and experience in the electrical installation trade acceptable to the Fire Marshal.

4.3.1.3 An Electrical Inspector designated by an Approved Electrical Inspection Company is someone who has satisfied one or more of the following minimum requirements:

1. A certified Licensed Electrical Engineer.

2. An electrician who holds a Master electrician's license valid within the State of New York.

3. A person with special qualifications and experience in the electrical installation trade acceptable to the Fire Marshal.

Section 4.4 Duties of the Inspector

It shall be the duty of an electrical inspector to report in writing to the Fire Marshal all violations of, or deviations from, or omissions of the electrical provisions of the National Electrical Code insofar as any of the same apply to electrical wiring. The electrical inspector may make inspections and re-inspections of electrical installations in and on properties in the County as herein provided. Upon the presentation of identification credentials by said inspector, issued by an Approved Electrical Inspection Company and approved by the Fire Marshal, no owner or person in possession of the premises shall refuse to permit an inspection to be made by said inspector. In the event of an emergency, it is the duty of the electrical inspector to make electrical inspections upon the request of the Fire Marshal. It shall be the duty of an electrical inspector to furnish a written report to the Fire Marshal and the owners or persons in possession of the property where violations of this Article are found to exist. Where such inspector fails to make reports of violations after inspections, his approval as an inspector may be withdrawn by the Fire Marshal. Where any Certificate of Compliance is issued pursuant to this Article, a copy of such certificate shall be forwarded to the Fire Marshal.

Section 4.5 Violations of the Ordinance

It shall be a violation of this Ordinance for any person, firm or corporation to install or cause to be installed, or to alter electrical wiring for light, heat, or power in or on properties in the County until an application for inspection has been filed with an Approved Electrical Inspection Company. It shall be a violation of this Ordinance for a person, firm or corporation to connect, or cause to be connected, electrical wiring in or on properties for light, heat or power, to any source of electrical energy supply prior to the issuance of a temporary certificate, or a Certificate of Compliance by an Approved Electrical Inspection Company.

Section 4.6 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 4.7 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE V
Application of Flammable Finishes

Section 5.0 Scope

This Article pertains to the storage, mixing and application of flammable finishes, powder coating and dip tanks.

Section 5.1 Adoption of Generally Accepted Standards

5.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by Referenced into this Article:

NFPA 10	Standard for Portable Fire Extinguishers
NFPA 17	Dry Chemical Extinguishing Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 33	Standard for Spray Application Using Flammable or Combustible Materials
NFPA 34	Standard for Dipping, Coating, and Printing Processes Using Flammable or Combustible Liquids

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

5.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

5.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permit after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 5.2 Definition

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender

include the feminine and neuter; the singular number includes the plural and the plural, the singular.

FINISHING SHOP – a building or part thereof used for the application of flammable finishes by means of spraying, dipping or powder coating.

Section 5.3 Safeguards in Connection with Other Occupancies

Finishing shops in buildings containing other occupancy shall be separated by a three (3) hour rate fire partitions or fire walls from other portions of the building, and shall be equipped with an automatic sprinkler system in the occupancy.

Section 5.4 Storage of Flammable Finishes in Finishing Shops

5.4.1 Quantities not exceeding, in the aggregate, fifty gallons with no container exceeding five gallons capacity may be stored in flammable liquid storage cabinets. Storage cabinets shall be listed by the manufacturer or shall be designed and constructed to meet the requirements of NFPA 30. Flammable storage cabinets shall not be vented to the interior of the building.

5.4.2 Quantities in excess of fifty gallons shall be stored as described in Article XV, of the Ordinance.

Section 5.5 Mixing

5.5.1 Mixing operations shall be carried on in a designated mixing room. Mixing room shall comply with NFPA 33.

5.5.2 All containers containing flammable finishes shall be kept tightly covered.

Section 5.6 Containers

5.6.1 All containers of flammable finishes shall be of metal, constructed to prevent leakage.

5.6.2 Containers used as part of the spraying equipment shall be of metal, except that glass containers not exceeding one pint capacity, or containers with glass inner linings of not more than one gallon capacity (protected with a metal holder or guard permanently fixed around the container) may be used.

Section 5.7 Ventilation

5.7.1 Unless ventilated spray booths are used for all finishing operations, finishing rooms shall be continuously ventilated during operation. Ventilation shall be such as to affect at least one complete change of air every three minutes.

5.7.2 Exhaust outlets in finishing rooms shall be located no higher than five (5') feet above the floor and shall discharge directly outside of building. Stacks and ducts shall be of substantial construction made tight, with joints overlapping a minimum of one inch (1"). They shall extend as directly as possible to the outside air and not through other rooms and be so arranged that the discharge or vapor and residue or fire therefrom will not endanger property. Discharge outlets shall extend six foot (6') above the roof line, and be ten feet (10') away from any openings and 30 feet away from the property line. They shall not be connected to other ventilating or collecting systems. Stacks and ducts passing through roof ceiling must follow clearances as per Mechanical Code of New York State.

Section 5.8 Lighting and Electrical Equipment

5.8.1 Artificial lighting shall be by electricity only. All electrical wiring equipment in finishing shops shall be in accordance with generally accepted good practice for such hazardous locations and compliance with the National Electrical Code rules for hazardous locations shall be deemed to be in accordance with generally accepted good practice.

5.8.2 Where spraying is done in spray booths, portions of the rooms more than twenty feet from the booth need not be considered hazardous locations for the purpose of this section. In the area within twenty feet of spray booths, generally accepted good practice shall be deemed to permit the use of motors of the totally enclosed type or of the open induction type having no brushes, make or break contacts, collectors or other arcing or sparking parts and to allow lamps of the enclosed vapor type.

Section 5.9 Housekeeping

5.9.1 Finishing shops shall be kept free from all unnecessary combustible materials and refuse.

5.9.2 Buildup of Flammable Finishes, overspray on spray booth or mixing room walls, floors, should be removed before spray operation take place.

5.9.3 Floors of finishing shops, drain boards and the interior of spray booths shall be thoroughly cleaned at least once a day. In cleaning, care shall be taken to use implements which will not create sparks. Sweepings or deposits from spray

booths or rooms, ducts or stacks shall be immediately removed from the building.

5.9.3 Metal waste cans with self-closing covers shall be provided for all waste and rags.

5.9.4 Filters must be changes as per manufactures recommendations to sooner as per required.

Section 5.10 Open Flames and Heating

No open flame shall be permitted in storage or mixing rooms, storage cabinets, finishing rooms or spray booths. Only indirect heating systems shall be used.

Section 5.11 Grounding

5.11.1 All metal spray booths, dip tanks, bake ovens, mixers, filters, pumps, motors and shafting shall be electrically grounded.

5.11.2 All heating plant must be a minimum of 20 feet away from the booth and hazard zone.

Section 5.12 Fire Extinguishing Equipment

5.12.1 Portable fire extinguishers shall be provided and maintained in compliance with NFPA 10.

Section 5.13 Smoking/Welding

5.13.1 Smoking is prohibited in all finishing shops. Suitable “No Smoking” signs shall be prominently displayed.

5.13.2 Welding is prohibited in all hazard zones. Suitable “No Welding” signs shall be prominently displayed in hazard zones.

Section 5.14 Spraying/Powder coating

All spray booths and room shall comply with NFPA 33. All spraying and powder coating shall be performed in a spray room or spray booth. All spray booths or spray rooms shall be constructed and maintained in accordance with the following; except that an equivalent construction shall be acceptable if such construction shall afford the same or greater safeguard against fire:

5.14.1 If spraying is performed in a room not provided with spray booths, such spray room shall be separated from the remainder of the building by partitions with

a two (2) hour rated fire resistive construction equivalent to incombustible wallboard on wooden studding, cement or gypsum plaster on metal lath on wooden studding or wooden studding covered on both sides with sheet iron. Doors in openings in spray room partition shall be equal in fire resistance to partition and shall be of the self-closing type or so installed as to close automatically in case of fire.

5.14.2 Spray booths shall be metal or other noncombustible material and of ample size to accommodate the object to be sprayed. Aluminum construction is not allowed in the spray booth or mixing room.

5.14.3 Spray booths shall be provided with exhaust systems of sufficient capacity to adequately remove vapors or residue. The supply of air entering the room where the spray booths are located shall be substantially equivalent to the exhaust capacity provided. Each spray booth shall have an independent stack or vent, except that not more than three booths each with less than six square feet frontal area may connect to one stack or vent. A stack or vent shall be properly supported and shall have at least a six inch clearance where it passes through wooden floors, roofs, partitions or in close proximity to them or other combustible material.

5.14.4 Ventilating fans in spray rooms and booths shall be kept in continuous operation while spraying is being carried on and shall not be stopped until all flammable vapors have been removed.

5.14.5 Pails or receptacles shall not exceed ten gallons capacity for feed to gravity-fed spray guns and shall be kept covered with tight fitting noncombustible covers. Only wire cable or those containing stranded wire cores shall be used to suspend gravity feed pails.

5.14.6 Pails or receptacles containing flammable finishes shall be returned to the storage cabinet or storage room at the close of each day.

5.14.7 No portable lamps shall be used inside spray rooms or booths. All lighting shall comply with Section 5.8 of this Ordinance. Lighting not in compliance with Section 5.8 is prohibited.

5.14.8 Motor vehicles shall not be moved by their own power into or out of a finishing room. Electric storage batteries shall be removed prior to the movement of a motor vehicle into a finishing booth.

5.14.9 No exposed combustible roof assemblies shall be in spray rooms including rooms where spray booths or mixing rooms are located. A minimum of one (1) hours rating is required.

Section 5.15 Dip Tanks

Dip tanks shall comply with NFPA 34. Dip tanks having an area in excess of ten square feet shall be provided with covers arranged to close automatically in case of fire and also arranged so that they can be closed manually. Smaller dip tanks shall be provided with covers or with fire rated blankets which can be placed over the tanks. If dip tanks are protected by an automatic fire extinguishing system employing a fire retardant chemical or gas or water spray, the covers specified above may be omitted.

Section 5.16 Spray Booths, Mixing Rooms and Finishing Shops-Filing of Design Drawings

5.16.1 No spray booth, mixing room and/or finishing shop shall be constructed, nor shall any replacements, additions, alterations, or major repairs be made to existing spray booths and finishing shops unless design drawings have been filed with the Fire Marshal showing compliance with requirements of this Ordinance. No work shall commence until such design drawings are approved by the Fire Marshal. The Fire Marshal may require additional information to be shown on the design drawings to indicate compliance with this Article. Design drawings shall include a statement from a licensed professional engineer or registered architect, certifying that the proposed construction will conform to the regulations of the building department of the municipality wherein the plant is to be located.

5.16.2 Upon completion of the work for which design drawings have been approved by the Fire Marshal, pursuant to Section 5.14.1 of this Ordinance, a certificate issued by a licensed professional engineer or registered architect shall be filed with the Fire Marshal, stating that the completed work conforms with the design drawings approved by the Fire Marshal for such project. The project shall not be placed into service until inspected by the Fire Marshal.

Section 5.17 Automatic Fire Suppression System Required

5.17.1 An automatic fire suppression system that complies with NFPA 33 is required to be installed in spray booth, mixing room and finishing shop.

5.17.2 Filing of Design drawings.

5.17.2.1 No fire suppression system shall be installed or modified unless design drawings have been filed with the Fire Marshal showing compliance with the requirements of this Ordinance. No work shall commence until such design drawings are approved by the Fire Marshal. The Fire Marshal may require additional information to be shown on the design drawings to indicate compliance with this Article. Design drawings are to be submitted in accordance with

Article XXIV. System shall be tested in accordance with Article XXVII

5.17.2.2 If any proposed installation, construction, or renovation does not commence within twelve (12) months of the date the design drawings were approved by the Fire Marshal, the design drawing approval shall be considered void and new design drawings shall be submitted for review and shall be considered for the requirement of a design drawing review fee, a new submission.

5.17.2.3 There shall be a fee imposed for the review and process of any design drawings submitted to the Fire Marshal. The fee shall be submitted at the time of design drawing submission. This fee shall be in addition to any other fee required by this Ordinance. The design drawing review fee shall be a onetime non-refundable fee set forth in Article XXII of this Ordinance, per submission.

5.17.3 Maintenance and Inspection. Automatic extinguishing systems shall be inspected every six (6) months by a qualified person, firm, business entity or corporation licensed by the Fire Marshal. A tag attesting to the inspection shall be affixed the control head, manual pull or the supply cylinder of the system showing the date and by whom the work was performed

Section 5.18 Licensing of Firms Applying Flammable Finishes

5.18.1 Each firm engaged in the business of applying flammable finishes shall be required to have a license issued by the Fire Marshal in accordance with Article XX of this Ordinance.

5.18.2 License will not be issued until location has an approved Flammable Finish location design drawing, an approved set of extinguishing system design drawings, and the extinguishing system has been tested and approved by the Fire Marshal.

Section 5.19 Inspection

5.19.1 Prior to initial operation or use of any spray booth and/or finishing shop an inspection shall be performed by the Fire Marshal to determine that the spray booth and/or finishing shop complies with all applicable requirements of this Article. The fee for this inspection is set forth in Article XXII of this Ordinance.

Section 5.20 Failure to Comply

No person, entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 5.21 Penalties and Seizure of Equipment

5.21.1 Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

5.21.2 Seizure of Equipment

5.21.2.1 On behalf of the Fire Marshal, the County Attorney may maintain a proceeding to enjoin any condition which relates to the storage or handling of a flammable finish that is in violation of this Ordinance.

5.21.2.2 The Assistant Chief Fire Marshal, a Division Supervisor (Fire Marshal III), a Supervising Fire Marshal (Fire Marshal II), or any Fire Marshal (Fire Marshal I) may seize, lock, or otherwise render inaccessible any flammable finishes and tools, equipment or other implements, which he or she has reasonable cause to believe are being used in connection with (1) the storage or handling of a flammable finish in a manner that constitutes an imminent peril to safety, life, or property or (2) the noncompliance with an order previously issued by the Fire Marshal to correct a condition relating to the storage or handling of a flammable finish. Any item seized pursuant to this section shall remain in the custody and care of the Fire Marshal and stored in a safe place.

5.21.2.3 Written notice shall be served upon the owner or occupant of the premises from which a flammable finish, tool, equipment or other implement, has been seized, locked, or otherwise rendered inaccessible at the time of such seizure. In the event that the owner or occupant is not on the premises at the time of the seizure, service shall be made by delivering written notice to the person in charge of the premises or by affixing the notice to a conspicuous part of the premises, and by mailing the notice to the owner and occupant by certified mail, return receipt requested, as soon thereafter as is practical. The notice shall specifically indicate the owner or occupant's right to a hearing and instructions explaining how to request a hearing.

5.21.2.4 A hearing shall be conducted before the Chief Fire Marshal or his or her designee to adjudicate the violation underlying the seizure within

three (3) business days after the receipt of the written request of the owner or occupant of the premises or other lawful owner of seized items for such a hearing. The Chief Fire Marshal or his or her designee shall render a decision in writing immediately after such hearing is concluded. Business day, for the purposes of this section, shall mean Monday to Friday, exclusive of official County holidays. The decision of the Fire Marshal shall be final for the purposes of commencing a proceeding under Article 78 of the New York Civil Practice, Laws and Rules.

5.21.2.5 Following a hearing pursuant to this section,

5.21.2.5.1 if the hearing has resulted in a determination that the items seized were not used in violation of this Article, the Fire Marshal shall promptly release such items.

5.21.2.5.2 if the hearing has resulted in a determination that items seized were used in connection with a violation of this Article, the Fire Marshal may order the release of such items upon demonstration satisfactory to the Fire Marshal that the condition giving rise to the seizure has been corrected and that there is no continuing threat to public safety.

5.21.2.6 The owner or other person lawfully entitled to the possession of such flammable finish, tool, equipment or other implement may be charged with reasonable costs for removal and storage payable prior to the release of such items seized.

5.21.2.7 If such owner or other person lawfully entitled to reclaim the items seized does not reclaim such items within four months of their seizure or a decision of the Fire Marshal pursuant to a hearing, whichever is later;

5.21.2.7.1 such items shall be destroyed, where the Fire Marshal determines that such items are of such slight value as to make their sale impracticable or

5.21.2.7.2 subject to forfeiture upon notice and judicial determination in accordance with applicable provisions of the law. The County may, after judicial determination of forfeiture, at its discretion either retain such items for official use by the County or sell such items at public sale, the proceeds of which shall be deposited into the general fund after deduction of the lawful expenses incurred. Where the sale or use of such items might

result in injury to the health, welfare or safety of the public in the opinion of the Fire Marshal, the Fire Marshal may destroy such items.

Historical notes:

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ARTICLE VI
LIQUEFIED PETROLEUM GAS

Section 6.0 Scope

This Article pertains to all uses of Liquefied Petroleum Gas and installation of all apparatus, piping, and equipment pertinent to systems for such uses within the County

Section 6.1 Adoption of Generally Accepted Standards

6.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 58 Liquefied Petroleum Gas Code

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

6.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention and Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

6.1.4 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 6.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

APPLIANCES – All gas burning appliances for use with Liquefied Petroleum Gas.

CARGO TANK – A container used to transport Liquefied Petroleum Gas over the highway as liquid cargo, either mounted on a conventional truck chassis or as an integral part of a transporting vehicle in which the container

constitutes in whole or in part, the stress member used as a frame. Essentially a permanent part of the transporting vehicle.

CONTAINER – Any vessel, including cylinders, tanks, portable tanks and cargo tanks, used for the transporting or storing of the Liquefied Petroleum Gas.

CONTAINER APPURTENANCES – Items connected to container openings needed to make a container a gas-tight entity. These include, but are not limited to, safety relief devices, shut-off, backflow check, excess flow check and internal valves; liquid level gauges; pressure gauges and plugs.

CYLINDER – A portable container constructed to U.S. Department of Transportation (formerly ICC) cylinder specifications or, in some cases, constructed in accordance with the American Society of Mechanical Engineers (ASME) Code of a similar size and for similar service. The maximum size permitted under DOT specifications is 1,000 pounds water capacity.

DISTRIBUTING PLANT – A facility, the primary purpose of which is the distribution of gas, and which receives Liquefied Petroleum Gas in tank car, truck transport or truck lots, distributing this gas to the end user by portable container (package) delivery, by tank truck or through gas piping. Such plants have bulk storage (2,000 gallons water capacity or more) and usually have container filling and truck loading facilities on the premises. So called "bulk plants" are considered as being in this category. Normally no persons other than the plant management or plant employees have access to these facilities.

DISTRIBUTING POINT – A facility, other than a distributing plant or industrial plant, which normally receives gas by tank truck, and which fills small containers or the engine fuel tanks of motor vehicles on the premises. Any such facility having Liquefied Petroleum Gas storage of 100 gallons or more water capacity, and to which persons other than the owner of the facility or his employees have access, is considered to be a distributing point. A Liquefied Petroleum Gas service station is one type of distributing point.

LIQUEFIED PETROLEUM GAS – Any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: Propane, Propylene, Butane (normal butane or iso-butane), and Butylene (including isomers).

LIQUEFIED PETROLEUM GAS EQUIPMENT – All apparatus, piping, and equipment pertinent to the storage and use of Liquefied Petroleum Gas.

PORTABLE CONTAINER – A container designed to be readily moved, as distinguished from containers designed for stationary installations. Portable containers designed for transportation filled to their maximum filling density include “cylinders”, “cargo tanks”, and “portable tanks”, all three of which are separately defined. Containers designed to be readily moved from one usage location to another, but substantially empty of product are “portable storage containers” and are separately defined.

PORTABLE STORAGE CONTAINER – A container similar to, but distinct from those designed and constructed for stationary installation, designed so that it can be readily moved over the highways, substantially empty of liquid, from one usage location to another. Such containers either have legs or other supports attached, or are mounted on running gear (such as trailer or semi-trailer chassis) with suitable supports, which may be of the fold down type, permitting them to be placed or parked in a stable position on a reasonably firm and level surface. For large volume, limited duration product usage (such as at construction sites and normally for twelve (12) months or less) portable storage containers function in lieu of permanently installed stationary containers.

PORTABLE TANK (also called SKID TANK) – A container of more than 1,000 pounds water capacity used to transport Liquefied Petroleum Gas handled as a “package”, which is, filled to its maximum permitted filling density. Such containers are mounted on skids or runners and have all container appurtenances protected in such a manner that they can be safely handled as a “package”.

QUALIFIED PERSON – Qualified persons are those holding a Certificate of Fitness issued by the Fire Marshal.

Section 6.3 Filing of Design Drawings and Reports

6.3.1 Design Drawings

Design drawings for all new fixed Liquefied Petroleum Gas installations of one hundred (100) gallon water capacity or greater must be submitted to the Fire Marshal for approval prior to installation. Requirements for filing of design drawings must be in accordance with Article XXIV of this Ordinance.

6.3.2 Reports

Every person, firm or corporation installing Liquefied Petroleum Gas equipment shall submit written reports to the Fire Marshal no later than the tenth (10) day of each month, the location and character of each installation made during the previous month on forms supplied by the Fire Marshal.

6.3.3 Temporary Heat and Cooking Location Reports

Every installation of Liquefied Petroleum Gas equipment for temporary heat or cooking must be immediately reported to the Fire Marshal.

Section 6.4 Installation and Maintenance of Equipment

6.4.1 All Liquefied Petroleum Gas equipment shall be installed and maintained in conformity with this Ordinance and the rules and regulation of the Fire Marshal. It shall be unlawful to install, service, handle, or offer for sale in any form, Liquefied Petroleum Gas and Liquefied Petroleum Gas equipment that does not conform to this Ordinance and the rules and regulations of the Fire Marshal.

6.4.2 No person, firm, or corporation, except the owner or those authorized by the owner to do so, shall sell, fill, refill, deliver, or permit to be delivered, or use in any manner any Liquefied Petroleum Gas container for any gas, compound, or for any other purpose whatsoever. Only containers designed for Liquefied Petroleum Gas may be filled with Liquefied Petroleum Gas. Filling of Liquefied Petroleum Gas containers with any other gas or compound is prohibited.

6.4.3 It shall be unlawful to weld, repair, add to or subtract from the original container design unless done by a recognized manufacturer or a repair facility authorized by the North American Bureau of Explosives. Cylinders used for Liquefied Petroleum Gas shall be painted white, silver or other light reflecting color or made of an approved composite material as approved by the Fire Marshal. It shall be unlawful for any supplier to refill any container that has been painted any other color.

6.4.4 A distribution point or a distribution plant shall have the right to refuse to fill any container that does not fully conform to all provisions of this Ordinance, or one that has been involved in a fire or is burned or scorched.

6.4.5 Replacement of parts on containers, regulators or related equipment shall only be made by a qualified person.

6.4.6 Peening of weld leaks is prohibited.

6.4.7 Tanks, cylinders or other storage vessels which previously contained gases other than Liquefied Petroleum Gas, shall not be re-valved and used for Liquefied Petroleum Gas.

Section 6.5 Cylinders

6.5.1 Vapor withdrawal cylinders with water capacities greater than 2-1/2 pounds are not to be filled or refilled unless the cylinder has been properly tested or re-qualified in accordance with U.S. Department of Transportation Regulations and has attached thereto a warning label approved by the Fire Marshal. Cylinder(s) shall not be released to the owner or his representative by a distribution point or a distribution plant until it has been determined that the cylinder has not been filled beyond acceptable limits (42% of its water weight capacity), is free of leaks and is safe for use or continued use.

6.5.2 Cylinders, except those used in liquid withdrawal service, up to and including forty (40) pounds propane capacity, shall be checked for leaks immediately after filling. The test will be done by a qualified person who has a Certificate of Fitness, by checking each connection with a soap-water solution or by total submersion in a water filled container. Should a leak exist, container shall be emptied immediately and marked with paint or indelible marker or other suitable means to positively identify a container that leaks. A leaking container shall not be transported from the distribution site, while it contains any product, either liquefied or vapor.

6.5.3 All portable U.S. Department of Transportation and I.C.C. approved containers shall have the date of manufacture permanently stamped on the collar, and in the case of containers more than twelve (12) years old, shall have the date of most recent inspection, Month/Year, marked on the collar or cylinder stamped into cylinder or on a sticker.

6.5.4 Every distribution point or distribution plant offering filled Liquefied Petroleum Gas cylinders for sale or resale shall have a certified scale on the premises to insure that each portable cylinder containing liquefied petroleum gas has not been filled beyond its safe capacity. Each such cylinder shall be weighed before delivery to the purchaser, to insure that the cylinder is not filled beyond acceptable limits.

6.5.5 Container Storage Forbidden

6.5.5.1 No container of Liquefied Petroleum Gas either in use or in storage will be permitted inside or on the roof or balcony of any occupied building or in or on any construction attached to an occupied building. Except as permitted by U.S. Department of Transportation, specification cylinders with a maximum water capacity of 2-1/2 pounds, used with completely self-contained hand torches and similar applications, may be stored or displayed in a building frequented by the public. The aggregate quantity of Liquefied Petroleum Gas shall not exceed two hundred (200) pounds.

6.5.5.2 Liquefied Petroleum Gas fueled industrial lift trucks shall comply with provisions of NFPA 58

6.5.5.3 Storage of containers must be outside of the building, at least twenty-five (25) feet from any building. Storage to be either a noncombustible, top and bottom vented structure, or surrounded by a substantial metal fence enclosure. Such enclosure shall be adequately secured against access by unauthorized persons.

6.5.5.4 The storage of Liquefied Petroleum Gas in any basement is prohibited.

6.5.5.5 Liquefied Petroleum Gas may be used in unoccupied buildings under construction provided that:

6.5.5.5.1 Containers in use shall be placed so as to ensure against tipping, and are protected from physical damage.

6.5.5.5.2 Portable heaters utilizing Liquefied Petroleum Gas must be equipped with a safety pilot device which will shut off the flow of gas should the pilot light be extinguished.

6.5.5.5.3 Direct connection of a heater to a container shall be by a pressure regulator suitable for the appliance.

6.5.5.5.4 Only hose approved for Liquefied Petroleum Gas shall be used. No length of hose shall exceed fifteen (15) feet.

6.5.5.5.5 Heaters must be placed at least six (6) feet from any container and at least ten (10) feet from any combustible materials.

6.5.5.5.6 No liquid withdrawal containers will be permitted, except those containers firmly attached to industrial motorized equipment.

6.5.5 Temporary or Emergency Use in Occupied Buildings

Liquefied Petroleum Gas may be used in occupied buildings or structures attached to occupied buildings provided that:

6.5.6.1 Containers in use shall be placed so as to ensure against tipping, and protected from physical damage.

6.5.6.2 Portable heaters utilizing Liquefied Petroleum Gas must be equipped with a safety pilot device which will shut off the flow of gas should the pilot light be extinguished.

6.5.6.3 Containers must be outside the building at an approved location.

6.5.6.4 Supply line from the container must be approved copper tubing or piping with approved fittings, adequately secured to the building, and protected against physical damage.

6.5.6.5 An approved gas shut-off device as specified in the *Fuel Gas Code of New York State* must be installed at the end of copper tubing or piping inside the building when connection from this point to heater is to be approved flexible hose.

6.5.6.6 Approved carbon monoxide detection alarms shall be installed in all areas where heaters fueled by Liquefied Petroleum Gas are in use. Installation of detection alarms shall be in accordance with manufacturer's requirements.

6.5.6.7 A permit is obtained from the Fire Marshal.

6.5.6 Supervision

Temporary cooking equipment, heaters and other equipment acceptable to the Fire Marshal shall be supervised by a person approved by the Fire Marshal who has knowledge of the utilization of Liquefied Petroleum Gas. This person is to be in attendance at all times when heaters are in operation. Proper supervision is the responsibility of the person, firm and corporation using temporary heat.

6.5.7 All openings between an occupied portion and portion under construction where Liquefied Petroleum Gas is used are to be closed with material of at least one (1) hour fire rating.

6.5.8 Excess Flow Check Valve(s).

All containers, except cylinders with a maximum water capacity of 2-1/2 pounds, shall be equipped with an excess flow check valve to shut off the flow of gas if a hose is severed.

Section 6.6 Location of Distributing Plant and Distributing Point Storage Tanks

In no case shall any distributing plant or distributing point storage tank be located closer than fifty (50) feet to any building that is not used exclusively

for such gas manufacturing, container filling or distributing purposes, or to any line of adjoining property. Existing facilities not in strict compliance with the above distance requirement may be continued in use provided that such continued use does not constitute a hazard to life or adjoining property.

Section 6.7 Permits Required

6.7.1 Distribution plants and distribution points where propane is sold, stored for rental or resale, and/or transferred from one vessel into another must secure a permit to operate.

6.7.2 Application for Permit.

Applications for permits shall be made to the Fire Marshal on forms provided, and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as may be required by the Fire Marshal, and the appropriate fee set forth in Article XXII of this Ordinance.

6.7.3 Review and Issuance

The Fire Marshal shall review all applications submitted, determine compliance with applicable provisions of the code and issue permits as required. If an application for a permit is rejected by the Fire Marshal, he shall advise the applicant of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the County shall not be issued unless proof of required financial responsibility is furnished.

6.7.4 Display of Permits

A copy of the permit shall be posted or otherwise readily accessible at each place of operation or carried by the permit holder as specified by the Fire Marshal.

6.7.5 Permits shall be valid for a period of one (1) year

Section 6.8 Transportation

6.8.1 No person, firm or corporation shall use or cause to be used, any motor vehicle, tank truck, tank semi-trailer, skid tank or tank truck trailer for the transportation of liquefied petroleum gas, unless after complying with this Ordinance, a permit to operate any such vehicle has first been secured from the Fire Marshal. No permit shall be required under this section for any motor vehicle that is used for the transportation of Liquefied Petroleum Gas not operated or registered by an authorized dealer, in containers not larger than ten (10) gallons water capacity each (approximately thirty-four (34)

pounds propane capacity) with aggregate, water capacity of twenty-five (25) gallons, (approximately eighty seven (87) pounds propane capacity) or when used in permanently installed containers on the vehicle as motor fuel. This section shall not apply to any motor vehicle, tank truck, tank semi-trailer or tank truck trailer traveling through County and making no deliveries within the County.

6.8.2 Application for Permit

Applications for permits shall be made to the Fire Marshal on forms provided, and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as may be required by the Fire Marshal, and the appropriate fee set forth in Article XXII of this Ordinance.

6.8.3 The permit shall be valid for a period of one (1) year.

6.8.4 All Liquefied Petroleum Gas cylinders shall be transported in an upright position and properly secured.

6.8.5 The transportation of Liquefied Petroleum Gas cylinders, either empty or full is prohibited in the trunk of any passenger vehicle.

6.8.6 Cylinders, larger than ten (10) gallons water capacity, or an aggregate in excess of twenty-five (25) gallons water capacity, shall not be transported in cars, vans, or any type enclosed vehicle or in the enclosed area of any vehicle.

Section 6.9 Certificate of Fitness Required

Any person filling containers at distribution points where Liquefied Petroleum Gas is sold and/or transferred from one vessel into another shall hold a valid Certificate of Fitness issued by the Fire Marshal. The Requirements of Certificate of Fitness shall be in accordance with Article XX of this Ordinance. The fee for certificate of fitness is set forth in Article XXII of this Ordinance.

Section 6.10 Reporting of Incidents

Any incident involving Liquefied Petroleum Gas including but not limited to leaks, fires, explosions, or any other accidental discharge into the atmosphere in excess of 8.5 cubic feet (one (1) pound propane) must, be reported to the Fire Marshal by the responsible party or his representative. All reports shall be made pursuant to the procedure set forth in Article X of this Ordinance.

Section 6.11 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 6.12 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE VII
Compressed Gases

Section 7.0 Scope

This Article pertains to the handling and use of compressed gases as defined herein. Liquefied Petroleum Gas and compressed gases used in conjunction with welding or cutting operations are subject to other Articles of this Ordinance.

Section 7.1 Adoption of Generally Accepted Standards

7.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 55	Compressed Gases and Cryogenic Fluids Code
NFPA 704	Standard System for the Identification of the Hazards of Materials for Emergency Response

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

7.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply

7.1.3 Deviations from the NFPA Standards listed above or this Ordinance are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 7.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

COMPRESSED GAS – shall mean and include any mixture or material having in the containers either an absolute pressure exceeding forty (40) pounds per square inch at seventy (70) degrees Fahrenheit, or an absolute pressure

exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees Fahrenheit, or both; or any liquid flammable material having a Reid vapor pressure, exceeding forty (40) pounds per square inch at one hundred (100) degrees Fahrenheit.

FLAMMABLE ANESTHETIC – shall mean a compressed gas which is flammable and administered as an anesthetic and shall include, among others, cyclopropane, divinyl ether, ethyl chloride, ethyl ether, and ethylene.

NON FLAMMABLE MEDICAL GAS – shall mean a compressed gas which is non-flammable and used for therapeutic purposes and shall include, among others, oxygen and nitrous oxide.

PIPED DISTRIBUTION SYSTEM – shall mean a central supply system with control equipment, and a system of piping extending to the points in the hospital where non-flammable medical gases are used, and suitable station outlet valves at each use point.

Section 7.3 Design and Construction/Markings/Storage of Containers

7.3.1 Compressed gas containers, cylinders and tanks shall be designed, constructed, and tested with the specifications of manufacture and maintained in accordance with regulations of DOTn 49 CFR, Parts 100-178 or the ASME Boiler and Pressure Vessel Code, Section VIII.

7.3.2 Stationary compressed gas containers, cylinders, and tanks shall be marked with the name of the gas contained. Markings shall be visible from any direction of approach. Portable compressed gas containers, cylinders and tanks shall be marked in accordance with CGA C-7.

7.3.3 Compressed gas containers, cylinders and tanks, except those designed for use in a horizontal position, shall be stored in an upright position with the valve end up. An upright position shall include conditions where the container, cylinder or tank is inclined as much as 45 degrees from the vertical.

7.3.4 Compressed gas cylinders shall be securely chained to something substantial to prevent from accidental tipping or falling. Compressed gas cylinders not in use shall be securely chained, have protective caps in place and be protected from damage.

Section 7.4 Certificate of Fitness Required

Any person transporting or handling compressed gases shall hold a valid Certificate of Fitness issued by the Fire Marshal. Requirements of Certificate

of Fitness shall be in accordance with Article XX of this Ordinance. The fee for Certificate of Finesses is set forth in Article XXII of this Ordinance

Section 7.5 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE VIII

Carbon Monoxide Detection and Carbon Monoxide Detection Systems

Section 8.0 Scope

This Article pertains to carbon monoxide detection and carbon monoxide detection system installation and maintenance.

Section 8.1 Adoption of Generally Accepted Standards

8.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted for the County and incorporated by reference into this Article:

NFPA 70	National Electric Code
NFPA 72	National Fire Alarm and Signaling Code
NFPA 720	Installation of Carbon Monoxide (CO) Detection and Warning Equipment

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

8.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

8.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 8.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

CARBON MONOXIDE ALARM – A single-or multiple-station carbon monoxide alarm responsive to carbon monoxide.

CARBON MONOXIDE ALARM, MULTIPLE STATION – A single station carbon monoxide detection alarm capable of being interconnected to one or more additional alarms so that the actuation of one causes the appropriate alarm signal to operate in all interconnected alarms.

CARBON MONOXIDE ALARM, SINGLE STATION - A detector compromising an assembly that incorporates a sensor, control components, and an alarm notification appliance in one unit operated from a power source either located in the unit or obtained at the point of installation. Examples are battery powered or plug-in devices.

CARBON MONOXIDE DETECTION CONTROL UNIT – A component of the carbon monoxide detection system, provided with primary and secondary power sources, which receives signals from initiating devices or other carbon monoxide detection control units, and processes these signals to determine part or all of the required carbon monoxide detection system output function(s).

CARBON MONOXIDE DETECTOR – A device connected to an alarm control unit having a sensor that responds to carbon monoxide.

CARBON MONOXIDE SAFETY FUNCTIONS – Building and carbon monoxide functions that are intended to increase the level of life safety for occupants or to control the spread of the harmful effects of carbon monoxide.

CARBON MONOXIDE-PRODUCING HVAC SYSTEM - The term “carbon monoxide-producing HVAC system” means a system that uses ducts to provide heat, ventilation and/or air-conditioning to all or any part of a commercial building, provided that:

1. such ducts run from a carbon monoxide source to the classroom(s) and/or detection zone(s) served by such system; and/or

2. such system is supplied with recirculated or makeup air from a classroom or detection zone that contains a carbon monoxide source.

CARBON MONOXIDE WARNING EQUIPMENT – Any detector, alarm, device, or material related to single and multiple station alarms or household carbon monoxide detection systems.

CONTROL UNIT – A system component that monitors inputs and controls outputs through various types of circuits..

DETECTION ZONE - The term “detection zone” means a story of a commercial building. However:

1. if a story is arranged so that two or more separate carbon monoxide-producing HVAC systems are used to serve separate portions of the story, each such portion of the story shall be deemed to be a separate detection zone;

2. if a story contains one or more classrooms, each classroom shall be deemed to be a separate detection zone and the portion, if any, of the story that is not a classroom shall be deemed to be a separate detection zone;

3. if a portion of a story is used as a garage, the portion used as a garage shall not be deemed to be a detection zone and the portion not used as a garage shall be deemed to be a detection zone; and

4. if an entire story is used as a garage, such story shall not be deemed to be a detection zone.

DWELLING UNIT – One or more rooms arranged for the use of one or more individuals living together, providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

FUEL-BURNING APPLIANCE – A device that burns solid, liquid, or gaseous fuel or a combination thereof.

MULTI-CRITERIA / MULTI-PURPOSE ALARM – An alarm that incorporates detection capabilities for more than one hazardous condition, such as fire, fuel gas, or carbon monoxide.

NOTIFICATION APPLIANCE – A system component such as a bell, horn, speaker, light, or text display that provides audible, tactile, or visible outputs, or any combination thereof.

PROTECTED PREMISES – The physical location protected by a carbon monoxide detection system.

SEPARATE SLEEPING AREA – The area of a dwelling unit where the bedrooms or sleeping areas are located.

SIGNAL –

Carbon Monoxide Alarm Signal. A signal indicating a concentration of carbon monoxide at or above the alarm threshold that could pose a risk to the life safety of the occupants and that requires an immediate action.

Supervisory Signal. A signal indicating the need for action in connection with a pre-alarm condition, or in connection with the supervision of protected premises carbon monoxide safety functions or equipment, or the maintenance features of related systems.

Trouble Signal. A signal initiated by a system or device indicative of a fault in a monitored circuit, system, or component.

SYSTEM –

Carbon Monoxide Detection System. A system or portion of a combination system that consists of a control unit, components, and circuits arranged to monitor and annunciate the status of carbon monoxide initiating devices and to initiate the appropriate response to those signals.

Combination Carbon Monoxide Detection System. A carbon monoxide detection system in which components are used, in whole or in part, in common with a non-carbon monoxide signaling system, and in which components are not used as part of a fire alarm system.

Combination System. A fire alarm system in which components are used, in whole or in part, in common with a non-fire signaling system.

Household Carbon Monoxide Detection System. A system of devices that uses a control unit to produce an alarm signal in the household for the purpose of notifying the occupants of the presence of concentrations of carbon monoxide that could pose a life safety risk.

Section 8.3 General Design Requirements

8.3.1 Every Carbon Monoxide Detection Systems installed in the County shall provide life safety protection and notification for the premise that requires the installation of the system. Where a Fire Alarm System exists within an occupancy, then the Carbon Monoxide Detection Systems shall be incorporated into a fire alarm combination system. However, a combination system is not required in buildings that are not undergoing alterations, repairs or construction of any kind. Carbon monoxide alarms in existing areas are not required to be interconnected as a combination system where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access.

8.3.2 All Carbon Monoxide Detection and Carbon Monoxide Systems installed and maintained in the County shall be in compliance with this Ordinance, the *New York State Uniform Fire Prevention and Building Code*, and adopted NFPA standards. All carbon monoxide detection devices shall be listed or

approved by a nationally recognized testing laboratory for the purpose for which they are intended and shall be installed in conformity with nationally recognized standards. All initiating devices shall latch upon alarm activation.

8.3.3 Battery powered Carbon Monoxide Alarms powered by a ten (10) year batteries are permitted in existing buildings where no construction is taking place; in buildings that are not served from a commercial power source; and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes. Design drawings and a licensed contractor shall not be required for the installation of these battery operated devices for existing buildings.

8.3.4 Carbon Monoxide Detectors are considered life safety devices and therefore shall send trouble signals to the alarm control panel to facilitate wiring supervision.

8.3.5 Carbon Monoxide Detectors shall be located in the same room as permanently installed fuel burning appliances as long as such installation is not contrary to the manufacturer's specification.

8.3.6 Placement of carbon monoxide detection. Where a detection zone is required by 8.3.6.2.1.4 of this Ordinance to be provided with carbon monoxide detection, the carbon monoxide detection shall be placed as provided in this subdivision.

8.3.6.1 Detection zones less than 10,000 square feet. Where carbon monoxide detection is required to be provided in a detection zone having an area less than 10,000 square feet, the carbon monoxide detection shall be placed in a central location within such detection zone.

8.3.6.2 Detection zones 10,000 square feet or larger. Where carbon monoxide detection is required to be provided in a detection zone having an area 10,000 square feet or larger, carbon monoxide detection shall be placed in a central location within such detection zone and at such additional locations within such detection zone as may be necessary to assure that no point in the detection zone is more than 100 feet from carbon monoxide detection.

8.3.6.2.1 Exception. In the case of a detection zone having an area 10,000 square feet or larger that

8.3.6.2.1.1 contains one or more carbon monoxide sources,

8.3.6.2.1.2 is not served by a carbon monoxide-producing HVAC system,

8.3.6.2.1.3 is not adjacent to a garage or other motor-vehicle-related occupancy, and

8.3.6.2.1.4 is not a classroom, compliance with the following shall be an acceptable alternative to compliance with the Fire Code of New York State.

8.3.7 In dwelling units, Carbon Monoxide Detection must be installed outside each separate sleeping area, each room used for sleeping purposes and in every detection zone of a dwelling unit, including basements.

8.3.8 Occupancies shall require additional Carbon Monoxide Detectors/Alarms in every assembly room accommodating fifty (50) or more occupants.

8.3.9 Ceiling mounted Carbon Monoxide Detectors shall be located a minimum of twelve (12) inches from any wall or as specified by manufacturers specifications.

8.3.10 Wall mounted Carbon Monoxide Detectors shall be minimum of eighty (80) inches off the finished floor and at least six (6) inches from the ceiling or as specified by manufacturer's specifications.

Section 8.4 Design Drawings, Specifications and Permits

8.4.1 All carbon monoxide detection devices installed and maintained in the County shall be listed or approved by a nationally recognized testing laboratory for the purpose for which they are intended and shall be installed in conformity with nationally recognized standards. All initiating devices and or circuit shall latch upon alarm activation. Non-latching initiating devices or circuits shall not be permitted.

8.4.1.1 All carbon monoxide detection system not installed and maintained as part of a fire alarm system shall have a carbon monoxide system design drawing submitted, with the required fee, to and approved by the Fire Marshal prior to the installation, alteration, relocation or remodeling of any carbon monoxide detection system.

8.4.1.2 All carbon monoxide detection system shall be installed and maintained as part of the fire alarm system shall have a fire alarm system design drawing submitted, with the required fee, to and approved by the Fire Marshal prior to the installation, alteration, relocation or remodeling of any carbon monoxide detection.

8.4.2 Final Approval

Before requesting final approval of the installation, by the Fire Marshal, the installing contractor shall furnish a written Record of Completion Report to the effect that the detection system has been installed in accordance with approved design drawings and tested in accordance with the adopted standards and manufacturer's specifications.

8.4.3 Acceptance Test

Upon completion of the installation, the installer shall perform a test of the detection system in the presence of the Fire Marshal. There shall be a final inspection fee charged for this section in accordance with the fee set forth in Article XXII of this Ordinance.

8.4.4 Design Drawing Submittal Requirements

Carbon monoxide detection installed and interconnected to a fire alarm system, shall have Fire Alarm System design drawing submittals meeting the requirements of Article XVIII of this Ordinance. There shall be design drawing review fee charged for this section in accordance with the fee set forth in Article XXII of this Ordinance.

8.4.4.1 It shall be unlawful for any person, firm or business entity to install, modify, alter, replace, renovate or remodel any carbon monoxide detection without first obtaining approved fire alarm system design drawings from the Fire Marshal.

8.4.5 Permit Required

All persons or owners of property located within the County or the lessees thereof who are required by this Ordinance or any other law or regulation to operate and maintain a carbon monoxide detection system in the County shall apply to the Fire Marshal for a fire alarm permit on forms provided by the Fire Marshal, as per Article XVII.

Section 8.5 Supervising

Carbon Monoxide Detection interconnected to a Fire Alarm System shall be supervised by a Remote Supervising Station.

Section 8.6 Liability for Damages

This Article shall not be construed to hold the County of Nassau, its officers or employees responsible for any injury to person or damage to property by reason of the inspection or re-inspection authorized herein, or failure to

inspect or re-inspect as herein provided or by reason of the approval or disapproval of any fire alarm system authorized herein.

Section 8.7 License Required

All persons, firms, business entities or corporations installing, inspecting, testing, and providing maintenance on any Carbon Monoxide Detection System or Fire Alarm System as defined in this Ordinance, must possess a license from the Division of Licensing Services New York State Department of State.

Section 8.8 Licensed Alarm Company Identification

A tag attesting to a new installation, annual inspection, service maintenance or repair of a carbon monoxide detection system shall be affixed to the fire alarm control panel (FACP) providing the following information:

1. Name, address and telephone number of the Licensed Alarm Company

2. New York State License number

3. Name of technician installing, servicing, inspecting and/or doing maintenance

4. Signature of technician

5. Information on tag should include the date of work and type of work performed on fire alarm system (new installation, annual inspection/service or repair).

Section 8.9 Maintenance of Carbon Monoxide Detection Interconnected to Fire Alarm Systems

8.9.1 It shall be the responsibility of the owner/lessee of property in Nassau County to have a New York State licensed fire alarm company perform maintenance on any carbon monoxide detection system.

8.9.2 All carbon monoxide detection interconnected to fire alarm systems subject to this Ordinance and maintained in the County shall be cleaned, inspected and tested in accordance with NFPA 72 and NFPA 720, or the recommendations of the system manufacturer, whichever requires the more frequent inspections, by a New York State licensed Fire Alarm Company. Written records of inspection shall be maintained on the premises protected and shall include:

1. Date of inspection.
2. Name of inspecting alarm company and alarm company employee(s) performing the inspection.
3. Condition of equipment.
4. Action taken to correct any deficiencies.

8.9.3 Maintenance shall also include verification of signal receipt by the Remote Supervising Station and verification that there is a valid Nassau County Fire Alarm Permit.

Section 8.10 Inspection, Test and Maintenance Service Tags

Carbon Monoxide Detection interconnected to a Fire Alarm System shall have Inspection, Test and Service Tags provided.

Section 8.11 Carbon Monoxide Detection Out of Service

Where approved carbon monoxide detection interconnected to a fire alarm system is out of service the local fire department and the Fire Marshal shall be notified immediately. The building shall either be evacuated or, with the approval of the Fire Marshal, a fire watch as described in Section 14.10 of this Ordinance shall be provided for all occupants left unprotected by the system being out of service, until carbon monoxide detection is restored to normal operating condition by a licensed fire alarm contractor. A report of the completed work shall be submitted to the Fire Marshal before the building may be re-occupied or cease the fire watch.

Section 8.12 Misuse of Carbon Monoxide Detection Interconnected Fire Alarm Systems

Notwithstanding the provisions of this Ordinance, nothing contained herein shall modify, limit, enlarge or in any other way affect the penalties provided for willful or intentional false alarms as same is defined and provided within the

New York State statutes. Misuse of carbon monoxide detection interconnected to shall follow the requirements set forth in Article XVII.

Section 8.13 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 8.14 Penalties

Any person or business entity other than a corporation violating any provisions of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand ($1,000.00) dollars or, by imprisonment for not more than one (1) year or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand ($5,000.00) dollars for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense. However, no penalty for a violation of this Article shall exceed any penalty provided for by the State of New York in any law or regulation relating to carbon monoxide detection.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE IX
Welding

Section 9.0 Scope

This Article pertains to cutting and welding operations within the County.

Section 9.1 Adoption of Generally Accepted Standards

9.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 10	Standard for Portable Fire Extinguishers
NFPA 51A	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work
NFPA 70	National Electrical Code®

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

9.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply

9.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 9.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

HOT WORK – Operations including cutting, welding, Thermit welding, brazing, soldering, grinding, thermal spraying, thawing pipe, installation of torch-applied roof systems or any other similar activity.

Section 9.3 Operations Prohibited in Vicinity of Flammable Liquid or Combustible Material

No person shall perform cutting or welding operations within an area where there is flammable liquid or vapor or loose combustible material.

Section 9.4 Floors

Floors in an area where welding or cutting is being done shall be clean, free from oil and, for wooden construction shall be covered with a fire resistive material. Fixed hot work areas shall have floors with noncombustible surfaces.

Section 9.5 Fire Extinguishers / Signage

9.5.1 A minimum of one portable fire extinguisher and with a minimum of 2-A:20-B:C rating shall be readily accessible within 30 feet of the location where hot work is performed.

9.5.2 Where the hot work area is accessible to persons other than the operator of the hot work equipment, conspicuous signs shall be posted to warn others before they enter the hot work area. Such signs shall display the following warning: “CAUTION – HOT WORK IN PROGRESS – STAY CLEAR”.

Section 9.6 Cylinder Carriers

Acetylene or other gas cylinders and the attendant oxygen cylinders used for welding or cutting shall be fastened in place or shall be attached to a carrier provided with wheels and handles for easy transportation.

Section 9.7 Electric Wiring and Fixtures

Where an electric welding machine is separated from the source of electric power, all wiring and installation of fixtures shall conform to NFPA 70 the National Electric Code, and only electric welding machines tested and approved by a competent testing laboratory shall be used. Approval and certification by an approved electrical inspection company shall be deemed conclusive evidence that the wiring and installation of fixtures conforms to the National Electric Code, and a nationally recognized testing laboratory shall be deemed a competent testing laboratory for the purpose of this section.

Section 9.8 Certificate of Fitness Required

Any person performing welding and/or cutting, using electric, gas, or other methods shall be required to hold a valid Certificate of Fitness issued by the Fire Marshal. Requirements of Certificate of Fitness shall be in accordance

with Article XX of this Ordinance. The fee for certificate of fitness is set forth in Article XXII of this Ordinance.

Section 9.9 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE X
Hazardous Materials

Section 10.0 Scope

This Article pertains to the prevention and control of hazardous materials incidents and releases in the County.

Section 10.1 Adoption of Generally Accepted Standards

10.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 10	Standard for Portable Fire Extinguishers
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 51B	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work
NFPA 70	National Electrical Code®
NFPA 231	Standard for General Storage
NFPA 231C	Standard for Rack Storage of Materials
NFPA 400	Hazardous Materials Code

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

10.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

10.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 10.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

ENVIRONMENT – The navigable waters of the United States and any other surface water; ground water, drinking water supply, soil source, land, subsurface strata, outdoor impervious surface, storm sewer, or publicly or privately-owner treatment works (other than those handling only wastewater generated at a facility) within the boundaries of the County. Environment shall include the air only for purposes of reporting releases pursuant to the requirements of this Article.

FACILITY –

1. Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or,

2. Any site or area where a hazardous material is deposited, stored, disposed of, or placed or otherwise come to be located, but does not include any tangible personal property or material that is distributed in commerce and that normally is used for personal, family, or household purposes, including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed.

HAZARDOUS MATERIALS –

1. Any substance designated pursuant to Section 311(b)(2)(a) of the Federal Water Pollution Control Act; or

2. Any material defined as such in Chapter 27 of the Fire Code of New York State, as most recently amended; or,

3. Any element, compound, mixture, solution, or substance designated by the U.S. Environmental Protection Agency (EPA) pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Section 102 (CERCLA); or

4. Any hazardous waste having the characteristics identified under or listed pursuant to Section 2001 of the Solid Waste Disposal Act

(commonly known as the Resource Conservation and Recovery Act or RCRA); or

5. Any hazardous air pollutant listed under Section 112 of the Clean Air Act; or

6. Any imminently-hazardous chemical substance or mixture with respect to which the Administrator of the U.S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substance Control Act; or

7. Any substance designated an extremely hazardous substance pursuant to Section 302(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) or

8. Any substance or material in any form that could adversely affect the safety of the public, handlers or carriers during transportation, use or storage if not properly packaged and controlled.

HAZARDOUS MATERIALS INCIDENT – The actual release of a hazardous material which:

1. (a) poses an imminent threat to the environment or to the health, safety, or welfare of either individuals at the site of the incident, or of the general population and (b) requires immediate response, incident assessment, control, containment, and/or abatement of the immediate hazard by an outside agency; or

2. involves a reportable quantity of hazardous materials released, regardless of whether abatement occurs by employees at the site of the incident, or by any outside agencies or contractors.

IMPERVIOUS SURFACE – A surface outside of a building which substantially reduces the rate of infiltration of liquids into the earth, including but not limited to asphalt and concrete roadways, walks, and parking lots, but not including a closed containment vessel.

MANUFACTURE – To produce, import, or compound a hazardous material, whether produced as an end product or by-product in the production of another substance. The term shall also include hazardous materials that remain in end products as impurities.

NAVIGABLE WATER – The waters of the United States, including the territorial seas, as defined under the Federal Water Pollution Control Act (also known as the Clean Water Act).

NORMAL APPLICATION OF PESTICIDES– Application pursuant to the label directions for application of a pesticide product registered under Section 30 or Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 135 et seq.) (FIFRA), or pursuant to the terms and conditions of an experimental-use permit issued under Section 5 of FIFRA, or pursuant to an exemption granted under Section 18 of FIFRA.

OIL – Oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

PARTY – Any individual, trust, firm, company, society, corporation, joint-stock company, partnership, consortium, association, cooperative, joint venture, city, county, special district, or State, any department or agency or political sub-division thereof.

RELEASE – Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes:

1. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;

2. The normal application of fertilizer and pesticides; and

RELEASE, AUTHORIZED –

1. A release which is federally permitted under 42 U.S.C. 9601(10); or

2. A release to waters of the United States or adjoining shorelines which is exempt from notification under 40 CFR 117.11 through 40 CFR 117.14; or

3. The introduction of any pollutant into a publicly owned treatment works which is not in violation of applicable pretreatment requirements or other regulations controlling the introduction of pollutants into the publicly-owned treatment works; or

4. Any emissions specifically permitted in writing by the Nassau County or New York State Health Departments.

REPORTABLE QUANTITY – That quantity, as set forth in Section 10.3 of this Ordnance.

RESPONDING AGENCY – Any agency of local government including fire and police departments or agencies that are located with a headquarters or base within the County, or acting under a mutual aid agreement within County boundaries, and for purposes of this Article, is operating in association with the Fire Marshal.

RESPONSIBLE PARTY –

1. A current or former owner or operator of a site or facility who caused or contributed to the release of a hazardous substance at the site or facility; or

2. A generator or transporter of a hazardous substance who caused or contributed to the release of the hazardous substance at a site or facility; or

3. A third party who caused or contributed to the release of the hazardous substance at a site or facility.

STORE – To deposit or place a substance within the County for a period of eight (8) days or more, provided that such substance is not otherwise in transit. A non-transitory, semi-permanent or long-term, containment, holding, leaving, or placement of goods or materials.

THREATENED RELEASE – A circumstance which presents a substantial threat of a hazardous material incident as a result of a transportation incident or incident when container structure damage is apparent or the potential for container structure damage exists; a circumstance which presents a substantial threat of a hazardous material incident at a fixed site facility as a result of damage or failure to a production system(s) or as a result of a non-functional process safety engineering control.

USE – To store, maintain, treat, process, handle, generate, dispose of, or otherwise manage. Use shall include any mode of transportation other than on-site transportation.

Section 10.3 Determination of Reportable Quantities

10.3.1 Listed hazardous materials, the release of which into the environment constitutes a Hazardous Materials Incident. The quantity in the column "RQ" for each hazardous material in the most recent version of 40 CFR 302.4 is the reportable quantity for that material.

10.3.2 Unlisted hazardous materials, the release of which into the environment constitutes a Hazardous Materials Incident. Unlisted hazardous wastes designed as hazardous materials have the reportable quantity of 100

pounds, except for those unlisted hazardous wastes exhibiting the characteristics of toxicity identified in 40 CFR 261.24. Unlisted hazardous wastes which exhibit toxicity have the reportable quantities listed in the most recent version of 40 CFR 302.4 for the contaminant on which the characteristic of toxicity is based. If an unlisted hazardous waste exhibits toxicity on the basis of more than one contaminant, the reportable quantity for that waste shall be the lowest of the reportable quantities listed in 40 CFR 302.4 for those contaminants. If an unlisted hazardous waste exhibits the characteristic of toxicity, and either characteristics ignitability or corrosivity or reactivity, the reportable quantity shall be the lowest of the applicable reportable quantities.

10.3.3 Oil

10.3.3.1 The reportable quantity for release of oil to waters of the United States or adjoining shoreline is any quantity which violates applicable water quality standards or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

10.3.3.2 Notwithstanding any other provision of this section, a release of oil from a properly functioning vessel engine shall not be deemed to be a reportable quantity; this provision shall not be applicable to oil accumulated in a vessel's bilge(s).

10.3.3.3 The reportable quantity for releases of oil into the environment other than releases to waters of the U.S. and adjoining shorelines, and when not considered a flammable or combustible liquid, is 45 gallons.

10.3.4 Release of hazardous materials to sanitary sewer system. Notwithstanding any other provision of this section, any release of a hazardous material into a sanitary sewer system, storm sewer system which is prohibited under applicable pretreatment or other regulations governing such discharges shall be deemed to be discharged in a reportable quantity.

10.3.5 Component hazardous materials release

A release of a mixture or solution, in which only one component is a hazardous material, shall be considered to be a release of a reportable quantity only where the hazardous material component of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

Section 10.4 Notice and Reporting Requirements upon the Discovery of a Hazardous Materials Incident

10.4.1 Whenever a Hazardous Material Incident occurs (other than an authorized release) at a facility of any kind or in a transportation incident, the party in charge (or a responding agency) upon discovery or confirmation of such Hazardous Materials Incident shall immediately notify the Fire Marshal of the circumstances of the Hazardous Materials Incident, and its location by telephoning the Nassau County Fire Communications Bureau at (516) 742-3170.

10.4.2 The notice via telephone to the County Fire Communications Bureau shall serve as notification to the Fire Marshal and Code Enforcement Official as required by the *Fire Code of New York State*, but shall not relieve the responsible party of making any other notification required by State or Federal laws or regulations.

10.4.3 Such notice is required when the circumstances and conditions on site are such that the party in charge (or a responding agency) either knew, or should have known that a Hazardous Materials Incident occurred.

10.4.3.1 Duty to control hazardous materials incident. Nothing in this Article shall be construed as to forbid any party in, on or about the site of a Hazardous Material Incident from using all diligence necessary to control such Hazardous Materials Incident prior to the notification being made to the County Fire Communications Bureau; especially if such efforts may result in the containment of the Hazardous Materials Incident and/or the abatement of an extreme hazard to the employees or the general public.

10.4.3.2 A delay in reporting a Hazardous Materials Incident due to in-house notification of off-site owners, managers, or supervisors is a violation of this Ordinance and may result in criminal penalties. Failure to make notification to the Fire Marshal immediately upon discovery of a hazardous materials incident or threatened release shall constitute a violation of this Article.

10.4.3.3 Air releases

10.4.3.3.1 Accidental air releases in excess of the reportable quantities listed in 40 CFR 302.4 or, if unlisted, as prescribed by state and federal regulation, shall be reported under the requirements of this section.

10.4.3.3.2 All facilities required to prepare a risk assessment or emergency plan under the Federal Process Safety

Management regulations (CFR Part 1910.119) shall provide a copy of this documentation to the Fire Marshal.

Section 10.5 Responsibilities of Parties Manufacturing, Using or Storing Hazardous Materials

10.5.1 Release of Hazardous Materials in quantities insufficient to constitute a Hazardous Materials Incident

10.5.1.1 The release of a hazardous material into the environment in the County is prohibited.

10.5.1.2 Any person with knowledge of a release of a hazardous material shall report the incident to the Fire Marshal within two (2) hours of discovery. The owner, operator, manager or person in charge shall report the results of any inventory record, test or inspection that indicates a hazardous material release to the Fire Marshal within two (2) hours of the discovery of such release.

10.5.1.3 The reporting of a release pursuant this section does not relieve any party of the obligation to report such spill or discharge to the New York State Department of Environmental Conservation or Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York section 613-6.2(c), as such provision may from time to time be amended or renumbered.

10.5.1.4 The Responsible Party for any release shall immediately clean-up and remove the discharged hazardous material and shall remediate any contamination that occurs as a result of the release. The Responsible Party for the release shall be responsible for all costs related to clean up and remediation including the cost of procuring equipment necessary for clean-up and remediation.

10.5.2 Compliance – in addition to this Ordinance

10.5.2.1 Any party who manufactures, uses, and/or stores hazardous materials shall also comply with the requirements of the *Fire Code of the State of New York*, and Article XI of the Nassau County Public Health Ordinance, as well as this Ordinance.

10.5.2.2 Any person or party who transports hazardous materials within the County shall comply with federal transportation regulation, as applicable (Federal *Hazardous Materials Regulations* - 49 CFR Parts 100-185).

10.5.3 Safe Use

10.5.3.1 Any party who stores, manufactures, or uses hazardous materials shall not create a dangerous situation or environment through the storage, manufacturing or use of any hazardous materials.

10.5.3.2 Hazardous materials shall be used and stored in accordance with manufacturer's recommendations and guidelines. Parties shall refer to Safety Data Sheets or other approved documentation for this information.

10.5.3.3 Use of devices, equipment, systems and processes utilized for the storage, handling and use of hazardous materials shall be in accordance with the *Fire Code of New York State* and the regulations of the New York State Department of Environmental Conservation.

Section 10.6 Enforcement, Emergency Response, and Mitigation

10.6.1 Upon notification or discovery of any release (except for an authorized release) or violation of the provisions of this Ordinance the Fire Marshal in conjunction with any assisting response agency may immediately investigate the facts and circumstances surrounding the release or violation. Unless pre-empted by New York State or federal law or regulations, the Fire Marshal shall be the lead agency investigating the release or violation.

10.6.2 Enforcement

10.6.2.1 If a release has occurred or a violation is found to exist, the Fire Marshal may take any appropriate action under this Ordinance. The Fire Marshal shall give the responsible party the opportunity to mitigate the release or violation. Any order of the Fire Marshal shall specifically indicate the conditions that must be abated or mitigated and the time when that abatement or mitigation must be completed. The Responsible Party for a release will have the option to initiate cleanup and disposal, provided that no unreasonable delay in the opinion of the Fire Marshal or danger to property or the public would result.

10.6.2.2 A written statement shall be given to the Responsible Party indicating that that party shall be liable pursuant to Section 10.7 of the Ordinance for the costs incurred by the Fire Marshal and all other responding agencies, and that after the violation or release

is abated, corrected or remediated, a bill shall be sent to the party charging the party the amount of costs incurred by the Fire Marshal and any responding agencies.

10.6.2.3 Emergency response. If a hazardous material release occurs, the Fire Marshal and/or one or more responding agencies may take reasonable steps to abate any condition associated with the hazardous materials release and may take reasonable steps to cleanup any area affected to assure the continuing safety of the public and the environment, if any of the following circumstances exists:

1. The identity of the Responsible Party for the facility where the hazardous material release occurred is unknown at the time of the release and cleanup;

2. A situation exists that presents an imminent danger to the facility's employees and/or the general public, and the party responsible for the facility where the hazardous materials release occurred is not taking sufficient actions to abate and minimize such imminent danger;

3. Injunctive relief. The County Attorney on behalf of the Fire Marshal is empowered to seek injunctive relief for violations of this Article should other means prove ineffective and a threat to public health and safety or the environment exists.

Section 10.7 Cost Recovery by the Fire Marshal and Responding Agencies.

10.7.1 Cost recovery shall be available to the Fire Marshal and any responding agencies working in conjunction with the Fire Marshal pursuant to this Ordinance.

10.7.2 Cost recovery shall encompass any and all of the following costs and expenses that directly resulted from a hazardous materials incident or a threatened release, and that were directly incurred by the Fire Marshal and/or other responding agencies when working with the Fire Marshal:

10.7.2.1 The reasonable and necessary costs incurred for response, incident assessment, control, containment and abatement of a hazardous material incident or a threatened release;

10.7.2.2 The reasonable costs associated with transportation and storage of hazardous materials if necessary for control and containment of a hazardous material incident or a threatened release;

10.7.2.3 The reasonable and necessary costs of ensuring the safety of the public, both on and off the site of the hazardous materials incident or a threatened release;

10.7.2.4 The reasonable and necessary costs of repairing or replacing equipment damaged or destroyed as a direct result of a hazardous material incident or a threatened release;

10.7.2.5 The reasonable and necessary contract labor and equipment costs, including those allowed to volunteer fire departments, directly related to a hazardous material release;

10.7.2.6 The reasonable and necessary overtime costs for time devoted specifically to a hazardous material incident or a threatened release;

10.7.2.7 The reasonable and necessary costs of disposable materials and supplies consumed and expended as a result of a hazardous material incident or a threatened release;

10.7.2.8 The reasonable and necessary costs of the decontamination of equipment utilized during and after a hazardous material incident or a threatened release;

10.7.2.9 The reasonable and necessary laboratory costs associated with analyzing samples taken associated with a hazardous material incident or a threatened release.

10.7.3 All responding agencies shall keep a detailed record of costs and expenses associated with a hazardous material release or response to a threatened release, including receipts when available.

10.7.4 The Fire Marshal and responding agencies shall not recover:

1. costs incurred for fire suppression services that are routinely provided by Fire Departments within the County;

2. costs associated with normal wear and tear of equipment used by responding agencies; or,

3. any other costs typically incurred by the Fire Marshal or other responding agencies associated with routine code enforcement or response duties.

10.7.5 A claim by a responding agency for cost recovery from Responsible Party as determined based upon investigation, along with any supporting documentation, shall be submitted within thirty (30) days of the incident , or of the discovery of damage to any equipment specifically related to the incident, to the Fire Marshal. It is the responsibility of each responding agency to fully document and support any claim for reimbursement.

10.7.6 The Fire Marshal shall forward all claims for reasonable and necessary costs, to the Responsible Party (i.e. – transportation) within thirty (30) days. All claims for costs shall be paid by the responsible party within ninety (90) days of their receipt.

10.7.7 Cost recovery shall not be deemed a fee or penalty, as defined within this Ordinance.

10.7.8 Any claim for cost recovery may be appealed, in writing by certified mail, return receipt requested, to the Fire Commission. The Fire Commission shall within twenty-one days of the receipt of the appeal, make a written determination whether the costs were reasonable, necessary and consistent with this Article. The written determination shall be provided to the appealing party and shall constitute a final agency determination.

Section 10.8 Hazardous Materials Permit

10.8.1 Permit Required

10.8.1.1 All facilities where hazardous materials are sold, stored, or used at or above the quantities listed in Table 10.8.1.1 of this Article for any classification of material shall be required to have a permit issued by the Fire Marshal except for locations where a permit is issued under Article XV (Bulk Petroleum Storage), Article VI (Liquid Petroleum Gas) or Article XIX (Liquid and Solid Oxidizing Materials) of this Ordinance if no other kind of hazardous material is present; a determination that the quantity of hazardous material requires a permit will be based upon.

10.8.1.1.1 a package's, a container's, or a tank's maximum capacity even if the container, package or tank is not at full capacity and/or

10.8.1.1.2 the maximum amount of hazardous materials a facility may have on hand at any given time during the course of a year, and/or

10.8.1.1.3 the aggregate amount of all hazardous materials within a building, structure or facility.

10.8.2 Application for Permit

Any party selling or storing hazardous materials as defined in Section 10.2 of this Ordinance, shall obtain a Hazardous Materials Permit from the Fire Marshal on a form provided by the Fire Marshal. The appropriate fee as set forth in Article XXII of this Ordinance shall accompany the application for a permit.

10.8.3 Review and Issuance

The Fire Marshal shall review all applications submitted, to determine compliance with applicable provisions of this Ordinance and other applicable rules and regulations and issue permits. If an application for a permit is rejected by the Fire Marshal, he shall advise the applicant of the reason for such rejection. The denial of a permit may be appealed to the Fire Commission within thirty (30) days in writing directed to the Chief Fire Marshal.

10.8.4 Display of Permits

The permit shall be prominently displayed at each location manufactured used or stored. The display location shall make the permit readily available for inspection by the Fire Marshal, or other code enforcement official(s), upon request.

10.8.6 Expiration

A Hazardous Materials Permit shall expire three (3) years from the date of issuance unless the permit is revoked or suspended by the Fire Marshal.

10.8.7 Failure to Renew in a Timely Manner

The Fire Marshal may direct the removal of hazardous material from or the closure of any facility when a Hazardous Material Permit is not renewed. The renewal of any Hazardous Materials Permit more than thirty (30) days after it expires shall be subject to a late-renewal fee set forth in Article XXII.

Table 10.8.1.1

MATERIAL	CLASS	COMMENTS	AMOUNT REQUIRING PERMIT(e)
Combustible Liquids (a)	IIIA IIIB	Liquid/Physical Hazard	330 Gallons 12,000 Gallons
Cryogenics, Flammable	Not Applicable	Liquid/Physical Hazard	45 Gallons
Cryogenics, Oxidizing	**Not Applicable**	**Liquid/Physical Hazard**	**45 Gallons**
Explosives	Division 1.1 **Division 1.2** Division 1.3 **Division 1.4** Division 1.4G **Division 1.5** Division 1.6	Solid/Physical Hazard **Solid/Physical Hazard** Solid/Physical Hazard **Solid/Physical Hazard** Solid/Physical Hazard **Solid/Physical Hazard** Solid/Physical Hazard	1 Pound **1 Pound** 5 Pounds **50 Pounds** 100 Pounds **1 Pound** 1 Pound
Flammable Gas (See also Article VI, Liquid Petroleum Gas)	Gaseous **Liquefied**	Gas/Physical Hazard **Liquid/Physical Hazard**	1,000 cubic feet at NTP(g) **30 Gallons**
Flammable Liquids (b)	1A **1B and 1C**	Liquid/Physical Hazard **Liquid/Physical Hazard**	30 Gallons **120 Gallons**
Flammable Solid	Pigs, ingots, billets, heavy castings **Light castings, light metallic products** Scraps, shavings, powders, dusts	Solid/Physical Hazard **Solid/Physical Hazard** Solid/Physical Hazard	1,000 Pounds **125 Pounds** 1 Pound
Organic peroxide	**Solid/Liquid**	**See Art XIX of this Ordinance**	(c)
Oxidizer	Solid/Liquid	See Art XIX of **this Ordinance**	(c)
Oxidizing gas	**Gaseous** Liquefied	**Gas/Physical Hazard** Liquid/Physical Hazard	**1,500 cubic feet at NTP(g)** 15 Pounds
Pyrophoric Material, detonable	(d)	Physical Hazard	1 Pound
Pyrophoric Material, nondetonable	**N/A**	**Physical Hazard**	**4 Pounds**

Table 10.8.1.1 continued

MATERIAL	CLASS	COMMENTS	AMOUNT REQUIRING PERMIT(e)
Unstable (reactive) detonable	**See Remarks (d)**	**Physical Hazard**	**1 Pound**
Unstable (reactive) nondetonable	4 **3** 2 **1**	Physical Hazard **Physical Hazard** Physical Hazard **Physical Hazard**	1 Pound **5 Pounds** 50 Pounds **1,000 Pounds**
Water-reactive detonable	3 **2**	Physical Hazard **Physical Hazard**	1 Pound **1 Pound**
Water-reactive nondetonable	3 **2** 1	Physical Hazard **Physical Hazard** Physical Hazard	5 Pounds **50 Pounds** 1,000 Pounds
Corrosive	Solid **Liquid**	Health Hazard **Health Hazard**	5,000 Pounds **500 Gallons**
Highly Toxic	Liquid **Solid** Gas	Health Hazard **Health Hazard** Health Hazard	2 Gallons **10 Pounds** 20 cubic feet at NTP
Toxic	Liquid **Solid** Gas	Health Hazard **Health Hazard** Health Hazard	50 Gallons **500 Pounds** 800 cubic feet at NTP
Radioactive **See Remark (f)**	Sealed source or sources **Not contained in sealed source**	Health Hazard **Health Hazard**	1 microcurie (37,000 bacquerel) **1 millicurie (37,000,000 becquerel**)

(a) Except Combustible Liquids used only for house or building heating, exclusively
(b) Except for Flammable Liquids in storage or use that is already Permitted under Article XV of this Ordinance
(c) Oxidizers and Organic Peroxides (Liquid and Solids) are regulated under Article XIX of this Ordinance
(d) Unclassified detonable organic peroxides, detonable pyrophoric materials, detonable unstable (reactive) materials and detonable water-reactive materials shall be treated as explosives for purposes of storage, handling and use
(e) For conversion purposes, where not otherwise specifically stated, for gallons of liquids, divide the amount by 10 for pounds
(f) 1 microcurie (37,000 becquerel) of radioactive material not contained in a sealed source or more than 1 millicurie (37,000,000 becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required
(g) *NTP = normal temperature/pressure* = 20°C (68°f) and 1 atm (atmosphere)

Section 10.9 General Rule Applicable To All Hazardous Materials

Regardless of quantity of a given hazardous material, it shall be used, stored and safeguarded in accordance with manufacturer's recommendations, with generally accepted industry standards and best practices.

Section 10.10 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 10.11 Penalties

10.11.1 Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XI
Board-Up Companies and Restoration Businesses

Section 11.0 Scope

This Article pertains to companies that board-up buildings after fires or other emergency events and businesses that offer services to restore structures after fires and other emergency events.

Section 11.1 Adoption of Generally Accepted Standards

11.1.1 Where there is a difference between the provisions of this Article and any standards referenced in this Article, the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

11.1.2 Deviations from any NFPA Standards listed or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 11.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

BOARD-UP SERVICES – the act of boarding up, tarping or otherwise securing a residential or commercial building damaged by fire, flood, hurricane, storm or other emergency event.

BOARD-UP BUSINESS –any person, corporation, firm, proprietorship or other entity or business or organization that engages in a business that provides board-up services.

RESTORATION SERVICES—the act of cleaning or restoring a residential or commercial building damaged by fire, flood, hurricane, storm or other emergency event.

RESTORATION BUSINESS—any person, corporation, firm, proprietorship or other entity or business or organization that engages in a business that provides restoration services.

Section 11.3 License Required

11.3.1 All board-up or restoration businesses must possess a license from the Fire Marshal in accordance with Article XX of this Ordinance.

11.3.1.1 Home improvement or environmental hazard remediation contractors duly licensed by the Nassau County Department of Consumer Affairs shall be required to apply for a license but shall be exempt from any license fees. Home improvement contractors shall present their home improvement license when applying for a board-up and restoration business license. All Certificate of Fitness requirements, including fees, shall still apply.

11.3.2 No license shall be issued to any party who has been convicted of a felony or who has a felony charge pending against them. The records of a court of appropriate jurisdiction shall be accepted as proof of acquittal of a felony or other positive disposition of a felony charge.

11.3.3 No license shall be issued to any party whose home improvement or environmental hazard remediation license has been revoked or suspended by the Nassau County Department of Consumer Affairs. No license shall be issued to any party who fails to disclose that his/hers/its home improvement or environmental hazard remediation license has been revoked or suspended by the Nassau County Department of Consumer Affairs.

11.3.4 The suspension or revocation of a home improvement or environmental hazard remediation license held by board-up or restoration business shall result in the immediate suspension or revocation of that business's board-up or restoration license, as appropriate.

11.3.5 All vehicles used by board-up and restoration companies and their employees shall display all County-issued license numbers.

Section 11.4 Certificate of Fitness

11.4.1 It shall be unlawful for any employee, owner, partner, salesman, or representative of any board-up or restoration business to engage in any board-up or restoration activity, including solicitation of business, either in person or by telephone, within the County, unless he or she has obtained a valid Certificate of Fitness issued by the Fire Marshal in accordance with Article XX of this Ordinance. Such certificate is subject to revocation by the

Fire Marshal at any time where the certificate holder displays evidence of non-compliance with the provisions of this Ordinance.

11.4.1.1 Employees of any local government who board-up structures or otherwise perform board-up services in their official capacity are exempted from obtaining a Certificate of Fitness.

11.4.2 No Certificate of Fitness shall be issued unless a valid board up or restoration business license has been issued to the board up or restoration business on whose behalf such applicant is engaged.

11.4.3 An individual's initial Certificate of Fitness shall be valid for a period of one year from date of issuance. A renewal Certificate of Fitness shall be valid for a period of two years from date of issuance.

Section 11.5 Responsibilities of Board-up and Restoration Companies—Interference with Police and Fire Operations

11.5.1 All work performed by board-up or restoration businesses shall conform to the standards of boarding and securing of property established by the Federal Department of Housing and Urban Development.

11.5.2 Any person employed by or operating a board-up or restoration business shall not interfere with the operations of any fire department, police department, ambulance or rescue service provider or the Fire Marshal and must stay behind fire or police lines unless authorized to cross by a police officer, Fire Chief or Fire Marshal.

11.5.3 In the event that no physical fire or police line has been set up, no employee or operator of a board-up or restoration business shall come within 500 feet of any damaged property until all fire department, police department, and fire marshal personnel and vehicles have left the scene.

11.5.4 Any employee or operator of a board-up or restoration business who approaches or otherwise contacts the owner of property that is the subject of police and/or fire operations shall be deemed to be interfering in such operations. As long as police and/or fire department vehicles are present, police and/or fire operations shall be deemed to be ongoing. A police officer, Fire Chief or the Fire Marshal may grant permission to an employee or operator of a board-up or restoration business to approach or contact a property's owner while police and/or fire operations are ongoing.

11.5.5 Any person employed by or operating a board-up or restoration business shall promptly comply with all orders or directives given by fire fighters, police officers, or the Fire Marshal.

Section 11.6 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XII
Alternative Automatic Fire-extinguishing System

Section 12.0 Scope

This Article pertains to installation, modification, maintenance and use of Alternative Automatic Fire-extinguishing System in the County. Exempt from this article will be any extinguishing system used in the protection of dispensing of Flammable/Combustible liquids as regulated by Article III, application of Flammable Finish as regulated by Article V, and Kitchen systems as regulated by Article XXI.

Section 12.1 Adoption of Generally Accepted Standards

12.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 12	Standard on Carbon Dioxide Extinguishing Systems
NFPA 12A	Standard on Halon 1301 Fire Extinguishing Systems
NFPA 16	Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
NFPA 17	Standard for Dry Chemical Extinguishing Systems
NFPA 17A	Standard for Wet Chemical Extinguishing Systems
NFPA 70	National Electrical Code®
NFPA 72	National Fire Alarm and Signaling Code
NFPA 2001	Clean Agent Fire Extinguishing System
NFPA 750	Water Mist Fire Protection System

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

12.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In

the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

12.1.3 Deviations from the NFPA Standards listed above or this Ordinance are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 12.2 Definitions reserved

Section 12.3 Design drawings, Specifications and Approval for Automatic Fire Extinguishing Systems

12.3.1 Design drawings and specifications shall be submitted in accordance with Article XXIV of this Ordinance.

12.3.2 Requests for final approval shall be submitted in accordance with Article XXVII of this Ordinance.

12.3.3 There shall be a final inspection fee charged in accordance with the fee set forth in Article XXII of this Ordinance.

12.3.4 It shall be the responsibility of the owner or operator of the business and the authorized person, firm, business entity or corporation installing the Alternative Automatic Fire-extinguishing System to complete the installation in compliance with the manufacturer's specifications, the requirements of this Ordinance and the Fire Marshal.

12.3.5 Within seventy-two (72) hours after the completion of any installation, the date and time shall be set with the Fire Marshal, for an acceptance test of the system in accordance with Article XXVII of this Ordinance.

Section 12.4 Installation and Approval

12.4.1 Installation

12.4.1.1 All systems shall be installed in accordance with NFPA 2001, NFPA 12 and NFPA 12A.

21.4.1.2 All Alternative Automatic Fire-extinguishing System shall conform to manufacturer's specifications.

Section 12.5 License Required

12.5.1 All persons, firms, business entities, or corporations installing, constructing, altering, replacing, modifying, inspecting or improving any Alternative Automatic Fire-extinguishing System shall obtain a license in accordance with Article XX of this Ordinance.

12.5.2 The fee to be charged for this section shall be in accordance with the fee set forth in Article XXII of this Ordinance.

12.5.3 The Fire Marshal may, at any time, require reasonable information of an applicant or a licensee, and may require the production of books and records which relate to the installation, maintenance, construction, replacement or improvement of any Alternative Automatic Fire-extinguishing System or the qualifications for compliance with this Ordinance by the applicant or licensee.

12.5.4 It shall be a violation of this Ordinance for any person, entity, or corporation to service, install, maintain, construct, or improve any Alternative Automatic Fire-extinguishing System without having been certified by its manufacturer and licensed by the Fire Marshal.

12.5.5 Permit Required for Alternative Automatic Fire-extinguishing System

12.5.5.1 All Alternative Automatic Fire-extinguishing System installations, replacements, alterations, modifications or improvements hereinafter made, require a permit, in accordance with Article XX of this Ordinance.

12.5.5.2 The fee to be charged for this section shall be in accordance with the fee set forth in Article XXII of this Ordinance.

12.5.5.3 Such permit shall be transferable to any subsequent owner or lessee of the premises.

12.5.5.4 The permit shall be issued after the following:

1. The design drawings and application have been reviewed and approved by the Fire Marshal in accordance with Article XXIV of this Ordinance.

2. Receipt of the fee by the Fire Marshal as set forth in Article XXII of this Ordinance.

3. Final approval has been granted by the Fire Marshal in accordance with Article XXVII of this Ordinance.

12.5.5.5 Every person, firm, business entity or corporation applying for a license shall furnish satisfactory proof to the Fire Marshal that he is familiar with materials, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturers recommendations pertaining to the particular system, materials, devices or operations he will be involved with and for which the license is issued. Proof shall include a written statement or certificate issued by the appropriate manufacturer or manufacturers. The license shall indicate which manufacturers' systems licensee is qualified to install.

Section 12.6 Maintenance and Inspection

12.6.1 Alternative Automatic Fire-extinguishing System shall be inspected every six (6) months by a qualified person, firm, business entity or corporation licensed by the Fire Marshal to install such systems.

12.6.1.1 A tag attesting to this inspection shall be affixed to the agent cylinder, and every manual pull station. This tag shall not be red in color, and shall show the following information:

1. Pre-printed Licensed contractor's name, address and phone number.
2. Pre-printed the license number of the licensee, assigned by the Fire Marshal.
3. Printed name of service person or technician.
4. Signature of service person or technician.
5. Pre-printed day, month and year of service, all of which shall be punched.
6. The location ID assigned by the Fire Marshal.
7. The permit number assigned by the Fire Marshal.
8. Date of agent cylinder hydrostatic test.
9. Agent cylinder model number and serial number.
10. Pre-printed tag number, unique to each tag.

12.6.1.2 The Fire Marshal shall be notified of the results of any inspection of and maintenance performed on an Alternative Automatic Fire-

extinguishing System on a form provided by the Fire Marshal. Any deficiency shall be specifically noted.

12.6.2 Non-compliant Systems

12.6.2.1 If during maintenance or inspection, a system or part of a system is found to be defective or non-compliant, a red tag shall be attached. Immediately after attaching a red tag, the service person or technician shall orally notify the building owner or the building owner's representative of the reason or reasons for the red tag. The service person or technician shall also provide written notice to the building owner or the building owner's representative and the Fire Marshal of all red tags. The written notice shall be emailed, faxed or hand delivered within twenty four (24) hours of the attachment of the red tag.

12.6.2.2 A red tag may only be removed by an authorized employee of a licensed contractor or the Fire Marshal after the service person or technician completes and attaches a service tag that indicates the impaired conditions were corrected.

12.6.2.3 Red tags may be printed for a multiple period of years.

12.6.2.4 Red tags shall be the same size as service tags.

12.6.2.5 Red tags shall contain the same information as the normal service tag and in addition list the nature of the impairment.

Section 12.7 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 12.8 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XIII
Means of Egress

Section 13.0 Scope

This Article pertains to means of egress and emergency lighting in all occupancies; as well as occupant loads of all occupancies.

Section 13.1 Adoption of Generally Accepted Standards

13.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 101 Life Safety Code

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

13.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

13.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 13.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

ACCESSIBLE MEANS OF EGRESS – A continuous and unobstructed path of egress travel from any accessible point in a building or facility to a public way.

AISLE – An exit access component that defines and provides a path of egress travel.

CORRIDOR – An enclosed exit access component that defines and provides a path of egress travel to an exit.

EXIT – That portion of a means of egress system which is separated from other interior spaces of a building or structure by fire-resistance-rated construction and opening protective as required to provide a protected path of egress travel between the exit access and exit discharge. Exits include exterior exit doors at ground level, exit enclosures, exit passageways, exterior exit stairs, exterior exit ramps and horizontal exits.

EXIT ACCESS – That portion of a means of egress system that leads from any occupied portion of a building or structure to an exit.

EXIT DISCHARGE – That portion of a means of egress system between the termination of an exit and a public way.

EXIT ENCLOSURE – An exit component that is separated from other interior spaces of a building or structure by fire-resistance-rated construction and opening protective, and provides for a protected path of egress travel in a vertical or horizontal direction to the exit discharge or the public way.

EXIT PASSAGEWAY – An exit component that is separated from all other interior spaces of a building or structure by fire-resistance-rated construction and opening protective, and provides for a protected path of egress travel in a horizontal direction to the exit discharge or the public way.

FIRE EXIT HARDWARE – Panic hardware that is listed for use on fire door assemblies.

MEANS OF EGRESS – A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of consists of three separate and distinct parts: the exit access, the exit and the exit discharge.

OCCUPANT LOAD – The number of persons for which the means of egress of a building or portion thereof is designed.

OCCUPIED – A building, structure or tenant space that has a certificate of occupancy or certificate of completion issued by the local building department.

OCCUPIED SPACE – A portion of a building or structure in which the public or employees are present, to which a continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way is required.

PANIC HARDWARE – A door-latching assembly incorporating a device that releases the latch upon the application of a force in the direction of egress travel.

PUBLIC WAY – A street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than ten (10) feet.

SECONDARY LOCKING DEVICES – Door latching devices including, but not restricted to: key operated locks; slide-bolts; drop bars, thumb-operated locks; rotating door knobs.

Section 13.3 Maintenance of Exit Ways

13.3.1 No person shall, at any time, place an encumbrance of any kind before or upon any fire escape, balcony or ladder intended as a means of escape from fire.

13.3.2 No person shall place, or permit to be placed, on or under any means of egress, any materials the burning of which would obstruct or render hazardous, egress from the building.

13.3.3 Aisles shall be not less than forty-four (44) inches wide for main aisles and thirty-six (36) inches wide for secondary aisles. All designated aisles shall be kept clear and unobstructed at all times. No aisle, passageway, stairway, vestibule or lobby in any occupancy shall be obstructed during hours such occupancy is open to the public.

13.3.4 All doors in or leading to required exit ways shall be kept unlocked at all times when the building or floor area served thereby is occupied by the public or employees.

13.3.5 There shall be no device installed on any designated exit door that would delay the immediate opening of the door, except immediate egress may be delayed in Institutional (I) Occupancies as defined in the *New York State Uniform Fire Prevention and Building Code*.

13.3.6 There shall be panic hardware installed on designated exit doors. No secondary locking devices shall be permitted on any designated exit door, except in Institutional (I) Occupancies and Educational (E) Occupancies as defined in the *New York State Uniform Fire Prevention and Building Code*.

Section 13.4 Exit Signs

13.4.1 In rooms accommodating fifty (50) or more persons, required exit doors shall be plainly marked by approved exit signs which shall be illuminated at all times and readily distinguishable from any place in the room.

13.4.2 Where the exit doorways are not visible from all locations in public rooms and corridors, approved directional exit signs shall be placed on walls or otherwise displayed in conspicuous locations to direct occupants to exit doorways.

13.4.3 Exit signs shall either be self-illuminated or be connected to an on-site generator or have battery back-up to ensure illumination of not less than 90 minutes during main power loss.

Section 13.5 Lighting of Exit Ways

13.5.1 Required stairways, hallways and other means of egress, including exterior open spaces to or through which exit ways lead, shall be kept adequately lighted at all times that the building served thereby is occupied.

13.5.2 The building owner or person in authority shall ensure that all means of egress, including all exits, exit access and exit discharge, are adequately illuminated at all times when the building is occupied, pursuant to the requirements set forth in the *New York State Uniform Fire Prevention and Building Code*.

13.5.3 The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas:

1. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress.

2. Corridors, exit enclosures and exit passageways in buildings required to have two or more exits.

3. Exterior egress components at other than the level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.

4. Interior exit discharge elements

5. Exterior landings, for exit discharge doorways in buildings required to have two or more exits.

6. Public restrooms in occupancy groups A, B, E, F and M, with two or more toilets or one toilet and one or more urinals installed.

7. Electrical panel rooms or areas near electrical panels.

The emergency electrical system shall provide power for a duration of not less than 90 minutes. Storage batteries, unit equipment or an on-site generator may be used.

13.5.4 Where the *New York State Uniform Fire Prevention and Building Code* requires that a building have an emergency power system for means of egress illumination, the owner and operator of such building or a portion of such building occupied by a single tenant shall conduct a load test of the system. Except as otherwise provided in this section, the Fire Marshal shall observe the load test. The building owner shall provide the Fire Marshal with a completed emergency lighting test application on a form provided by the Fire Marshal and a testing schedule and shall pay the fee set forth in Article XXII of this Ordinance prior to the commencement of the load test. If the emergency lighting system observed by the Fire Marshal fails the load test, the owner shall correct the deficiencies and re-test the emergency lighting system in the presence of the Fire Marshal within thirty (30) days and pay the fee set forth in Article XXII of this Ordinance.

13.5.4.1 The Fire Marshal's observance of the load test is required in building or the portion of the building with the following occupancies classifications:

1. All Assembly (A) occupancies

2. All Business (B) occupancies 5,000 square foot or greater

3. All Education (E) occupancies

4. All Factory (F) occupancies 10,000 square foot or greater

5. All High Hazard (H) occupancies 10,000 square foot or greater

6. All Institutional (I) occupancies with and exception to sleeping areas

7. All Mercantile (M) occupancies 5,000 square foot or greater

8. All Residential(R) occupancies, except those defined in the Residential Code of New York State. Dwelling units and sleeping units will not be tested.

9. All Storage (S) occupancies 10,000 square foot or greater.

Section 13.6 Doors to be Kept Closed

13.6.1 It shall be unlawful to block open any stairway enclosure door which leads to or from a floor of the building and which by law is required to be itself-closing.

13.6.2 It shall be unlawful to prevent any fire door, any door labeled as a fire door, any rated door, any door with a self-closing device, any door connected to magnetic hold-open device integrated with an alarm system from closing automatically.

13.6.3 It shall be unlawful to maintain in the open position any fire door, any door labeled as a fire door, any rated door or any door with a self-closing device unless the door is held open by an approved device that will cause the door to completely close and latch automatically upon the activation of the fire alarm or fire detection system.

Section 13.7 Turnstiles

13.7.1 No turnstile, or similar device, to restrict travel to one direction shall be so placed as to obstruct any required exit.

13.7.2 No turnstile or similar device shall be placed in any required exit, or barring the way of access thereto or travel therefrom, unless immediately adjacent or within twenty (20) feet, there is a swinging door or gate opening freely in the direction of exit travel, or an open passage serving the same general path of travel as the turnstile or similar device.

13.7.3 Turnstiles, or similar devices, in or furnishing access to, required exits shall be of such design as to provide twenty-two (22) inches clear width as the turnstile rotates or the device opens.

Section 13.8 Occupant Loads in Assembly Occupancy

13.8.1 Posting of Occupant Load Required. The occupant load of an Assembly Group A occupancy, as defined in the *Building and Fire Code of New York State,* shall be conspicuously posted in such occupancy by the main public entrance. The owner of such occupancy, or his or her authorized agent,

shall be responsible for maintaining such occupant load sign in good and legible condition.

13.8.2 Overcrowding in Assembly Occupancies

The owner of an Assembly Group A occupancy, as defined in the *Building and Fire Code of New York State*, or his or her authorized agent, shall be responsible for ensuring that the number of people in such occupancy does not exceed the occupant load of the occupancy established by the local building code enforcement officer or authority having jurisdiction over the occupancy and posted in accordance with Section 13.8.1 of this Ordinance. At no time shall such owner or authorized agent of such occupancy permit the occupant load to exceed the capacity of the means of egress, nor shall the occupancy load exceed one occupant per 5 square feet of occupied space.

13.8.3 Orders to Vacate

When the maximum occupant load in an Assembly Occupancy is exceeded, all persons ordered to vacate the premises by the management of the premises, a local building code enforcement officer, a police officer or the Fire Marshal shall do so immediately.

Section 13.9 Overcrowding in Occupancies other than Assemblies

The Owner of an occupancy, as defined in the *Fire Code of New York State* other than an Assemblies, or his or her authorized agent, shall be responsible for ensuring that the number of people in such occupancy does not exceed the occupant load of the occupancy established by the *Building Code of New York State.* At no time shall such owner or authorized agent of such occupancy permit the occupant load to exceed the defined occupant load.

Section 13.10 Uniform Fire Service Elevator Key

There shall be an elevator key box containing the fire service keys for the elevator. This elevator key box shall be located in the lobby of any building or structure that installs an elevator(s) at the point of fire service access. The local fire department and the Fire Marshal shall be notified in writing by the owner of the building or structure detailing its location.

Section 13.11 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 13.12 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

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ARTICLE XIV
Miscellaneous

Section 14.0 Scope

This Article pertains to topics not covered in specific Articles of this Ordinance.

Section 14.1 Adoption of Generally Accepted Standards

14.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 701 Standard Methods of Fire Tests for Flame Propagation of Textiles and Films

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

14.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

14.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 14.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

AGRICULTURAL WASTE – Any waste from naturally grown products such as vines, trees and branches from orchards, leaves and stubble. In addition, any fully organic waste either grown or generated on the premises, including but not limited to paper feed bags, wood shavings used for livestock bedding, bailing twine, and other non-plastic materials.

Agricultural waste does not include pesticide containers, fertilizer bags, large plastic storage bags (including bags commonly known as “Ag bags”), offal, tires, plastic feed bags, and other plastic or synthetic materials.

BONFIRE – An outdoor fire utilized for ceremonial purposes.

CANOPY – A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is without sidewalls or drops on seventy-five (75) percent or more of the perimeter.

OPEN BURNING – The burning of materials wherein products of combustion are permitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

RECREATIONAL FIRE – An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, chimineas, barbeque grill or barbeque pit and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

SPONTANEOUS COMBUSTION – The occurrence of self-heating of combustibles followed by thermal runaway and finally ignition

TENT – A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner, except by air or the contents it protects.

UNTREATED WOOD – Any wood or lumber which is not chemically treated, coated, stained, sealed, glued or otherwise adulterated. Untreated wood does not include such materials as pressure treated lumber, plywood, particle board, fiberboard, and oriented strand board.

Section 14.3 Bonfires, Recreational Fires & Open Burning.

14.3.1 No person shall kindle, maintain, authorize or permit any bonfires, recreational fires or open burning on or in any street, alley, road, land or public grounds or upon any private lot, unless conducted in accordance with this section and with the *Building and Fire Code of New York State* and with Part 215 of Chapter III of the regulations of the New York State Department of Environmental Conservation. Except for fires that are used to dispose of a flags or religious items that are used in connection with a religious ceremony as defined in the Fire Code of New York State.

Section 14.4 Deposit of Materials Liable to Spontaneous Ignition

14.4.1 Hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall not be deposited in a combustible receptacle, within ten (10) feet of building openings or other combustible material including combustible construction.

14.4.2 Such materials, when deposited in non-combustible receptacles may be within four (4) feet of building openings or other combustible material including combustible construction.

14.4.3 Receptacles for such materials shall be provided with noncombustible covers/lids and shall be listed by the manufacturer for such use. Contents of such containers shall be removed and disposed of daily at the end of the day.

Section 14.5 Removal of Brush

All weeds, grass, vines or other growths within twenty-five (25) feet of any building or structure that endangers property or is capable of being ignited shall be cut down and removed by the owner or occupant of the premises.

Section 14.6 Use of Combustible Materials for Decoration Restricted

Except where permitted by the Fire Marshal, cotton batting, straw, dry vines, leaves, trees, celluloid, paper 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 to meet the flame propagation requirements of NFPA 701. The flame proofing product shall be approved by the Fire Marshal and applied in accordance with manufacturer guidelines in the presence of the Fire Marshal. Written evidence of such treatment obtained guaranteeing the effective duration of the treatment, provided, however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale in stores.

Section 14.7 Maintenance of Exterior Gas Shutoffs

Where exterior gas shutoffs have been installed, the occupant of the premises shall, or if the premises are unoccupied, the owner of the premises served by the gas line governed by such shutoff shall maintain the shutoff free from any covering of soil, concrete or any other material which conceals the shut-off or interferes with its accessibility.

Section 14.8 Tents, Canopies and Other Membrane Structures

Tents, canopies and membrane structures shall comply with this section and Chapter 24 of the *Building and Fire Code of New York State*.

14.8.1 A tent permit shall be secured prior to the erection and/or use of a tent or membrane structure having an area greater than two hundred (200) square feet or for any canopy having an area greater than four hundred (400) square feet.

14.8.2 Any tent, canopy or membrane structure where cooking is performed within the tent, canopy or membrane structure shall require a tent permit regardless of size, except that tents used exclusively for recreational camping purposes and occupied by the tent owner or members of the tent owner's family shall be exempt solely from the requirement of securing a tent permit from the Fire Marshal. Such exemption does not relieve the owner/user from any other requirements of any other Authority having jurisdiction or from the *Building and Fire Code of New York State*.

14.8.3 No tent permit for the erection and/or use of a tent, canopy or membrane structure shall be issued until the certification required by the *Building and Fire Code of New York State* has been provided to the Fire Marshal for the tent, canopy or membrane structure being permitted. Such certification shall be submitted together with the tent permit application and fee set forth in Article XXII of this Ordinance.

14.8.4 A copy of the certification required by the *Fire Code of New York State* and a copy of the tent permit shall be readily available for inspection at the permitted tent, canopy or membrane structure site.

14.8.5 A tent permit will expire upon the taking down of the tent, canopy or membrane structure or in six (6) months from the date of issue of the permit, depending on which shall occur first.

14.8.6 The applicant for a tent permit shall pay the fee set forth in Article XXII of this Ordinance.

Section 14.9 Waste Container Extinguishment

Any receptacle, dumpster, compactor, bin or container larger than five cubic yards, or having its opening higher than five feet above grade, used for

refuse, garbage, waste, debris, rubbish, litter, junk, scrap, or trash, shall have a two and one-half (2½) inch female swivel hose coupling permanently installed between six (6) inches and twelve (12) inches of the highest point on the container, bin, or receptacle, to create a water injection port to permit a fire department to apply water to any combustible material inside the container. Compactors or divided containers shall have a minimum of two water injection ports. Compactors shall have a water injection port installed at the loading end a second water injection port installed at the compacted (packed) end. The hose coupling shall be equipped with a matching male cap. The coupling threads shall be New York Corporation, 3.000 x 8 threads per inch. The coupling and surrounding area of one square foot shall be marked with a fluorescent yellow or fluorescent orange color. It shall be the responsibility of the person, firm, or corporation which placed or cause to be placed any compactor, container, bin or receptacle to maintain and ensure the continued visibility and serviceability of each water injection port.

Section 14.10 Fire Watch—Impaired systems

Where a required fire sprinkler system, fire pump, Carbon Monoxide motoring system, or fire/smoke detection and fire alarm system is out of service or has been found to have an impairment as defined in this Ordinance, the fire department and Fire Marshal shall be notified immediately of the existing conditions.

The building owner shall designate an impairment coordinator to insure compliance with all requirements of this section. The 24 hour contact information for the impairment coordinator shall be provided to the local fire department and the Fire Marshal.

A tag shall be affixed at the fire alarm control panel and the fire department connection to indicate that a system or part thereof, is out of service.

The building shall either be evacuated or, with the approval of the Fire Marshal, a fire watch shall be provided until the fire protection system has been returned to service.

Fire watch requirements:

1. Fire watch shall be performed by the fire watch officers; these officers shall be assigned no other duties than fire watch.

2. Management shall establish a chain of command among staff assigned to fire watch duties, additionally there shall be a clear line of succession in the event of absences.

3. Management shall ensure that fire watch officers are familiar with the procedures to follow in the recognition and reporting of an emergency, including:

   - When and how to use radio equipment, telephone and private or public boxes to summon aid.

   - How to notify the local fire department and other emergency response organizations.

   - The management personnel to be contacted if any emergency occurs.

4. Fire watch officers shall maintain a log book. This log shall clearly show all activities of the fire watch including locations patrolled and conditions found. This log shall be available for review at all times.

5. Management shall ensure that all areas of the premise, interior and exterior, will be patrolled by patrol routes. The route(s) shall be explicitly defined to ensure that the fire watch officer patrols the correct area.

6. Patrols shall be performed as often as necessary, however all areas of the facility shall be patrolled at a minimum of once per hour.

7. Management shall establish training for the fire watch officers to ensure they are familiar with the property being protected, including:

   - All buildings, occupancies and hazards.

   - Fixed fire protection systems.

   - Manual and automatic detection and alarm systems

   - Portable fire protection equipment

   - Emergency shutdown procedures and equipment for which they are responsible.

   - The facility emergency action plan.

8. The fire watch officer(s) shall be provided with a portable fire extinguisher as part of his/her normal equipment.

9. Fire watch officers shall be provided with a means for continuous communication with a constantly attended location. Management shall ensure that said communications equipment will function in all areas of the facility.

Section 14.11 Use of Portable Generators

14.11.1 The use of gasoline, liquefied petroleum gas (LPG), natural gas, kerosene, and diesel fueled portable generators shall be prohibited inside any occupied structure, attached garage, or basement.

The use of gasoline, liquefied petroleum gas (LPG), natural gas, kerosene, and diesel fueled portable generators shall be prohibited near doors, windows, vents and other openings that would allow carbon monoxide to enter any occupied space(s).

Section 14.12 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 14.13 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XV
Bulk Petroleum Storage Regulations

Article 15-1 General Provisions

15-1.1 Purpose

The purpose of this Part is to, pursuant to delegation by the New York State Department of Environmental Conservation, as authorized in accordance with Article XV of the Nassau County Public Health Ordinance, regulate the bulk storage of petroleum in Nassau County in order to protect public health and the environment.

15-1.2 Applicability

(a) Every facility in Nassau County, except facilities owned or operated by New York State, is subject to the provisions of this Part.

(b) Every on-shore major facility is subject to the provisions of this Part except for the provisions of section 1.9 of this Part.

(c) Every carrier is subject to the provisions of sections 2.2(a)(7), 3.2(a)(7), and 4.2(a)(7) of this Part.

(d) Any provision of this Part that imposes a requirement on a facility imposes that requirement on every operator and every tank system owner at the facility, unless expressly stated otherwise.

15-1.3 Definitions

(a) *Aboveground storage tank system* or *AST system* means any tank system that is not an underground storage tank system.

(b) *Accessible underground area* means an underground area – such as a basement, cellar, shaft, or vault – that allows for the physical inspection of the exterior of the tank.

(c) *Ancillary equipment* means fittings, flanges, valves, pumps, and other devices that are used to distribute, meter, or control the flow of petroleum to and from a tank.

(d) *Carrier* means a person who transports petroleum and delivers it into a tank system.

(e) *Category 1 tank system* means any tank system whose tank was installed before December 27, 1986.

(f) *Category 2 tank system* means any tank system whose tank was installed from December 27, 1986 through October 11, 2015.

(g) *Category 3 tank system* means any tank system whose tank was installed after October 11, 2015.

(h) *Cathodic protection* means the prevention of electrolytic corrosion of a metallic structure (tank or piping) by causing it to act as the cathode rather than as the anode of an electrochemical cell.

(i) *Cathodic protection tester* means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to metal portions of tank systems in contact with the ground. At a minimum, such persons must have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of metal portions of tank systems in contact with the ground.

(j) *Class A Operator* means the individual who has primary responsibility to operate and maintain the UST system(s) at a facility in accordance with applicable requirements of this Part. The Class A Operator typically manages resources and personnel to achieve and maintain compliance with the requirements of this Part.

(k) *Class B Operator* means the individual who has day-to-day responsibility for implementing applicable requirements of this Part. The Class B Operator typically implements field aspects of operation, maintenance, and associated recordkeeping for a UST system.

(l) *Class C Operator* means the individual who has primary responsibility for initially addressing emergencies presented by a spill or release from a UST system. The Class C Operator typically controls or monitors the dispensing or sale of petroleum.

(m) *Compatible* means, in the case of two or more substances, able to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the tank system.

(n) *Containment* means equipment that limits or prevents the spread of a petroleum release.

(o) *Corrosion expert* means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by

a professional education and related practical experience, is qualified to engage in the practice of corrosion control of metal portions of tank systems in contact with the ground. Such a person must be:

(1) a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of metal portions of tank systems in contact with the ground; or
(2) accredited or certified by NACE International as a corrosion specialist or cathodic protection specialist.

(p) D*epartment* means the Nassau County Department of Health.

(q) *Design capacity* means the amount of petroleum that a tank is designed to hold. If a certain portion of a tank is unable to store petroleum because of its integral design (for example, electrical equipment or other interior components take up space), the design capacity of the tank is thereby reduced. Actions taken to physically alter the design capacity of a tank (such as drilling a hole in the side of the tank so that it cannot hold petroleum above that point) will not change the design capacity of the tank.

(r) *Dielectric material* means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate tank systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the tank system (for example, tank from piping).

(s) *Dispenser system* means equipment located aboveground that meters the amount of petroleum transferred to a point of use outside the tank system, such as a motor vehicle. This system includes the equipment necessary to connect the dispenser to the tank system.

(t) *Environment* means any water, water vapor, land including land surface or subsurface, air, fish, wildlife, biota, and all other natural resources.

(u) *Excavation zone* means the volume containing the UST system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

(v) *Facility* means a single property, or contiguous or adjacent properties used for a common purpose which are owned or operated by the same person or persons, on or in which are located:

(1) one or more tank systems having a combined storage capacity of more than 1,100 gallons (including a major facility); or
(2) an underground tank system having a storage capacity that is greater than 110 gallons.
(3) This term does not include:
    (i) any operational tank system;
    (ii) any temporary tank system;

(iii) any tank system that is part of a facility that has been constructed, acquired, or operated in accordance with a Certificate of Public Convenience and Necessity issued by the Federal Energy Regulatory Commission pursuant to the terms of 15 U.S.C. section 717f;

(iv) any heating oil tank system used for on-premises consumption that is not interconnected to any other heating oil tank system and which has a storage capacity of less than 1,100 gallons, unless such tank system is located on a property that has another tank system or set of tank systems that otherwise independently meets the definition of facility under paragraph (1) or (2) of this subdivision;

(v) any tank system that has a storage capacity of 1,100 gallons or less and is used to store motor fuel for non-commercial purposes (not for resale) at a farm or residence, unless such tank system or systems are located on a property that has another tank system or set of systems that otherwise independently meets the definition of facility under paragraph (1) or (2) of this subdivision;

(vi) any tank system that is used to store or contain asphalt cement (however, a tank system used to store or contain asphaltic emulsions is included);

(vii) any tank system that has been permanently closed in accordance with sections 2.6(b), 3.5(b), or 4.5(b) of this Part;

(viii) pipelines that enter or leave the property; or

(ix) any wastewater treatment tank system.

(w) *Facility owner* means any person who has legal or equitable title to the real property of a facility.

(x) *Farm* means a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. Farm includes fish hatcheries, rangeland, and nurseries with growing operations.

(y) *Flow-through process tank system* means a tank system that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tank systems do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

(z) *Free product* means petroleum that is present as a nonaqueous phase liquid (for example, liquid that is not dissolved in water.)

(aa) (1) *Hazardous substance* means:

(i) a substance included on the list provided under 6 NYCRR section 597.3; or

(ii) a hazardous substance mixture.

(2) Hazardous substance does not include petroleum as defined in subdivision (as) of this section, except as may be part of a blend described in section 1.3(ab)(2) of this Part.

(ab) *Hazardous substance mixture* means:
- (1) a mixture of any substances covered under section 1.3(aa)(1)(i) of this Part; or
- (2) a blend that consists of:
  - (i) less than 70 percent by volume of the substances covered under sections 1.3(as)(1)(i) through (iii) of this Part (singly or in combination);
  - (ii) one percent or more by volume of one or more substances covered under section 1.3(aa)(1)(i) of this Part; and
  - (iii) no hazardous waste as identified or listed in 6 NYCRR Part 371; or
- (3) a blend that consists of:
  - (i) one percent or more by volume of the substances covered under section 1.3(aa)(1)(i) of this Part (singly or in combination);
  - (ii) any substance not covered under sections 1.3(as)(1)(i) through (iii) of this Part; and
  - (iii) no hazardous waste as identified or listed in 6 NYCRR Part 371.

(ac) *Heating oil* means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy, or No. 6 technical grade of fuel oil; other residual fuel oils (including Navy Special Fuel Oil, Bunker C, and clarified oil); and other forms of petroleum when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

(ad) *Hydraulic lift tank system* means a tank system holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

(ae) *Install* or *installation* means the emplacement of a tank system, or any part thereof, in, on, or above the ground. The movement of a tank from one location for use in a different location constitutes the installation of the tank system.

(af) *Leak*, *spill*, or *spillage* means any escape of petroleum from the ordinary container employed in the normal course of storage, transfer, processing, or use. Any escape of petroleum that enters containment (for example, a catch basin) is a spill.

(ag) *Leak detection* means determining whether a release of petroleum has occurred from a tank system or a spill has occurred into the interstitial space between the tank system and its secondary barrier or secondary containment around the tank system.

(ah) *Lining* means a coating of a material that is bonded firmly to the interior surface of a tank and which is compatible with the petroleum stored.

(ai) *Liquid trap* means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

(aj) *Major facility* includes any refinery, storage or transfer terminal, pipeline, deep water port, drilling platform, or any appurtenance related to any of the preceding that is used or is capable of being used to refine, produce, store, handle, transfer, process, or transport petroleum. A vessel will be considered a major facility only when petroleum is transferred between vessels in the waters of the State of New York. Fueling operations between vessels will not be considered petroleum transfers between vessels for the purposes of this definition. A facility with a combined design capacity of less than 400,000 gallons is not a major facility for the purposes of this Part.

(ak) *Motor fuel* means petroleum that is typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, jet fuel, or No. 1 or No. 2 diesel fuel.

(1) *NYSDEC* means New York State Department of Environmental Conservation.

(al) *On-premises consumption* means consumed at the site where the tank system containing the heating oil is located.

(am) *On-shore major facility* means a major facility that is not a vessel or a drilling platform, is located on or under any land and, if partially or totally located on submerged land, is physically connected to the shore by permanent structures located above the mean high-water level.

(an) *Operational tank system* means a tank system that is integral to, or connected to, equipment or machinery for which the petroleum in the system is used solely for operational purposes. Petroleum in an operational tank system is not consumed in any context (such as being combusted as fuel or used as a raw material in a manufacturing process). Examples of operational tank systems include hydraulic lift tank systems, lubricating oil system reservoirs, electrical cable oil reservoirs, and electrical transformers.

(ao) *Operator* means any person who leases, operates, controls, or supervises a facility.

(ap) *Out-of-service* with respect to a tank system means no longer receiving or dispensing petroleum.

(aq) *Overfill* means a spill that occurs when a tank is filled beyond its design capacity.

(ar) *Person* means any individual, public or private corporation, political subdivision, government agency, municipality, co-partnership, association, firm, consortium, joint venture, interstate body, trust, estate, or any other legal entity whatsoever.

(as) (1) *Petroleum* means:
- (i) crude oil and any fraction thereof;
- (ii) synthetic forms of lubricating oils, dielectric oils, insulating oils, hydraulic oils, and cutting oils;
- (iii) any complex blend of hydrocarbons that is not derived from crude oil; or
- (iv) any petroleum mixture.

(2) Petroleum does not include:
- (i) any hazardous substance covered under subdivision (aa) of this section, except as may be part of a blend described in section 1.3(at)(2) of this Part;
- (ii) animal or vegetable oils; or
- (iii) substances that are gases at standard temperature and pressure.

(at) *Petroleum mixture* means:

(1) a mixture of any substances covered under sections 1.3(as)(1)(i) through (iii) of this Part; or

(2) a blend that consists of:
- (i) at least 70 percent by volume of the substances covered under sections (as)(1)(i) through (iii) of this Part (singly or in combination) and
- (ii) one or more other substances, except any hazardous waste as identified or listed in Part 371 of this Title; or

(3) a blend that consists of:
- (i) one percent or more by volume of the substances covered under sections 1.3(as)(1)(i) through (iii) of this Part (singly or in combination), and
- (ii) one or more other substances, other than hazardous substances covered under section 1.3(aa)(1)(i) of this Part and hazardous waste as identified or listed in 6 NYCRR Part 371.

(au) *Pipe* or *piping* means a hollow cylinder made of non-earthen materials that is used for the conveyance of petroleum.

(av) *Release* means any intentional or unintentional action or omission resulting in the releasing, discharging, spilling, leaking, pumping, pouring, emitting, emptying or dumping of petroleum into the waters of the State or onto lands from which it might flow or drain into said waters, or into waters outside the jurisdiction of the state when damage may result to lands, waters, or natural resources within the jurisdiction of Nassau County. A leak or spill of petroleum into secondary containment, including soil that is used as part of secondary containment, does not constitute a release.

(aw) *Repair* means to restore to working order a tank, a pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, leak detection equipment, or other tank system component that has caused a leak or a suspected leak of petroleum from the tank system or has failed to function properly.

(ax) *Replaced* means:
(1) for tanks – the removal of a tank and installation of another tank in the same location.
(2) for piping – the removal of 50 percent or more of piping that is connected to a single tank and installation of other piping, excluding connectors, to that same tank. For tanks with multiple piping runs, this definition applies independently to each piping run.

(ay) *Residence* means a building that is primarily used for dwelling purposes, including any home, apartment building, or nursing home. This term does not include a hospital or hotel.

(az) *Retail motor fuel facility* means a facility engaged in the business of selling motor fuel to customers for on-road use.

(ba) *Rural and remote area* means an area where one retail motor fuel facility is more than 20 miles from the nearest other retail motor fuel facility.

(bb) *Secondary containment* means containment that prevents any spilled or leaked petroleum from reaching the land or water outside the containment before cleanup occurs.

(bc) *Septic tank* means a watertight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil, and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

(bd) *Stationary device* means a device that is not mobile. Examples of stationary devices include tank systems that are fixed or permanently in place on foundations, racks, cradles, or stilts.

(be) *Storage capacity* means the total volume capacity of a tank system.

(bf) *Stormwater collection system* or *wastewater collection system* means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas

where treatment is designated to occur. The collection of stormwater and wastewater does not include treatment except where incidental to conveyance.

(bg) *Subtitle I* means Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. sections 6991 – 6991m, entitled “Regulation of Underground Storage Tanks.”

(bh) *Surface impoundment* means a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

(bi) *Tag* means a sign that is affixed by the Department or its authorized representative to the fill pipe(s) of a tank system giving notice that delivery is prohibited.

(bj) *Tank* means the portion of a tank system that contains the majority of the petroleum in the tank system. Each section of a compartmented tank will be treated as an individual tank.

(bk) *Tank system* means a stationary device designed to store petroleum that is constructed of non-earthen materials that provide structural support. This term includes all associated piping and ancillary equipment. This term does not include a dispenser system; septic tank; surface impoundment, pit, pond or lagoon; any tank used for emergency spill or overflow containment that is expeditiously emptied after use; stormwater or wastewater collection system; flow-through process tank system; or liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

(bl) *Tank system owner* means any person who has legal or equitable title to a tank system.

(bm) *Temporary tank system* means an aboveground tank system that is installed and intended for use on a property for no more than 180 consecutive days during any 12-month period.

(bn) *Tightness test* means a test that is capable of detecting a leak from a tank system of 0.1 gallons per hour with a probability of detection of at least 95 percent and a probability of false alarm of no more than five percent (with a threshold for declaring a leak of 0.05 gallons per hour). A tightness test is valid only if it is performed by a person who has been trained and certified or credentialed by the manufacturer/vendor of the test method.

(bo) *Title 10* means Title 10 of Article 17 of the New York State Environmental Conservation Law (ECL) entitled “Control of the Bulk Storage of Petroleum.”

(bp) *Under-dispenser containment* or *UDC* means containment underneath a dispenser system designed to prevent leaks from the dispenser system from reaching soil or groundwater.

(bq) *Underground piping* means piping that is beneath the surface of the ground or covered by materials. This term does not include piping the exterior of which can be physically inspected, or secondarily contained piping that is located aboveground.

(br) *Underground storage tank system* or *UST system* means a tank system that has ten percent or more of its volume beneath the surface of the ground or is covered by materials. This term does not include a tank system situated in an "accessible underground area." A tank system that is covered by materials does not include a tank system where the tank is completely above the surface of the ground and:
(1) the tank is fully enclosed within pre-fabricated secondary containment, or
(2) the tank is insulated in order to store heated petroleum.

(bs) *Used for a common purpose* means that the primary activity at the properties is the same. A common purpose among properties may be shown if the primary activity at each property falls under the same six-digit classification code of the North American Industry Classification System (a standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the United States business economy).

(bt) *Wastewater treatment tank system* means a tank system that is designed to receive and treat influent wastewater through physical, chemical, or biological methods.

(bu) *Waters* or *waters of the State* means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State of New York, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private, which are wholly or partially within or bordering the state or within its jurisdiction.

(bv) *Working capacity* means the portion of the design capacity of a tank that may be filled before engaging the overfill prevention device, reduced by an allowance for freeboard and petroleum expansion.

15-1.4 Access to records and facilities

(a) Upon reasonable notice of the Department, the operator, facility owner, or tank system owner of a facility must allow any designated employee or agent of the Department to review and copy any books, papers, documents and records relating to compliance with this Part.

(b) Any designated employee or agent of the Department may, at reasonable times and upon reasonable notice, enter and inspect a facility for purposes of assuring compliance with provisions of this Part, provided that the employee or agent is accompanied by the tank system owner, operator, or their designee.

15-1.5 Recordkeeping

(a) Every facility must maintain all records (in hard copy or electronic format) and make them available to the Department or to the New York State Department of Environmental Conservation (NYSDEC) within three business days following the Department's or NYSDEC's request, except for the results of the last 30 days of leak detection monitoring, which must be immediately available at the time of request.

(b) In the case of permanent closure or change-in-service records required under section 2.6(e) of this Part, or permanent closure records required under sections 3.5(c) and 4.5(c) of this Part, the facility must transmit a copy of the records to the Department within 30 days after permanent closure or change in service.

15-1.6 Preemption

(a) Except where the New York State Department of Environmental Conservation has approved a local law or ordinance under section 1.7 of this Part, any local law or ordinance that is aimed at establishing or implementing a petroleum bulk storage program is preempted.

(b) The New York State Department of Environmental Conservation retains sole authority to delegate, administer and enforce this Part with respect to any public authority created under the Public Authorities Law, any state agency, or any major facility.

15-1.7 Approval of local laws or ordinances

(a) The New York State Department of Environmental Conservation may approve a local law or ordinance that establishes a local petroleum bulk storage program ("local program") for a city with a population over one million or a county when such local law or ordinance provides environmental protection equal to or greater than:
(1) the requirements of ECL Article 17, Title 10;
(2) the applicable requirements of ECL Article 71; and
(3) the requirements of this Part, excluding Subpart 6 of this Part.

(b) RESERVED

(c) RESERVED

(d) RESERVED

(e) RESERVED

(f) RESERVED

(g) RESERVED

(h) RESERVED

(i) RESERVED

(j) *New York State Department of Environmental Conservation's continuing jurisdiction*. To the extent that the provisions of the New York State Petroleum Bulk Storage Regulations (6 NYCRR Part 613) are not inconsistent with the provisions of the approved Article XV of the Nassau County Public Health Ordinancel, the New York State Department of Environmental Conservation maintains juridiction over every facility in Nassau County. Every regulated facility located in Nassau County, pursuant to delegation by the New York State Department of Environmental Conservation, must be registered with Nassau County.

(k) RESERVED

15-1.8 Variances

(a) The Department may, upon written request from any person subject to this Part, grant a variance from one or more provisions of this Part. An application for a variance must:
(1) identify the specific provisions of this Part from which a variance is sought;
(2) demonstrate that the proposed activity will have no adverse impact on public health and the environment;
(3) demonstrate that the proposed activity will be consistent with the provisions of the New York State Environmental Conservation Law, the Nassau County Public Health Ordinance and the Nassau County Fire Prevention Ordinance;
(4) demonstrate that the proposed activity will provide environmental protection equal to or greater than the requirements of this Part; and
(5) provide the Department with appropriate evidence that the new or alternative designs, practices, or methods meet the criteria of this subdivision.

(b) In granting any variance, the Department may impose conditions necessary to assure that the activity will have no adverse impact on public health or the environment.

(c) No variance request will be approved that would have the effect of continuing an activity or circumstance that constitutes non-compliance with any provision of this Part, unless the Department authorizes the submission of the variance request as part of an enforcement settlement.

15-1.9 Registration

(a) *General*. The facility owner must obtain an initial or revised registration certificate from the Department prior to the first receipt of petroleum into a new or replaced tank system. The facility owner must ensure that the registration information identified in subdivision (e) of this section remains current and accurate. In addition, every temporary tank system that is not removed within 180 days after installation must either be included on a new facility registration or be added to an existing facility's registration. The facility owner may rely on an authorized representative to satisfy any obligation imposed on the owner by the provisions of this section.

(b) *Transition from earlier regulation*. Unless the registration certificate must be revised or newly issued pursuant to the terms of subdivision (a) or (d) of this section, a registration certificate held by a facility on October 11, 2015 that was issued pursuant to terms of the former Part 612 of 6 NYCRR remains valid until the expiration date recorded on the certificate.

(c) *Renewal*. Registration must be renewed every five years from the date of the last valid registration certificate until the Department receives written notice and documentation from the facility owner that the facility has been permanently closed in accordance with section 2.6(b), 3.5(b), or 4.5(b) of this Part, or that ownership of the facility has been transferred in accordance with subdivision (d) of this section.

(d) *Application procedure for initial registration or transfer of ownership*.
   (1) If ownership of the real property on which a facility is located is transferred, the new facility owner must submit an application to initially register the facility with the Department within 30 days after the transfer.
   (2) The facility owner must submit a registration application using forms or electronic means as provided by the Department. Forms are available on the Department website and at the Department office.
   (3) Each application for an initial registration or transfer of facility ownership must be accompanied by a copy of the current deed for the property at which the facility is located. If the facility is located on multiple properties, deeds for each property must be submitted with the application. If a deed does not exist for a particular property, the application must be accompanied by other evidence of ownership of the property.
   (4) The application must be signed by the facility owner.
   (5) Every registration application must be accompanied by payment of the applicable fee schedule.

(e) *Application procedure for information corrections*.
(1) The facility owner must submit information corrections for registered facilities using forms or electronic means as provided by the Department. Forms are available on the Department website and at the Department office.
(2) The registration application must be signed by the facility owner.
(3) Changes in the following registration items are considered information corrections:
(i) contact information;
(ii) Class A or Class B Operator;
(iii) tank system status;
(iv) tank system equipment; or
(v) type of petroleum stored.
(4) No registration fee is required for submitting information corrections.

(f) *Application procedure for permanent closure or change in service of tank systems*. The facility owner must notify the Department of permanent closure or change in service of tank systems using forms or electronic means as provided by the Department. Forms are available on the Department website and at the Department office.

(g) *Registration certificate*. Upon submittal of a complete registration application and payment of the applicable registration fee, the Department will issue a registration certificate. The current registration certificate must be displayed at all times in a conspicuous location at the facility.

(h) *Advance notification of installation of a tank*. Except in the case of a temporary tank system, when a facility intends to install a tank, the facility owner must notify the Department of this action at least 30 days prior to installing the tank. For any tank added to a previously registered facility, any increased fee applicable to the facility will not be assessed until the registration is due for renewal. **[See Table 1 for Facility Registration Fees]**

15-1.10 References

The following technical standards are incorporated by reference. With the exception of the technical standards listed in subdivisions (a) and (f) of this section, these references are available for inspection and copying at the office of the Department's Division of Environmental Remediation, located at 625 Broadway, Albany, NY 12233 and the office of the Department of State, Division of Administrative Rules, located at One Commerce Plaza, 99 Washington Avenue, Suite 650, Albany, NY 12231. The technical standards listed in subdivisions (a) and (f) of this section are available for inspection at the office of the Department's Division of Environmental Remediation, located at 625 Broadway, Albany, NY 12233 and the office of the Department of State, Division of Administrative Rules, located at One Commerce Plaza, 99 Washington

Avenue, Suite 650, Albany, NY 12231. All of the technical standards are also available for inspection or purchase from the source listed for the given reference.

(a) American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005-4070
   (1) RP 651, “Cathodic Protection of Aboveground Petroleum Storage Tanks,” 3rd edition, January 2007.
   (2) RP 1007, “Loading and Unloading of MC 306/DOT 406 Cargo Tank Motor Vehicles,” March 2001.
   (3) RP 1604, “Closure of Underground Petroleum Storage Tanks,” 3rd edition, March 1996.
   (4) RP 1615, “Installation of Underground Hazardous Substances or Petroleum Storage Systems,” 6th edition, April 2011.
   (5) RP 1631, “Interior Lining and Periodic Inspection of Underground Storage Tanks,” 5th edition, June 2001.
   (6) RP 1632, “Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems,” 1st edition, January 1983.
   (7) RP 1632, “Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems,” 3rd edition, January 1996 (revised 2002).
   (8) RP 1637, “Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals,” 3rd edition, July 2006.
   (9) RP 2016, “Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks,” 1st edition, August 2001.
   (10) RP 2200, “Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines,” 4th edition, September 2010.
   (11) Standard 620, “Recommended Rules for Design and Construction of Large, Welded, Low-Pressure Storage Tanks,” 7th edition, September 1982 (revised April 1985).
   (12) Standard 620, “Design and Construction of Large, Welded, Low-Pressure Storage Tanks,” 11th edition, February 2008.
   (13) Standard 650, “Welded Steel Tanks for Oil Storage,” 7th edition, February 1984.
   (14) Standard 650, “Welded Steel Tanks for Oil Storage,” 12th edition, March 2013.
   (15) Standard 653, “Tank Inspection, Repair, Alteration, and Reconstruction,” 4th edition, April 2009.

(b) Fiberglass Tank and Pipe Institute (FTPI) , 11150 South Wilcrest Drive, Suite 101, Houston, TX 77099-4343
   RP T-95-02, “Remanufacturing of Fiberglass Reinforced Plastic (FRP), Underground Storage Tanks,” 2nd edition, January 1995.

(c) Ken Wilcox Associates, Inc. (KWA), 1125 Valley Ridge Drive, Grain Valley, MO 64029

"Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera," September 1999.

(d) NACE International (NACE), 1440 South Creek Drive, Houston, TX 77084-4906
- (1) RP0193-2001, "External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms," 2001 edition.
- (2) SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems," 2013 edition.
- (3) SP0285-2011 (formerly RP0285), "Corrosion Control of Underground Storage Tanks by Cathodic Protection," 2011 edition.
- (4) TM0101-2012, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems," 2012 edition.
- (5) TM0497-2012, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems," 2012 edition.

(e) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169-7471
- (1) NFPA 30, "Flammable and Combustible Liquids Code," 1984 edition.
- (2) NFPA 30, "Flammable and Combustible Liquids Code," 2012 edition.
- (3) NFPA 30A, "Automotive and Marine Service Station Code," 1984 edition.
- (4) NFPA 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages," 2012 edition.
- (5) NFPA 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair," 2010 edition.
- (6) NFPA 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids," 2012 edition.

(f) Petroleum Equipment Institute (PEI), P. O. Box 2380, Tulsa, OK 74101-2380
- (1) RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems," 2011 edition.
- (2) RP200, "Installation of Aboveground Storage Systems," 2013 edition.

(g) Steel Tank Institute/Steel Plate Fabricators Association (STI/SPFA), 944 Donata Court, Lake Zurich, IL 60047
- (1) F841, "Standard for Dual Wall Underground Steel Storage Tanks," revised January 2006.
- (2) F894, "ACT-100®: Specification for External Corrosion Protection of FRP Composite Steel USTs," revised September 2013.
- (3) F922, "Permatank®: Specification for Permatank®," revised January 2013.
- (4) F961, "ACT-100U®: Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks," revised September 2013.
- (5) R051, "Cathodic Protection Testing Procedures for sti-P3® USTs," revised January 2006.

(6) R892, “Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems,” revised January 2006.
(7) R972, “Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs,” revised December 2010.
(8) SP001, “Standard for the Inspection of Aboveground Storage Tanks,” 5th Edition, revised September 2011.
(9) sti-P3®, “Specifications for sti-P3® System for External Corrosion Protection of Underground Steel Storage Tanks,” July 1983.
(10) sti-P3®, “Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks,” revised September 2013.

(h) Underwriters Laboratories (UL), 333 Pfingsten Road, Northbrook, IL 60062-2096
(1) UL 58, “Standard for Steel Underground Tanks for Flammable and Combustible Liquids,” April 1981 edition.
(2) UL 58, “Standard for Steel Underground Tanks for Flammable and Combustible Liquids,” December 1996 edition.
(3) UL 80, “Standard for Steel Tanks for Oil-Burner Fuels and Other Combustible Liquids,” September 2007 edition.
(4) UL 142, “Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids,” January 1985 edition.
(5) UL 142, “Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids,” December 2006 edition.
(6) UL 971, “Standard for Nonmetallic Underground Piping for Flammable Liquids,” February 2006 edition.
(7) UL 971A, “Metallic Underground Fuel Pipe,” October 2006 edition.
(8) UL 1316, “Standard for Glass-Fiber-Reinforced Plastic Underground Tanks for Petroleum Products,” July 1983 edition.
(9) UL 1316, “Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures,” January 1994 edition.
(10) UL 1746, “Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks,” January 2007 edition.
(11) UL 2258, “Nonmetallic Tanks for Oil-Burner Fuels and Other Combustible Liquids,” August 2010 edition.

(i) Underwriters Laboratories of Canada (ULC), 7 Underwriters Road, Toronto, ON, Canada M1R 3A9
(1) CAN4-S601-M84, “Standard for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids,” 1984.
(2) ULC-S601-07, “Standard for Shop Fabricated Steel Aboveground Tanks for Flammable and Combustible Liquids,” 2007.
(3) ULC-S603-M1981, “Standard for Steel Underground Tanks for Flammable and Combustible Liquids,” 1981.
(4) ULC-S603-00, “Standard for Steel Underground Tanks for Flammable and Combustible Liquids,” 2000.

(5) ULC-S603.1-M1982, “Standard for Galvanic Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids,” 1982.
(6) ULC-S603.1-11, “Standard for External Corrosion Protection Systems,” 2011.
(7) CAN4-S615-M83, “Standard for Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids,” 1983.
(8) ULC-S615-98, “Standard for Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids,” 1998.
(9) CAN4-S630-M84, “Standard for Shop Fabricated Steel Aboveground Vertical Tanks for Flammable and Combustible Liquids,” 1984.
(10) ULC-S660-08, “Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids,” 2008.

15-1.11 Severability.

If any provision of this Part or its application to any person or circumstance is held to be invalid, the remainder of this Part and the application of that provision to other persons or circumstances will not be affected.

Article 15-2 UST Systems Subject to Both RCRA Subtitle I and NYSECL Article 17 Title 10

15-2.1 UST systems: design, construction, and installation

(a) *Applicability*. The provisions of this Subpart apply to every UST system that is part of a facility except for a UST system that is subject to Subpart 3 of this Part. Every UST system covered by this Subpart is subject to regulation pursuant to Subtitle I and Title 10 of the New York State Environmental Conservation Law.

(b) *Equipment standards for Category 2 and 3 UST systems*. In order to prevent releases due to structural failure, corrosion, or spills and overfills, any facility containing a Category 2 or 3 UST system must meet the following requirements.
(1) Tanks. Every UST must be properly designed and constructed, and any portion underground that routinely contains petroleum must be protected from corrosion, as specified in subparagraphs (i) through (iii) of this paragraph. In addition, all USTs must be secondarily contained in accordance with subparagraph (iv) of this paragraph:
(i) Every UST made of fiberglass-reinforced plastic (FRP) must be designed and constructed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):
(*a*) For Category 2 USTs:
(*1*) UL 1316, July 1983; or

(*2*) CAN4-S615-M83, 1983.

(*b*) For Category 3 USTs:

(*1*) UL 1316, January 1994; or

(*2*) ULC-S615-98, 1998.

(ii) Every UST made of steel that is cathodically protected must meet the following conditions:

(*a*) The UST must be designed and constructed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*1*) For Category 2 USTs:

(*i*) UL 58, April 1981; or

(*ii*) ULC-S603-M1981, 1981.

(*2*) For Category 3 USTs:

(*i*) UL 58, December 1996; or

(*ii*) ULC-S603-00, 2000.

(*b*) The UST must be cathodically protected in the following manner:

(*1*) The UST must be coated with a suitable dielectric material;

(*2*) The cathodic protection system must be designed, fabricated, and installed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*i*) For Category 2 USTs:

(*A*) API RP 1632, January 1983;

(*B*) ULC-S603.1-M1982, 1982; or

(*C*) sti-P3®, July 1983.

(*ii*) For Category 3 USTs:

(*A*) sti-P3®, September 2013;

(*B*) UL 1746, January 2007;

(*C*) ULC-S603.1-11, 2011; or

(*D*) NACE SP0285-2011, 2011.

(*3*) Every field-installed cathodic protection system must be designed by a corrosion expert; and

(*4*) Every impressed current system must be designed to allow determination of current operating status as required in section 2.2(b)(3) of this Part.

(iii) Every UST made of steel that is clad or jacketed with a non-corrodible material must meet the following conditions:

(*a*) The UST must be designed and constructed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references:

(*1*) For Category 2 USTs:

(*i*) UL 58, April 1981; or

(*ii*) ULC-S603-M1981, 1981.

(*2*) For Category 3 USTs:

(*i*) UL 58, December 1996; or

(*ii*) ULC-S603-00, 2000.

(*b*) The tank in a Category 2 UST system must be clad with a non-corrodible material according to the following:

(*1*) The UST must be electrically insulated from the piping with dielectric fittings, bushings, washers, sleeves, or gaskets which are compatible with petroleum, petroleum additives, and corrosive soils.

(*2*) The UST must have an exterior fiberglass reinforced plastic shell bonded firmly to the steel. This must consist of a base coat of resin five to eight mils (0.005 to 0.008 inch) in thickness overlain by two layers of resin with fiberglass reinforcement with a thickness of at least 85 mils (0.085 inch) after rolling. A final coat of resin must be applied to a thickness of 10 to 15 mils (0.01 to 0.015 inch). The thickness of the completed coating must be a minimum of 100 mils (0.1 inch) after curing. The coating's coefficient of thermal expansion must be compatible with steel so that stress due to temperature changes will not be detrimental to the soundness of the coating and a permanent bond between coating and steel is maintained. The coating must be of sufficient density and strength to form a hard impermeable shell which will not crack, wick, wear, soften, or separate and which must be capable of containing the product under normal service conditions in the event the steel wall is perforated. The coating must be non-corrodible under adverse underground electrolytic conditions and must be compatible with petroleum products and petroleum additives.

(*3*) The coating must be factory-inspected for air pockets, cracks, blisters, pinholes, and electrically tested at 10,000 volts for coating short circuits or coating faults. Any defects must be repaired. The coating must be factory checked with a Barcol Hardness Tester or equivalent to assure compliance with the manufacturer's minimum specified hardness standard for cured resin.

(*c*) The tank in a Category 3 UST system must be clad or jacketed with a non-corrodible material which is designed, fabricated, and installed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*1*) UL 1746, January 2007;

(*2*) STI F894, September 2013;

(*3*) STI F961, September 2013; or

(*4*) STI F922, January 2013.

(iv) Every UST must be secondarily contained according to the following:

(*a*) The secondarily contained UST must:

(*1*) be able to contain petroleum leaked from the primary containment until it is detected and removed; and

(*2*) be able to prevent the release of petroleum.

(*b*) The tank in a Category 2 UST system must have a secondary containment system which must consist of one of the following:

(*1*) Double-walled USTs. A double-walled UST which is designed and manufactured in accordance with all of the following standards:

(*i*) the interstitial space of the double-walled UST can be monitored for tightness;

(*ii*) outer jackets made of steel must have a minimum thickness of 10-gauge and be coated as prescribed in section 2.1(b)(1)(ii)(*b*)(*1*) or (iii)(*b*)(*2*) of this Part;

(*iii*) there are no penetrations of any kind through the jacket to the UST except top entry manholes and fittings required for filling the tank, venting the tank, or monitoring the interstitial space;

(*iv*) the outer jacket must cover at least the bottom 80 percent of the UST; and

(*v*) the jacket must be designed to contain an inert gas or liquid at a pressure greater than the maximum internal pressure or be able to contain a vacuum for a period of one month.

(*2*) Vaults. If a vault is used for secondary containment, the vault must be water tight, impervious to leakage of petroleum, and able to withstand chemical deterioration and structural stresses from internal and external causes. The vault must be a continuous structure with a chemical-resistant water stop used at any joint.

There must be no drain connections or other entries through the vault except there may be top entry manholes and other top openings for filling and emptying the UST, venting and monitoring, and pumping of petroleum which may leak into the vault.

(*3*) Cut-off walls. If a cut-off wall is used:

(*i*) The cut-off wall may be used only where groundwater levels are above the bottom of the UST excavation.

(*ii*) A cut-off wall must consist of an impermeable barrier which has a permeability rate to water equal to or less than 1×10-6 cm/sec. It must not deteriorate in an underground environment and in the presence of petroleum.

(*iii*) A cut-off wall must extend around the perimeter of the excavation and to an elevation below the lowest groundwater level.

(*iv*) If a synthetic membrane is used for a cut-off wall, any seams, punctures, or tears in the membrane must be repaired and made leak-tight prior to backfilling. No penetrations of the cut-off wall are allowed.

(*v*) Impervious native soil may serve as a cut-off wall when the impervious soil is continuous and is of sufficient depth,

thickness, and extent to contain a leak. The soil must have a permeability rate to water equal to or less than 1×10-6 cm/sec.

(*4*) Impervious underlayment.

(*i*) An impervious underlayment may be used only under a UST at sites where groundwater levels are below the bottom of the excavation and where soils are well drained. This underlayment must have a permeability rate to water equal to or less than 1×10-6 cm/sec and must not deteriorate in an underground environment and in the presence of petroleum. The underlayment may consist of impervious native soils, an impervious concrete pad, a synthetic membrane, or any equivalent material. If a synthetic membrane is used, any seams, punctures, or tears must be repaired prior to backfilling.

(*ii*) The underlayment must extend at least one foot beyond the sides and ends of the UST and must have a slope of at least one-quarter inch per foot to a sump. An observation well must be positioned in the sump and extend to the surface of the excavation for the purpose of sampling for leakage and pumping out water or product which may accumulate.

(*iii*) Surface waters must be drained from the site using practices which may include capping the site with asphalt, concrete, or other impervious cover which is sloped to drainways leading away from the UST**.**

(*c*) The tank in a Category 3 UST system must be double- walled and must be designed and constructed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*1*) UL 58, December 1996;

(*2*) UL 1316, January 1994;

(*3*) UL 1746, January 2007;

(*4*) STI F841, January 2006; or

(*5*) STI F922, January 2013.

(2) Piping.

(i) Piping installed on or before October 11, 2015 that routinely contains petroleum and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with clauses (*a*) and (*b*) of this subparagraph.

(*a*) Piping made of a non-corrodible material must meet the following conditions.

(*i*) The materials, joints, and joint adhesives must be compatible with petroleum, petroleum additives, and corrosive soils.

(*ii*) All underground piping must be designed, constructed, and installed with access ports to permit tightness testing without the need for extensive excavation.

(*iii*) All joints must be liquid and air tight.

(*iv*) All underground piping must be tested for tightness before being covered, enclosed or placed in use.

(*b*) Piping made of steel that is cathodically protected must meet the following conditions.

(*i*) The cathodic protection system must provide a minimum of 30 years of protection in corrosive soils.

(*ii*) Cathodic protection must be provided by the use of sacrificial anodes or impressed current.

(*iii*) Where sacrificial anodes or impressed current systems are used, monitors to check on the adequacy of the system must be installed and kept in proper working condition. If at any time the monitor shows that the electrical current necessary to prevent corrosion is not being maintained, the system must be repaired or the piping will be considered unprotected and must be tested for tightness in accordance with section 2.3(d)(2) of this Part.

(*iv*) Except where cathodic protection is provided by impressed current, underground piping must have dielectric bushings, washers, sleeves, or gaskets installed at the end to electrically isolate the piping from the UST and the dispenser. These dielectric connectors must be compatible with petroleum, petroleum additives, and corrosive soils.

(*v*) All underground piping must be designed, constructed, and installed with access ports to permit tightness testing without the need for extensive excavation.

(*vi*) All joints must be liquid and air tight.

(*vii*) All underground piping must be tested for tightness in accordance with section 2.3(d)(2) of this Part before being covered, enclosed, or placed in use.

(ii) Piping installed after October 11, 2015 that routinely contains petroleum and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with a code of practice specified in clause (*a*) or (*b*) of this subparagraph. In addition, except for suction piping that meets the requirements of section 2.3(b)(2)(i)(*b*) of this Part, all piping installed after October 11, 2015 must be secondarily contained in accordance with clause (*c*) of this subparagraph. The entire piping run must be replaced when 50 percent or more of a piping run is replaced, unless the piping run has been constructed in accordance with the requirements of this subparagraph.

(*a*) All piping made of a non-corrodible material must be designed and constructed according to one of the following codes of practice

(refer to section 1.10 of this Part for complete citation of references):

(*1*) UL 971, February 2006; or

(*2*) ULC-S660-08, 2008.

(*b*) All piping made of steel that is cathodically protected must meet the following conditions:

(*1*) The piping is designed and constructed according to UL 971A, October 2006 (refer to section 1.10 of this Part for complete citation of references);

(*2*) The piping is coated with a suitable dielectric material;

(*3*) The cathodic protection system is designed, fabricated, and installed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*i*) API RP 1632, January 1996 (revised 2002);

(*ii*) STI R892, January 2006;

(*iii*) NACE SP0169-2013, 2013; or

(*iv*) NACE SP0285-2011, 2011.

(*4*) Any field-installed cathodic protection system is designed by a corrosion expert; and

(*5*) Any impressed current system is designed to allow determination of current operating status as required in section 2.2(b)(3) of this Part.

(*c*) All piping that is secondarily contained installed after October 11, 2015 must meet the following conditions:

(*1*) be able to contain petroleum leaked from the primary containment until it is detected and removed; and

(*2*) be able to prevent the release of petroleum.

(3) Spill and overfill prevention equipment.

(i) Except as provided in subparagraph (ii) of this paragraph, to prevent spilling and overfilling associated with petroleum transfer to the UST system, the facility must use the following spill and overfill prevention equipment:

(*a*) Spill prevention equipment that will prevent release of petroleum when the transfer hose is detached from the fill pipe (for example, a spill catch basin); and

(*b*) Overfill prevention equipment that will:

(*1*) automatically shut off flow into the UST when the UST is no more than 95 percent full;

(*2*) alert the operator or carrier when the UST is no more than 90 percent full by restricting the flow into the UST or triggering a high-level alarm; or

(*3*) restrict flow 30 minutes prior to overfilling, alert the operator or carrier with a high-level alarm one minute before overfilling, or automatically shut off flow into the UST so that none of the

fittings located on top of the UST are exposed to product due to overfilling.

(ii) A facility is not required to use the spill and overfill prevention equipment specified in subparagraph (i) of this paragraph if the UST system is filled by transfers of no more than 25 gallons at one time.

(4) Installation.

(i) Every Category 2 UST system must be installed in accordance with the manufacturer's instructions. This includes repair of any damage to the UST coatings prior to backfilling.

(ii) Every Category 3 UST system must be properly installed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*a*) API RP 1615, April 2011;

(*b*) PEI RP100, 2011 edition; or

(*c*) NFPA 30 and 30A, 2012 editions.

(iii) As-built information records and installer certification. The facility must maintain the following information for the life of every Category 2 or 3 UST system:

(*a*) an accurate diagram:

(*1*) showing the location of:

(*i*) each UST and its associated piping, including registration identification number;

(*ii*) fill ports;

(*iii*) dispensing equipment;

(*iv*) check valves;

(*v*) transition sumps (if any); and

(*vi*) monitoring or recovery wells (if any).

(*2*) listing the following attributes for Category 3 UST systems:

(i) physical dimensions of each UST; and

(ii) installation date for each portion of piping installed after October 11, 2015.

(3) indicating at least one visible reference point (for example, facility structure), a frame of reference (for example, north arrow), and scale of the drawing.

(*b*) for each UST system component installed after October 11, 2015, a signed statement by the installer certifying that the UST system component was installed in compliance with subparagraph (ii) of this paragraph; and

(*c*) for each UST system component installed after October 11, 2015, the completed manufacturer's installation checklist showing that the UST system component was installed in accordance with the manufacturer's instructions or that the UST system component installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation.

(5) Dispenser systems. Each UST system must be equipped with under-dispenser containment for any new dispenser system that is installed.

(i) A dispenser system is considered new when both the dispenser and the equipment needed to connect the dispenser to the UST system are installed at a facility. The equipment necessary to connect the dispenser to the UST system includes check valves, shear valves, unburied risers or flexible connectors, or other transitional components that are beneath the dispenser and connect the dispenser to the underground piping.

(ii) Under-dispenser containment must be liquid-tight on its sides, on the bottom, and at any penetrations. Under-dispenser containment must allow for visual inspection and access to the components in the containment system or be continuously electronically monitored for leaks from the dispenser system.

(6) Valves.

(i) Every dispenser of motor fuel under pressure from a remote pumping system must be equipped with a shear valve (impact valve) that is located in the supply line at the inlet of the dispenser. The valve must be designed to close automatically in the event that the dispenser is accidentally dislodged from the inlet pipe. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 4-3.6 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 6.3.9 meets the requirements of this subparagraph.

(ii) Every dispenser of motor fuel that causes a gravity head must be equipped with a device such as a solenoid valve that is positioned adjacent to and downstream from the operating valve. The valve must be installed and adjusted so that liquid cannot flow by gravity from the UST system in case of piping or dispenser hose failure. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 2-1.7 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 4.2.4 meets the requirements of this subparagraph.

(iii) Every fill pipe leading to a pump-filled UST must be equipped with a properly functioning check valve or equivalent device which provides automatic protection against backflow. A check valve is required only when the piping arrangement of the fill pipe is such that backflow from the receiving tank is possible.

(iv) Each connection on a gravity-drained UST through which petroleum can normally flow must be equipped with an operating valve to control the flow. For a valve installed on or before October 11, 2015, a valve which meets the standards set forth in NFPA 30 (1984 edition), section 2-2.7.1 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30

(2012 edition), section 22.13.1 meets the requirements of this subparagraph.

(c) *Equipment standards for Category 1 UST systems*.

(1) Alternatives allowed. Every Category 1 UST system must comply with one of the following requirements:

(i) Category 2 and 3 UST system equipment standards under subdivision (b) of this section, with the exception of section 2.1(b)(4)(iii) of this Part, at the time of installation; or

(ii) The requirements in paragraphs (2) through (5) of this subdivision.

(2) Tank requirements. Every steel UST must meet one of the following requirements:

(i) Internal lining. Within ten years after lining, and every five years thereafter, a lined UST must be internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications. A report detailing the inspection results must be maintained for five years. If the internal lining is no longer performing in accordance with original design specifications and cannot be repaired according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references), then the lined UST must be permanently closed in accordance with section 2.6(b) of this Part.

(*a*) API RP 1631, June 2001; or

(*b*) KWA “Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera, September 1999.

(ii) Cathodic protection. USTs having cathodic protection must meet the requirements of sections 2.1(b)(1)(ii)(*b*)(*3*) and (*4*) of this Part.

(iii) Internal lining combined with cathodic protection. USTs with both internal lining and cathodic protection must have the following:

(*a*) an internal lining that was installed in accordance with the requirements of section 2.2(d) of this Part; and

(*b*) a cathodic protection system that meets the requirements of sections 2.1(b)(1)(ii)(*b*)(*3*) and (*4*) of this Part.

(3) Piping requirements.

(i) Metal piping installed on or before October 11, 2015 that routinely contains petroleum and is in contact with the ground must meet the requirements of section 2.1(b)(2)(i) of this Part.

(ii) Piping installed after October 11, 2015 that routinely contains petroleum and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with section 2.1(b)(2)(ii) of this Part.

(4) Spill and overfill prevention equipment. To prevent spilling and overfilling associated with petroleum transfer to the UST system, every Category 1 UST system must comply with Category 2 and 3 UST system spill and overfill prevention equipment requirements specified in section 2.1(b)(3) of this Part.

(5) Valves.

(i) Every dispenser of motor fuel under pressure from a remote pumping system must be equipped with a shear valve (impact valve) that is located in the supply line at the inlet of the dispenser. The valve must be designed to close automatically in the event that the dispenser is accidentally dislodged from the inlet pipe. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 4-3.6 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 6.3.9 meets the requirements of this subparagraph.

(ii) Every dispenser of motor fuel that causes a gravity head must be equipped with a device such as a solenoid valve that is positioned adjacent to and downstream from the operating valve. The valve must be installed and adjusted so that liquid cannot flow by gravity from the UST system in case of piping or dispenser hose failure. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 2-1.7 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 4.2.4 meets the requirements of this subparagraph.

(iii) Every fill pipe leading to a pump-filled UST must be equipped with a properly functioning check valve or equivalent device which provides automatic protection against backflow. A check valve is required only when the piping arrangement of the fill pipe is such that backflow from the receiving tank is possible.

(iv) Each connection on a gravity-drained UST through which petroleum can normally flow must be equipped with an operating valve to control the flow. For a valve installed on or before October 11, 2015, a valve which meets the standards set forth in NFPA 30 (1984 edition), section 2-2.7.1 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30 (2012 edition), section 22.13.1 meets the requirements of this subparagraph.

15-2.2 General operating requirements

(a) *Spill and overfill prevention*.

(1) Every facility must ensure that releases due to spilling or overfilling do not occur. One of the transfer procedures described in NFPA 385 (2012 edition) or API RP 1007 (March 2001 edition) must be used in order to comply with the requirement of this paragraph, unless those procedures are technically infeasible. In circumstances of technical infeasibility, the facility must develop and employ practices to ensure that releases due to spilling or overfilling do not occur.

(2) The facility must report, investigate, and clean up any spills and overfills in accordance with section 2.4(d) of this Part.

(3) Every Category 2 or 3 UST system must have a label at the fill port specifying tank registration identification number, tank design and working capacities, and type of petroleum that is able to be stored in the UST system.

(4) Every UST system fill port must be color coded in accordance with API RP 1637. If a UST system contains petroleum that does not have a corresponding API color code, the facility must otherwise mark the fill port (for example, with stenciled letters) to identify the petroleum currently in the UST system. For any fill port connected to multiple UST systems storing different types of petroleum, the facility may place the marking near the fill port (for example, with a label or placard) to identify the types of petroleum in the UST systems.

(5) Where there are monitoring wells located at the facility, every monitoring well must be clearly identified as a monitoring well to prevent accidental delivery of petroleum to the well and must be sealed or capped so as to prevent liquid from entering the well from the surface.

(6) The facility must keep all gauges, valves, and other equipment for spill prevention in good working order.

(7) Delivery of petroleum to a UST system.

(i) Immediately prior to a delivery, the carrier must determine that the UST has available working capacity to receive the volume of petroleum to be delivered. Every aspect of the delivery must be monitored and immediate action must be taken to stop the flow of petroleum when the working capacity of the UST has been reached or should an equipment failure or emergency occur.

(ii) Immediately prior to a delivery, the carrier must inspect fill port catch basins to ensure that they are empty. If a catch basin contains water, petroleum, or debris, the carrier must ensure that it is emptied before a delivery is made.

(b) *Operation and maintenance of corrosion protection*. Every facility having a metal UST system with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented until the UST system is permanently closed or undergoes a change in service pursuant to section 2.6(b) of this Part:

(1) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the UST and piping that routinely contains petroleum and is in contact with the ground.

(2) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) Frequency. All cathodic protection systems must be tested within six months of installation and at yearly intervals thereafter; and

(ii) Inspection criteria. One of the following codes of practice (refer to section 1.10 of this Part for complete citation of references) must be used to determine that cathodic protection is adequate:

(*a*) NACE TM0101-2012, 2012 edition;
(*b*) NACE TM0497-2012, 2012 edition;
(*c*) STI R051, January 2006;
(*d*) NACE SP0285-2011, 2011 edition; or
(*e*) NACE SP0169-2013, 2013 edition.

(3) UST systems with impressed current cathodic protection systems must be inspected every 60 days to ensure the equipment is operating properly.

(4) For UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained to demonstrate compliance with the requirements of this section. The records generated to meet the provisions of paragraphs (2) and (3) of this subdivision must be kept for three years.

(c) *Compatibility*. Every facility must use a UST system made of or lined with materials that are compatible with the petroleum stored in the UST system.

(d) *Repairs allowed*. Every facility must ensure that repairs will prevent releases due to structural failure or corrosion. The repairs must meet the following requirements:

(1) Any repair to a UST system must be properly conducted according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):
(i) NFPA 30, 2012 edition;
(ii) API RP 2200, September 2010;
(iii) API RP 1631, June 2001;
(iv) NFPA 326, 2010 edition;
(v) STI R972, December 2010;
(vi) NACE SP0285-2011, 2011 edition; or
(vii) FTPI RP T-95-02, January 1995.

(2) Every metal pipe section or fitting from which petroleum has been released as a result of corrosion or other damage must be replaced. Non-corrodible pipes and fittings must be repaired in accordance with the manufacturer's specifications.

(3) Repaired USTs and piping must be tightness tested in accordance with sections 2.3(c)(3) and (d)(2) of this Part, respectively, within 30 days following the date of the completion of the repair, unless one of the following conditions is met:
(i) the repaired UST is internally inspected in accordance with API RP 1631; or
(ii) the repaired portion of the UST system is monitored for releases in accordance with a method specified in sections 2.3(c)(4) through (8) of this Part.

(4) Within six months following the repair of any UST system that is cathodically protected, the cathodic protection system must be inspected in accordance with sections 2.2(b)(2) and (3) of this Part to ensure that it is operating properly.

(5) Every facility must maintain records of each repair until the UST system is permanently closed or undergoes a change in service pursuant to section 2.6(b) of this Part.

(e) *Tank systems in locations subject to flooding*. For Category 1 and 2 UST systems located in an area where the UST may become buoyant because of a rise in the water table, flooding, or accumulation of water, the facility must maintain safeguards in accordance with section 2-5.6 of NFPA 30 (1984 edition). If such safeguards include ballasting of a UST with water during flood warning periods, tank system valves and other openings must be closed and secured in a locked position in advance of the flood. Ballast water removed from the UST after the flood must not be discharged to the waters of the State unless the discharge is in conformance with the standards of Parts 701, 702, 703, and 750 of this Title, as applicable.

15-2.3 Leak detection

(a) *Leak detection requirements for all UST systems*.

(1) Every facility must provide a method, or combination of methods, of leak detection that:

(i) can detect a leak from any portion of the UST and the piping that routinely contains petroleum;

(ii) is installed and calibrated in accordance with the manufacturer's instructions; and

(iii) meets the requirements of subdivisions (c) and (d) of this section, as applicable. In addition, the methods listed in sections 2.3(c)(2), (c)(4), (c)(8), (c)(9), (d)(1), and (d)(2) of this Part must be capable of detecting the leak rate or quantity specified for that method in the corresponding section of the rule with a probability of detection of 95 percent and a probability of false alarm of five percent.

(2) When a leak detection method operated in accordance with the requirements of subdivisions (c) and (d) of this section indicates that a leak may have occurred, the facility must notify the Department in accordance with section 2.4(a) of this Part.

(3) Additional testing and inspection. When a leak is suspected, or where inspections or tests required by this Part have not been performed, or where accurate inventory monitoring records are not kept and reconciled as required under section 2.3(c)(1) of this Part, the Department may order the facility to inspect and to test the UST system or equipment for tightness. If the facility fails to conduct such inspections and tests within 10 days after receipt of the Department's order, the Department may conduct inspections or tests for tightness. The expenses of conducting such tests as ordered by the Department must be paid by the tank system owner.

(4) A facility that cannot implement a method of leak detection that complies with the requirements of this section must take the UST system out of service pursuant to section 2.6(a) of this Part.

(b) *Specific requirements for Category 1, 2, and 3 UST systems*.

(1) Tanks. USTs must be monitored for leaks as follows:

(i) Every tank that is part of a Category 1 UST system must be monitored for leaks at weekly intervals using one of the methods listed in sections 2.3(c)(2) and (c)(4) through (c)(9) of this Part. Continuous electronic monitoring satisfies the weekly monitoring requirement. Additionally, any UST system which stores any amount of motor fuel or kerosene that will be sold as part of a commercial transaction must meet the ten-day inventory monitoring requirements in section 2.3(c)(1) of this Part.

(ii) Every tank that is part of a Category 2 or 3 UST system must be monitored for leaks at weekly intervals in accordance with section 2.3(c)(7) of this Part. Continuous electronic monitoring satisfies the weekly monitoring requirement. Additionally, any UST system which stores any amount of motor fuel or kerosene that will be sold as part of a commercial transaction must meet the ten-day inventory monitoring requirements in section 2.3(c)(1) of this Part.

(iii) All electronic tank monitoring systems must be inspected for operability at monthly intervals.

(2) Piping. Piping that routinely contains petroleum must be monitored for leaks as follows:

(i) Piping installed on or before October 11, 2015 must meet one of the following requirements:

(*a*) Pressurized piping. Piping that conveys petroleum under pressure must:

(*1*) be equipped with an automatic line leak detector that is operated in accordance with section 2.3(d)(1) of this Part; and

(*2*) have an annual line tightness test conducted in accordance with section 2.3(d)(2) of this Part or have monitoring conducted at weekly intervals in accordance with section 2.3(d)(3) of this Part. Continuous electronic monitoring satisfies the weekly monitoring requirement.

(*b*) Suction piping. Piping that conveys petroleum under suction must either have a line tightness test conducted at least every three years and in accordance with section 2.3(d)(2) of this Part, or use a monitoring method conducted at weekly intervals in accordance with section 2.3(d)(3) of this Part. Continuous electronic monitoring satisfies the weekly monitoring requirement. No leak detection is required for suction piping that is shown by the facility to be designed and constructed to meet the following standards:

(*1*) the underground piping operates at less than atmospheric pressure;

(*2*) the underground piping is sloped so that the contents of the pipe will drain back into the UST if the suction is released;

(*3*) only one check valve is included in each suction line; and

(*4*) the check valve is located directly below and as close as practicable to the suction pump.

(ii) Piping installed after October 11, 2015 must meet one of the following requirements:

(*a*) Pressurized piping. Piping that conveys petroleum under pressure must be monitored for leaks at weekly intervals in accordance with section 2.3(c)(7) of this Part and be equipped with an automatic line leak detector in accordance with section 2.3(d)(1) of this Part. Continuous electronic monitoring satisfies the weekly monitoring requirement.

(*b*) Suction piping. Piping that conveys petroleum under suction must be monitored for leaks at weekly intervals in accordance with section 2.3(c)(7) of this Part. Continuous electronic monitoring satisfies the weekly monitoring requirement. No leak detection is required for suction piping that meets sections 2.3(b)(2)(i)(*b*)(*1*) through (*4*) of this Part.

(iii) All electronic piping monitoring systems must be inspected for operability at monthly intervals.

(c) *Methods of leak detection for tanks*. Each method of leak detection for USTs used to meet the requirements of section 2.3(b)(1) of this Part must be conducted in accordance with the following:

(1) Inventory monitoring. Inventory monitoring must be conducted in the following manner:

(i) Volume measurements for petroleum delivered, dispensed, and the amount still remaining in the UST (or each interconnected set of USTs), must be recorded each operating day;

(ii) The equipment used must be capable of measuring the level of petroleum over the full range of the tank's height to the nearest one-eighth of an inch;

(iii) The petroleum delivered must be reconciled with delivery receipts by measurement of the volume before and after delivery;

(iv) Deliveries must be made through a drop tube that extends to within one foot of the tank bottom;

(v) Petroleum dispensing must be metered and recorded within an accuracy of six cubic inches for every five gallons of petroleum withdrawn;

(vi) The measurement of any water level in the bottom of the UST must be made to the nearest one-eighth of an inch and recorded each operating day; and

(vii) On a daily basis, the facility must calculate the difference between the expected and actual amount of petroleum in the UST. At ten-day intervals, the facility must calculate the sum of the daily differences and compare it to the thresholds in clauses (*a*) and (*b*) of this subparagraph to determine if a leak is suspected. A leak is suspected when:

(*a*) The UST has a recurring accumulation of water within the ten-day period; or

(*b*) The sum of the daily differences over the ten-day interval exceeds the largest of three-quarters of one percent (0.0075) of:
(*1*) tank design capacity,
(*2*) total amount of petroleum delivered to the UST system, or
(*3*) total amount of petroleum dispensed from the UST system.

(2) Manual tank gauging. Manual tank gauging must meet the following requirements:
(i) Tank petroleum level measurements are taken at the beginning and ending of a period, as set forth in subparagraph (iv) of this paragraph, during which no petroleum is added to or removed from the UST.
(ii) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period.
(iii) The equipment used is capable of measuring the level of petroleum over the full range of the tank's height to the nearest one-eighth of an inch.
(iv) A leak is suspected and subject to the requirements of section 2.4 of this Part if the variation between beginning and ending measurements exceeds the weekly or monthly standards in Table 2. **Table 2: Manual Tank Gauging**

Design Capacity of UST	**Minimum Duration of Test**	**Weekly Standard (One Test)**	**Monthly Standard (Four-Test Average)**
550 gallons or less	36 hours	10 gallons	5 gallons
551-1,000 gallons (when tank diameter is 64")	44 hours	9 gallons	4 gallons
551-1,000 gallons (when tank diameter is 48")	58 hours	12 gallons	6 gallons

(v) USTs of 550 gallons or less design capacity and USTs with a design capacity of 551 to 1,000 gallons that meet the tank diameter criteria in Table 2 may use this as the sole method of release detection. USTs of greater than 1,000 gallons design capacity may not use this method to meet the requirements of this Subpart.

(3) Tank tightness testing. Tank tightness testing (or another test of equivalent performance) must be capable of detecting a leak at the rate of 0.1 gallons per hour from any portion of the UST that routinely contains petroleum while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

(4) Automatic tank gauging. Equipment for automatic tank gauging which tests for the loss of petroleum must meet the following requirements:
   (i) The automatic petroleum level monitor test can detect a leak at the rate of 0.2 gallons per hour from any portion of the UST that routinely contains petroleum; and
   (ii) The test must be performed with the system operating in one of the following modes:
      (*a*) In-tank static testing conducted on a weekly basis; or
      (*b*) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the UST at weekly intervals.

(5) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:
   (i) The materials used as backfill are sufficiently porous (for example,gravel, sand, crushed rock) to readily allow diffusion of vapors from leaks into the excavation area;
   (ii) The stored petroleum, or a tracer compound placed in the UST system, is sufficiently volatile (for example, gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a leak from the UST;
   (iii) The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall, or soil moisture or other known interferences so that a leak could go undetected for more than seven days;
   (iv) The level of background contamination in the excavation zone will not interfere with the method used to detect leaks from the UST;
   (v) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the petroleum stored in the UST system, a component or components of that substance, or a tracer compound placed in the UST system;
   (vi) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in subparagraphs (i) through (iv) of this paragraph and to establish the number and positioning of monitoring wells that will detect leaks within the excavation zone from any portion of the UST that routinely contains petroleum; and
   (vii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

(6) Groundwater monitoring. Testing or monitoring for liquids on the groundwater must meet the following requirements:
   (i) The petroleum stored is immiscible in water and has a specific gravity of less than one;
   (ii) Groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the soil(s) between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (for

example, the soil should consist of gravels, coarse to medium sands, coarse silts, or other permeable materials);

(iii) The slotted portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of petroleum on the water table into the well under both high and low groundwater conditions;

(iv) Monitoring wells must be sealed from the ground surface to the top of the filter pack;

(v) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;

(vi) The continuous electronic monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the groundwater in the monitoring wells;

(vii) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subparagraphs (i) through (v) of this paragraph and to establish the number and positioning of monitoring wells or devices that will detect leaks from any portion of the UST that routinely contains petroleum; and

(viii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

(7) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used if the system is designed, constructed and installed to detect a leak from any portion of the UST that routinely contains petroleum; and if the system meets one of the requirements set forth in subparagraphs (i) through (iii) of this paragraph.

(i) For a double-walled UST system, the sampling or testing method can detect a leak through the inner wall in any portion of the UST that routinely contains petroleum;

(ii) For a UST system with a secondary barrier within the excavation zone, the sampling or testing method used can detect a leak between the UST system and the secondary barrier, and the following conditions are met:

(*a*) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (at least 1×10-6 cm/sec for the petroleum stored) to direct a leak to the monitoring point and permit its detection;

(*b*) The barrier is compatible with the petroleum stored so that a leak from the UST system will not cause a deterioration of the barrier allowing a leak to pass through undetected;

(*c*) For a cathodically protected tank, the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system;

(*d*) The groundwater, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a leak could go undetected for more than seven days;

(*e*) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions; and,

(*f*) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

(iii) For a UST system using continuous vacuum, pressure, or liquid-filled methods of interstitial monitoring, the method must be capable of detecting a breach in both the inner and outer walls of the tank and/or piping.

(8) Statistical inventory reconciliation. Statistically based testing or monitoring methods must meet the following requirements:

(i) Report a quantitative result with a calculated leak rate;

(ii) Be capable of detecting a leak rate of 0.2 gallons per hour; and

(iii) Use a threshold that does not exceed one-half the minimum detectible leak rate.

(9) Other methods.

(i) Any other type of leak detection method, or combination of methods, can be used if it can detect a leak at the rate of 0.2 gallons per hour or a leak of 150 gallons within a month with a probability of detection of 95 percent and a probability of false alarm of five percent.

(ii) The Department may approve another method if the owner and operator can demonstrate that the method can detect a leak as effectively as any of the methods allowed in paragraphs (4) through (8) of this subdivision.

(d) *Methods of leak detection for piping*. Each method of leak detection for piping used to meet the requirements of section 2.3(b)(2) of this Part must be conducted in accordance with the following:

(1) Automatic line leak detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of petroleum through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at ten pounds per square inch line pressure within one hour. The facility must conduct a test of the operation of the leak detector at yearly intervals.

(2) Line tightness testing. A periodic test of piping may be conducted only if it can detect a leak at the rate of 0.1 gallons per hour at one and one-half times the operating pressure.

(3) Alternative leak detection methods. Any of the methods in sections 2.3(c)(5) through (8) of this Part may be used if they are designed to detect a leak from any portion of the piping that routinely contains petroleum.

(e) *Leak detection recordkeeping*. All facilities must maintain records demonstrating compliance with all applicable requirements of this section. These records must meet the following requirements:
   (1) the results or records of any sampling, testing, or monitoring must be maintained for at least three years;
   (2) the results of tank and line tightness testing must be retained until the next test is conducted;
   (3) a copy of the results of tank and line tightness testing must be submitted to the Department within 30 days after performance of the test(s); and
   (4) written documentation of all calibration, maintenance, and repair of leak detection equipment permanently located on-site must be maintained for at least three years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the leak detection equipment manufacturer must be retained for three years from the date of installation.

15-2.4 Reporting, investigation, and confirmation

(a) *Reporting of suspected leaks*.
   (1) A facility must report a suspected leak to the Department's Spill Hotline (518-457-7362) within two hours after discovery and follow the procedures in subdivision (c) of this section for any of the following conditions:
      (i) The discovery of petroleum outside of a UST system at the facility or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).
      (ii) Unusual operating conditions observed (such as the erratic behavior of petroleum-dispensing equipment, the sudden loss of product from the UST system, an unexplained presence of water in the UST, or water or petroleum in the interstitial space of secondarily contained systems), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced.
      (iii) Except for inventory monitoring and statistical inventory reconciliation under sections 2.3(c)(1) and (8) of this Part, respectively, monitoring results, including alarms, from a leak detection method required under sections 2.3(a) and (b) of this Part indicate that a leak may have occurred unless the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result.
   (2) If results from inventory monitoring and statistical inventory reconciliation indicate that a leak may have occurred, the facility must report the leak to the Department's Spill Hotline (518-457-7362) within 48 hours after determining the results and follow the procedures in subdivision (c) of this section unless the results can be explained by inaccurate recordkeeping, temperature variations, or other factors not related to leakage. The facility must maintain for three years any record that explains why the results from

inventory monitoring and statistical inventory reconciliation do not indicate that a leak occurred.

(b) *Investigation due to off-site impacts*. When required by the Department, a facility must follow the procedures in subdivision (c) of this section to determine if the UST system is the source of off-site impacts. These impacts include the discovery of petroleum (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that has been observed by the Department or brought to its attention by another party.

(c) *Leak investigation and confirmation steps*. Unless corrective action is initiated in accordance with Subpart 6 of this Ordinance, a facility must investigate any suspected leak of petroleum using either one of the methods described in paragraphs (1) or (2) of this subdivision or another procedure approved by the Department. The investigation must commence within 48 hours following the reporting required under subdivision (a) of this section. The investigation must be completed within seven days following the reporting required under subdivision (a) of this section.

(1) System test. Every facility must conduct tightness tests pursuant to sections 2.3(c)(3) and (d)(2) of this Part to determine whether a leak exists in the UST system.

(i) If the system test confirms a leak, the facility must initiate corrective action in accordance with Subpart 6 of this Part before any repair to the UST system is undertaken.

(ii) Further investigation is not required if the test results for the UST system do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a leak.

(iii) The facility must conduct a site check as described in paragraph (2) of this subdivision if the test results for the UST system do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

(2) Site check. Every facility must measure for the presence of a release where contamination is most likely to be present at the facility. In selecting sample types, sample locations, and measurement methods, the facility must consider the nature of the type of petroleum, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release.

(i) If the test results for the excavation zone or the UST system location indicate that a release has occurred, the facility must begin corrective action in accordance with Subpart 6 of this Part;

(ii) If the test results for the excavation zone or the UST system location do not indicate that a release has occurred, further investigation is not required.

(d) *Response to spills and overfills*.

(1) A facility must report every spill to the Department's Spill Hotline (518-457-7362) within two hours after discovery, contain the spill, and begin corrective action in accordance with the requirements of Subpart 6 of this Part except if the spill meets the following conditions:
   (i) It is known to be less than five gallons in total volume;
   (ii) It is contained and under the control of the spiller;
   (iii) It has not reached and will not reach the land or waters of the State; and
   (iv) It is cleaned up within two hours after discovery.
(2) A facility must immediately discontinue operation of any leaking UST system and take the UST system out of service or close the UST system pursuant to provisions of sections 2.6(a) or (b) of this Part, respectively.

15-2.5 Operator training

(a) *General requirements for all UST systems*. Not later than October 11, 2016, every facility must ensure that it has designated Class A, Class B, and Class C Operators who meet the requirements of this section.

(b) *Designation of operators*. Every facility must designate:
   (1) one Class A and one Class B Operator for each UST system or group of UST systems (the same individual may be designated as both); and
   (2) one or more Class C Operators for each UST system or group of UST systems.

(c) *Requirements for operator testing*. Every facility must ensure Class A, Class B, and Class C Operators meet the requirements of this section. Any individual designated for more than one operator class must pass the required exam for each operator class in which the individual is designated.
   (1) Class A Operators. Each designated Class A Operator must pass an exam acceptable to the Department that measures knowledge of the purpose, methods, and function of the requirements of this Part concerning:
      (i) Spill and overfill prevention;
      (ii) Leak detection;
      (iii) Corrosion protection;
      (iv) Emergency response;
      (v) Compatibility;
      (vi) Financial responsibility;
      (vii) Registration;
      (viii) Out-of-service status and permanent closure;
      (ix) Recordkeeping;
      (x) Environmental and regulatory consequences of releases; and
      (xi) Knowledge and training requirements for Class B and Class C Operators, respectively.

(2) Class B Operators. Each designated Class B Operator must pass an exam acceptable to the Department that measures knowledge of the purpose, methods, and function of the requirements of this Part concerning:
   (i) Operation and maintenance;
   (ii) Spill and overfill prevention;
   (iii) Leak detection and related reporting;
   (iv) Corrosion protection and related testing;
   (v) Emergency response;
   (vi) Compatibility;
   (vii) Recordkeeping;
   (viii) Environmental and regulatory consequences of releases; and
   (ix) Training requirements for Class C Operators.

(3) Class C Operators. Each designated Class C Operator must be trained and tested under the direction of the Class A or Class B Operator to take appropriate actions at the facility in response to emergencies and alarms caused by spills or releases from the UST system.

(4) Class A and Class B Operators who possess a current and valid operator training credential issued by any other state government that administers an exam acceptable to the Department will be considered to be in compliance with the requirements of this subdivision.

(d) *Timing of operator testing and training*.

(1) For a UST system installed on or before October 11, 2016, the facility must ensure that Class A, Class B, and Class C Operators are designated in accordance with subdivision (a), and meet the requirements of subdivision (c) of this section no later than October 11, 2016.

(2) Class A or Class B Operators designated after October 11, 2016 must meet the requirements of subdivision (c) of this section within 30 days after being designated.

(3) Class C Operators designated after October 11, 2016 must be trained and tested before being designated.

(4) In the event that a Class A and/or Class B Operator is no longer designated at a facility (due to separation from employment, death, or other circumstance), the facility must designate a new operator within 30 days after the event. The new operator must meet requirements in subdivision (c) of this section within 30 days after being designated.

(e) *Retesting*. Class A or Class B Operators designated for UST systems that are determined by the Department to be in significant non-compliance must be retested in accordance with the requirements of subdivision (c) of this section. Any reliance on previously obtained operator training credentials issued by another state will not be accepted by the Department. Class A or Class B Operators must be retested within 30 days after the date the Department determines that a UST system is in significant non-compliance. Alternatively, the owner may designate a different Class A or Class B Operator, as appropriate, for

the UST systems determined by the Department to be in significant non-compliance.

(f) *Documentation*. Every facility must maintain a list of designated Class A, Class B, and Class C Operators and maintain records (paper or electronic) verifying that training and testing, as applicable, have been successfully completed, as follows:

(1) The list must:

(i) identify all Class A, Class B, and Class C Operators at the facility; and

(ii) include the name of the operator, the class of the operator, the date that the operator was designated, the date that the operator initially completed testing or training, and the date of any retesting.

(2) The records verifying successful completion of training and testing for Class A, Class B, and Class C Operators must, at a minimum, identify the name of the operator and the date tested, as well as passing results. Owners and operators must maintain these records for as long as Class A, Class B, and Class C Operators are designated plus an additional three years. Records of the exam or training must also, at a minimum, be signed by the examiner or trainer and list the printed name of the examiner or trainer and the name, address, and phone number of the employer of the examiner or trainer. Records of testing for Class A or Class B Operators must include those areas in which the Class A or Class B Operator has been tested.

15-2.6 Out-of-service UST systems and closure

(a) *Out-of-service UST systems*.

(1)(i) When a UST system is out-of-service, the facility must continue operation and maintenance of corrosion protection in accordance with section 2.2(b) of this Part, and any leak detection in accordance with sections 2.3(a) and (b) of this Part. Subpart 6 of this Part must be complied with if a release is confirmed.

(ii) Leak detection required under sections 2.3(a) and (b) of this Part is not required as long as the UST system is empty. (The UST system is considered empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue remain in the system.) However, leak detection required under sections 2.3(a) and (b) of this Part must resume upon resumption of delivery of petroleum into the UST system.

(2) When a UST system is out-of-service for a period of three to twelve months, the facility must also comply with the following requirements:

(i) Leave vent lines open and functioning; and

(ii) Cap and secure all other piping, ancillary equipment, and manways.

(3) When a UST system is out-of-service for more than 12 months, the facility must permanently close the UST system in accordance with subdivisions (b) through (e) of this section.

(b) *Permanent closure and changes in service*.

(1) At least 30 days before beginning permanent closure or a change in service, a facility must notify the Department of its intent to permanently close or make the change in service, unless such action is in response to corrective action. The required assessment of the excavation zone under subdivision (c) of this section must be performed after notifying the Department but before completion of the permanent closure or a change in service. The resultant report must be submitted to the Department within 90 days after permanent closure. Within 30 days after permanent closure or a change in service, a facility must submit a registration application to the Department, in accordance with section 1.9(f) of this Part, indicating that the UST system has been permanently closed or that a change in service has occurred.

(2) To permanently close a UST system:

(i) The facility must empty and clean it by removing all liquids and accumulated sludge. Every tank that is part of a UST system that is permanently closed must also be either removed from the ground or filled with an inert solid material (such as sand or concrete slurry). If an inert solid material is used, all voids within the UST must be filled. All connecting and fill lines must be disconnected and removed or securely capped or plugged. Manways must be securely fastened in place.

(ii) The facility must ensure that all scheduled deliveries to the UST system are terminated.

(3) Use of a UST system to store a substance other than petroleum is considered a change in service. Before a change in service, the facility must empty and clean the UST by removing all liquid and accumulated sludge and conduct a site assessment in accordance with subdivision (c) of this section.

(4) One of the following codes of practice (refer to section 1.10 of this Part for complete citation of references) must be adhered to in order to comply with this subdivision:

(i) API RP 1604, March 1996;

(ii) API RP 2016, August 2001;

(iii) API RP 1631, June 2001; or

(iv) NFPA 326, 2010 edition.

(c) *Assessing the site at closure or change in service*.

(1) Before permanent closure or a change in service is completed, the facility must measure for the presence of a release where contamination is most likely to be present at the UST system location. In selecting sample types, sample locations, and measurement methods, the facility must consider the method of closure, the petroleum stored, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. The requirements of this subdivision are satisfied if one of the external release detection methods allowed in sections 2.3(c)(5) and (6) of

this Part is operating in accordance with the requirements in section 2.3 of this Part at the time of closure, and indicates no release has occurred.

(2) If contaminated soils, contaminated groundwater, or petroleum as a liquid or vapor is discovered, the facility must begin corrective action in accordance with Subpart 6 of this Part.

(d) For any UST system that has been out-of-service since December 27, 1986 and was not properly permanently closed pursuant to Department regulations governing UST system closure, the facility owner must assess the excavation zone and permanently close the UST system in accordance with this section if the Department determines there is a potential for a release of petroleum from the UST system.

(e) *Records for permanent closure or change in service*. The facility must maintain for three years records that are capable of demonstrating compliance with closure requirements under this Subpart. In addition, the facility must transmit a copy of the records to the Department within 30 days after permanent closure or change in service.

Article 15-3 UST Systems Subject Only to NYSECL Article 17 Title 10

15-3.1 UST systems: design, construction, and installation

(a) *Applicability*. The provisions of this Subpart apply to every UST system that is part of a facility, where the UST system:

(1) contains heating oil used for on-premises consumption;

(2) has a design capacity of 1,100 gallons or less and is used to store motor fuel for non-commercial purposes (not for resale) at a farm or residence;

(3) is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50; or

(4) consists of a field-constructed tank.

(b) *Equipment standards for Category 2 and 3 UST systems*. In order to prevent releases due to structural failure, corrosion, or spills and overfills, any facility containing a Category 2 or 3 UST system must meet the following requirements.

(1) Tanks. Each UST must be properly designed and constructed, and any portion underground that routinely contains petroleum must be protected from corrosion, as specified in subparagraphs (i) through (iii) of this paragraph. In addition, all USTs must be secondarily contained in accordance with subparagraph (iv) of this paragraph:

(i) Every UST made of fiberglass-reinforced plastic (FRP) must be designed and constructed according to one of the following codes of

practice (refer to section 1.10 of this Part for complete citation of references):

(*a*) For Category 2 USTs:

(*1*) UL 1316, July 1983; or

(*2*) CAN4-S615-M83, 1983.

(*b*) For Category 3 USTs:

(*1*) UL 1316, January 1994; or

(*2*) ULC-S615-98, 1998.

(ii) Every UST made of steel that is cathodically protected must meet the following conditions:

(*a*) The UST must be designed and constructed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*1*) For Category 2 USTs:

(*i*) UL 58, April 1981; or

(*ii*) ULC-S603-M1981, 1981.

(*2*) For Category 3 USTs:

(*i*) UL 58, December 1996; or

(*ii*) ULC-S603-00, 2000.

(*b*) The UST must be cathodically protected in the following manner:

(*1*) The UST must be coated with a suitable dielectric material;

(*2*) The cathodic protection system must be designed, fabricated, and installed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*i*) For Category 2 USTs:

(*A*) API RP 1632, January 1983;

(*B*) ULC-S603.1-M1982, 1982; or

(*C*) sti-P3®, July 1983.

(*ii*) For Category 3 USTs:

(*A*) sti-P3®, September 2013;

(*B*) UL 1746, January 2007;

(*C*) ULC-S603.1-11, 2011;

(*D*) NACE SP0285-2011, 2011.

(*3*) Every field-installed cathodic protection system must be designed by a corrosion expert; and

(*4*) Every impressed current system must be designed to allow determination of current operating status as required in section 3.2(b)(3) of this Part.

(iii) Every UST made of steel that is clad or jacketed with a non-corrodible material must meet the following conditions:

(*a*) The UST must be designed and constructed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*1*) For Category 2 USTs:

(*i*) UL 58, April 1981; or

(*ii*) ULC-S603-M1981, 1981.

(*2*) For Category 3 USTs:

(*i*) UL 58, December 1996; or

(*ii*) ULC-S603-00, 2000.

(*b*) The tank in a Category 2 UST system must be clad with a non-corrodible material in accordance with the following requirements:

(*1*) The UST must be electrically insulated from the piping with dielectric fittings, bushings, washers, sleeves or gaskets which are compatible with petroleum, petroleum additives, and corrosive soils.

(*2*) The UST must have an exterior fiberglass reinforced plastic shell bonded firmly to the steel. This must consist of a base coat of resin five to eight mils (0.005 to 0.008 inch) in thickness overlain by two layers of resin with fiberglass reinforcement with a thickness of at least 85 mils (0.085 inch) after rolling. A final coat of resin must be applied to a thickness of 10 to 15 mils (0.01 to 0.015 inch). The thickness of the completed coating must be a minimum of 100 mils (0.1 inch) after curing. The coating's coefficient of thermal expansion must be compatible with steel so that stress due to temperature changes will not be detrimental to the soundness of the coating and a permanent bond between coating and steel is maintained. The coating must be of sufficient density and strength to form a hard impermeable shell which will not crack, wick, wear, soften, or separate and which must be capable of containing the product under normal service conditions in the event the steel wall is perforated. The coating must be non-corrodible under adverse underground electrolytic conditions and must be compatible with petroleum products and petroleum additives.

(*3*) The coating must be factory-inspected for air pockets, cracks, blisters, pinholes, and electrically tested at 10,000 volts for coating short circuits or coating faults. Any defects must be repaired. The coating must be factory checked with a Barcol Hardness Tester or equivalent to assure compliance with the manufacturer's minimum specified hardness standard for cured resin.

(*c*) The tank in a Category 3 UST system must be clad or jacketed with a non-corrodible material which is designed, fabricated, and installed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*1*) UL 1746, January 2007;

(*2*) STI F894, September 2013;

(*3*) STI F961, September 2013; or

(*4*) STI F922, January 2013.

(iv) Every UST must be secondarily contained according to the following:

(*a*) The secondarily contained UST must:

(*1*) be able to contain petroleum leaked from the primary containment until it is detected and removed; and

(*2*) be able to prevent the release of petroleum.

(*b*) The tank in a Category 2 UST system must have a secondary containment system which must consist of one of the following:

(*1*) Double-walled USTs. A double-walled UST which is designed and manufactured in accordance with all of the following standards:

(*i*) the interstitial space of the double-walled UST can be monitored for tightness;

(*ii*) outer jackets made of steel must have a minimum thickness of 10-gauge and must be coated as prescribed in section 3.1(b)(1)(ii)(*b*)(*1*) or (iii)(*b*)(*2*) of this Part;

(*iii*) there are no penetrations of any kind through the jacket to the UST except top entry manholes and fittings required for filling the tank, venting the tank, or monitoring the interstitial space;

(*iv*) the outer jacket must cover at least the bottom 80 percent of the UST; and

(*v*) the jacket must be designed to contain an inert gas or liquid at a pressure greater than the maximum internal pressure or be able to contain a vacuum for a period of one month.

(*2*) Vaults. If a vault is used for secondary containment, the vault must be water tight, impervious to leakage of petroleum and able to withstand chemical deterioration and structural stresses from internal and external causes. The vault must be a continuous structure with a chemical-resistant water stop used at any joint. There must be no drain connections or other entries through the vault except there may be top entry manholes and other top openings for filling and emptying the UST, for venting, and for monitoring and pumping of petroleum which may leak into the vault.

(*3*) Cut-off walls. If a cut-off wall is used:

(*i*) The cut-off wall may be used only where groundwater levels are above the bottom of the UST excavation.

(*ii*) A cut-off wall must consist of an impermeable barrier which has a permeability rate to water equal to or less than 1×10-6 cm/sec. It must not deteriorate in an underground environment and in the presence of petroleum.

(*iii*) A cut-off wall must extend around the perimeter of the excavation and to an elevation below the lowest groundwater level.

(*iv*) If a synthetic membrane is used for a cut-off wall, any seams, punctures or tears in the membrane must be repaired and made leak tight prior to backfilling. No penetrations of the cut-off wall are allowed.

(*v*) Impervious native soil may serve as a cut-off wall when the impervious soil is continuous and is of sufficient depth, thickness, and extent to contain a leak. The soil must have a permeability rate to water equal to or less than 1×10-6 cm/sec.

(*4*) Impervious underlayment.

(*i*) An impervious underlayment may be used only under a UST at sites where groundwater levels are below the bottom of the excavation and where soils are well drained. This underlayment must have a permeability rate to water equal to or less than 1×10-6 cm/sec and must not deteriorate in an underground environment and in the presence of petroleum. The underlayment may consist of impervious native soils, an impervious concrete pad, a synthetic membrane or any equivalent material. If a synthetic membrane is used, any seams, punctures or tears must be repaired prior to backfilling.

(*ii*) The underlayment must extend at least one foot beyond the sides and ends of the UST and must have a slope of at least one-quarter inch per foot to a sump. An observation well must be positioned in the sump and extend to the surface of the excavation for the purpose of sampling for leakage and pumping out water or product which may accumulate.

(*iii*) Surface waters must be drained from the site using practices which may include capping the site with asphalt, concrete or other impervious cover which is sloped to drainways leading away from the UST**.**

(*c*) The tank in a Category 3 UST system must be double-walled and must be designed and constructed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*1*) UL 58, December 1996;

(*2*) UL 1316, January 1994;

(*3*) UL 1746, January 2007;

(*4*) STI F841, January 2006; or

(*5*) STI F922, January 2013.

(2) Piping. Piping that routinely contains petroleum and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with subparagraphs (i) or (ii) of this paragraph.

(i) Piping made of a non-corrodible material must meet the following conditions.

(*a*) The materials, joints, and joint adhesives must be compatible with petroleum, petroleum additives, and corrosive soils.

(*b*) All underground piping must be designed, constructed, and installed with access ports to permit tightness testing without the need for extensive excavation.

(*c*) All joints must be liquid and air tight.

(*d*) All underground piping must be tested for tightness before being covered, enclosed or placed in use.

(*e*) All piping that is installed after October 11, 2015 must be designed and constructed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*1*) UL 971, February 2006; or

(*2*) ULC-S660-08, 2008.

(ii) Piping made of steel that is cathodically protected must meet the following conditions.

(*a*) The cathodic protection system must provide a minimum of 30 years of protection in corrosive soils.

(*b*) Cathodic protection must be provided by the use of sacrificial anodes or impressed current.

(*c*) Where sacrificial anodes or impressed current systems are used, monitors to check on the adequacy of the system must be installed and kept in proper working condition. If at any time the monitor shows that the electrical current necessary to prevent corrosion is not being maintained, the system must be repaired or the piping will be considered unprotected and must be tested for tightness in accordance with section 3.3(d)(2) of this Part.

(*d*) Except where cathodic protection is provided by impressed current, underground piping must have dielectric bushings, washers, sleeves, or gaskets installed at the end to electrically isolate the piping from the UST and the dispenser. These dielectric connectors must be compatible with petroleum, petroleum additives, and corrosive soils.

(*e*) All underground piping must be designed, constructed, and installed with access ports to permit tightness testing without the need for extensive excavation.

(*f*) All joints must be liquid and air tight.

(*g*) All underground piping must be tested for tightness in accordance with section 3.3(d)(2) of this Part before being covered, enclosed, or placed in use.

(*h*) All piping that is installed after October 11, 2015 must meet the following conditions:

(*1*) The piping is designed and constructed according to UL 971A, October 2006 (refer to section 1.10 of this Part for complete citation of references);

(*2*) The piping is coated with a suitable dielectric material;

(*3*) The cathodic protection system is designed, fabricated, and installed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*i*) API RP 1632, January 1996 (revised 2002);

(*ii*) STI R892, January 2006;

(*iii*) NACE SP0169-2013, 2013; or

(i*v*) NACE SP0285-2011, 2011.

(*4*) Any field-installed cathodic protection system is designed by a corrosion expert; and

(*5*) Any impressed current system is designed to allow determination of current operating status as required in section 3.2(b)(2) of this Part.

(3) Overfill prevention equipment.

(i) Overfill prevention equipment must be used that will:

(*a*) automatically shut off flow into the UST when the UST is no more than 95 percent full;

(*b*) alert the operator or carrier when the UST is no more than 90 percent full by restricting the flow into the UST or triggering a high-level alarm; or

(*c*) restrict flow 30 minutes prior to overfilling, alert the operator or carrier with a high-level alarm one minute before overfilling, or automatically shut off flow into the UST so that none of the fittings located on top of the UST are exposed to product due to overfilling.

(ii) A facility is not required to use the overfill prevention equipment specified in subparagraph (i) of this paragraph if the UST system is filled by transfers of no more than 25 gallons at one time.

(4) Installation.

(i) Every Category 2 or 3 UST system must be installed in accordance with the manufacturer's instructions. This includes repair of any damage to the tank coatings prior to backfilling.

(ii) As-built information records. The facility must maintain an accurate diagram for the life of every Category 2 or 3 UST system:

(*a*) showing the location of:

(*1*) each UST and its associated piping, including registration identification number;

(*2*) fill ports;

(*3*) dispensing equipment;

(*4*) check valves;

(*5*) transition sumps (if any); and
(*6*) monitoring or recovery wells (if any).

(*b*) listing the following tank system attributes for Category 3 UST systems:
(*1*) physical dimensions of each UST; and
(*2*) installation date for each portion of piping installed after October 11, 2015.

(c) indicating at least one visible reference point (for example, facility structure), a frame of reference (for example, north arrow), and scale of the drawing.

(5) Valves.

(i) Every dispenser of motor fuel under pressure from a remote pumping system must be equipped with a shear valve (impact valve) that is located in the supply line at the inlet of the dispenser. The valve must be designed to close automatically in the event that the dispenser is accidentally dislodged from the inlet pipe. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 4-3.6 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 6.3.9 meets the requirements of this subparagraph.

(ii) Every dispenser of motor fuel that causes a gravity head must be equipped with a device such as a solenoid valve that is positioned adjacent to and downstream from the operating valve. The valve must be installed and adjusted so that liquid cannot flow by gravity from the UST system in case of piping or dispenser hose failure. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 2-1.7 meets this requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 4.2.4 meets the requirements of this subparagraph.

(iii) Every fill pipe leading to a pump-filled UST must be equipped with a properly functioning check valve or equivalent device which provides automatic protection against backflow. A check valve is required only when the piping arrangement of the fill pipe is such that backflow from the receiving tank is possible.

(iv) Each connection on a gravity-drained UST through which petroleum can normally flow must be equipped with an operating valve to control the flow. For a valve installed on or before October 11, 2015, a valve which meets the standards set forth in NFPA 30 (1984 edition), section 2-2.7.1 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30 (2012 edition), section 22.13.1 meets the requirements of this subparagraph.

(c) *Equipment standards for Category 1 UST systems*. In order to prevent releases due to structural failure, corrosion, or spills and overfills, any facility containing a Category 1 UST system must meet the following requirements.

(1) Every dispenser of motor fuel under pressure from a remote pumping system must be equipped with a shear valve (impact valve) that is located in the supply line at the inlet of the dispenser. The valve must be designed to close automatically in the event that the dispenser is accidentally dislodged from the inlet pipe. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 4-3.6 meets the requirements of this paragraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 6.3.9 meets the requirements of this paragraph.

(2) Every dispenser of motor fuel that causes a gravity head must be equipped with a device such as a solenoid valve that is positioned adjacent to and downstream from the operating valve. The valve must be installed and adjusted so that liquid cannot flow by gravity from the UST system in case of piping or dispenser hose failure. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 2-1.7 meets this requirements of this paragraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 4.2.4 meets the requirements of this paragraph.

(3) Every fill pipe leading to a pump-filled UST must be equipped with a properly functioning check valve or equivalent device which provides automatic protection against backflow. A check valve is required only when the piping arrangement of the fill pipe is such that backflow from the receiving tank is possible.

(4) Each connection on a gravity-drained UST through which petroleum can normally flow must be equipped with an operating valve to control the flow. For a valve installed on or before October 11, 2015, a valve which meets the standards set forth in NFPA 30 (1984 edition), section 2-2.7.1 meets the requirements of this paragraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30 (2012 edition), section 22.13.1 meets the requirements of this paragraph.

15-3.2 General operating requirements

(a) *Spill and overfill prevention*.

(1) Every facility must ensure that releases due to spilling or overfilling do not occur. One of the transfer procedures described in NFPA 385 (2012 edition) or API RP 1007 (March 2001 edition) must be used in order to comply with the requirement of this paragraph, unless those procedures are technically infeasible. In circumstances of technical infeasibility, the facility must develop and employ practices to ensure that releases due to spilling or overfilling do not occur.

(2) The facility must report, investigate, and clean up any spills and overfills in accordance with section 3.4(d) of this Part.
(3) Every Category 2 or 3 UST system must have a label at the fill port specifying tank registration identification number, tank design and working capacities, and type of petroleum that is able to be stored in the UST system.
(4) Every UST system fill port must be color coded in accordance with API RP 1637. If a UST system contains petroleum that does not have a corresponding API color code, the facility must otherwise mark the fill port (for example, with stenciled letters) to identify the petroleum currently in the UST system. For any fill port connected to multiple UST systems storing different types of petroleum, the facility may place the marking near the fill port (for example, with a label or placard) to identify the types of petroleum in the UST systems.
(5) Where there are monitoring wells located at a facility, every monitoring well must be clearly identified as a monitoring well to prevent accidental delivery of petroleum to the monitoring well and must be sealed or capped so as to prevent liquid from entering the well from the surface.
(6) The facility must keep all gauges, valves, and other equipment for spill prevention in good working order.
(7) Immediately prior to a delivery, the carrier must determine that the UST has available working capacity to receive the volume of petroleum to be delivered. Every aspect of the delivery must be monitored and immediate action must be taken to stop the flow of petroleum when the working capacity of the UST has been reached or should an equipment failure or emergency occur.

(b) *Operation and maintenance of corrosion protection*. Every facility having a metal UST system with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented until the UST system is permanently closed pursuant to section 3.5(b) of this Part:
(1) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the UST and piping that routinely contains petroleum and is in contact with the ground.
(2) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:
(i) Frequency. All cathodic protection systems must be tested at yearly intervals; and
(ii) Inspection criteria. All cathodic protection systems must provide adequate electrical current to prevent corrosion.
(3) For UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained to demonstrate compliance with the requirements of this section. The records generated to meet the provisions of paragraph (2) of this subdivision must be kept for three years.

(c) *Compatibility*. Every facility must use a UST system made of or lined with materials that are compatible with the petroleum stored in the UST system.

(d) *Lining repairs for steel USTs*.

(1) Manufacturer's guarantee. A steel UST may be lined under the direction of the lining manufacturer or a certified representative. The manufacturer or representative must guarantee to the owner in writing that the lining will not fail, crack, separate, or deteriorate and the tank will not leak the product specified in storage for a period of ten years. A copy of the guarantee must be kept by the owner for the life of the tank.

(2) Structural requirements.

(i) A steel UST may be lined only if it meets the following structural conditions:

(*a*) the tank has a design shell thickness of seven gauge or more;

(*b*) the tank has a minimum metal thickness of 1/8 inch at holes after reaming;

(*c*) the tank has no open seam or split;

(*d*) the tank has fewer than ten holes with none larger than 1/2 inch in diameter; and

(*e*) the tank meets all standards for structural soundness of the lining manufacturer.

(ii) A steel UST which fails to meet all of the requirements of subparagraph (i) of this paragraph must be permanently closed in accordance with section 3.5(b) of this Part.

(iii) To determine adherence to the requirements of subparagraph (i) of this paragraph, the entire interior surface of the steel UST must be tapped with a ballpeen hammer for soundness or inspected using other equivalent or superior nondestructive methods. Weak areas, holes and seams must be ballpeen hammered (before and after sandblasting) to obtain structurally sound edges. Holes and seams must be reamed until the edges of the opening are a minimum of 1/8 inch thick.

(3) Preparation of tank interior.

(i) Cleaning of UST prior to lining. Prior to lining, a UST must be cleaned. Wash water must not be discharged to the lands or waters of the State unless the discharge is in conformance with the standards of Parts 701, 702, 703, and 750 of this Title, as applicable.

(ii) Sludge removal. Sludge accumulation on the bottom of the UST must be removed, transported, and disposed of in a manner consistent with all State and federal requirements for solid waste disposal.

(iii) Sandblasting of internal surfaces. The entire internal surface of the UST must be sandblasted completely free of scale, rust, and foreign matter. Following sandblasting, the entire surface must be brushed and vacuumed such that the surface when viewed without magnification is free of all moisture and foreign matter.

(iv) Plugging of perforations. All perforations must be tightly plugged with boiler plugs or screws made of noncorrodible plastic. Boiler plugs or screws must be covered with a laminate of resin and fiberglass cloth which overlaps all sides of the plug with a minimum of six inches and which has a minimum area of 144 square inches.

(4) Installation of striker plates. Prior to applying the coating material, a 10-gauge steel plate which covers a minimum of 144 square inches must be installed and centered under the fill tube and gauging tube. The plate must be bonded to the interior surface of the UST.

(5) Lining specifications.

(i) Any noncorrodible epoxy-based resins or equivalent coating may be used for lining a steel UST if the lining is of sufficient thickness, density, and strength to form a hard impermeable shell which will not leak, crack, wear, soften, or separate from the interior surface of the UST.

(ii) The lining's coefficient of thermal expansion must be compatible with steel so that stress due to temperature changes will not be detrimental to the soundness of the coating.

(iii) The lining must be compatible with petroleum products and petroleum additives.

(6) Application of lining.

(i) The lining must be applied and cured in strict accordance with manufacturer's specifications.

(ii) The lining must be applied as soon as possible but not later than eight hours after sandblasting and cleaning of the internal surface. Visible rust, moisture, or foreign material must not be present.

(7) Inspection of lining. The lining must be checked for air pockets and blisters, and electrically tested for pinholes. The lining thickness must be checked with an Elcometer Thickness Gauge or equivalent and the hardness checked with a Barcol Hardness Tester or equivalent to assure compliance with manufacturer's specifications. Any defects must be repaired.

(8) Tank closings.

(i) If the UST has a manway, the manway cover gasket must be replaced with a new one before resealing.

(ii) If the UST does not have a manway and an opening has been cut, the UST must have a manway properly welded in place prior to beginning work or the UST must be sealed as follows:

(*a*) A 1/4-inch thick steel cover plate, rolled to the contour of the tank exterior must be made to overlap the hole at least two inches on each side (for example, the cover plate should measure at least 26”×26” if the opening was cut 22”×22”).

(*b*) The cover must be used as a template to locate 3/4-inch diameter holes on five-inch centers, one inch from the edge of the cover.

(*c*) The cover plate must be sandblasted and both sides and the entire inside surface of the plate must be covered with coating material to act as a gasket.

(*d*) Before the coating on the cover cures, the cover must be fastened to the UST using 1/2-inch minimum diameter bolts. The bolt shafts are to be placed through the holes from the inside of the tank and held in place by spring clips, then fastened with lock washers and nuts which have been dipped in a seam sealer.

(*e*) After being bolted to the UST, the cover plate and surrounding tank surface must be properly sandblasted, coated with coating material, and allowed to cure before backfilling the hole.

(9) Tank tightness testing. Following closure of the UST and before backfilling, the relined UST must be given a tightness test in accordance with section 3.3(c)(1) of this Part.

(e) *Tank systems in locations subject to flooding*. For Category 1 and 2 UST systems located in an area where the UST may become buoyant because of a rise in the water table, flooding, or accumulation of water, the facility must maintain safeguards in accordance with sections 2-5.6 of NFPA 30 (1984 edition). If such safeguards include ballasting of a UST with water during flood warning periods, tank system valves and other openings must be closed and secured in a locked position in advance of the flood. Ballast water removed from the UST after the flood must not be discharged to the waters of the State unless the discharge is in conformance with the standards of Parts 701, 702, 703, and 750 of 6 NYCRR, as applicable.

15-3.3 Leak detection

(a) *Leak detection requirements for all UST systems*.

(1) Every facility must provide a method, or combination of methods, of leak detection that:

(i) can detect a leak from any portion of the UST and the piping that routinely contains petroleum;

(ii) is installed and calibrated in accordance with the manufacturer's instructions; and

(iii) meets the requirements in subdivisions (c) and (d) of this section, as applicable.

(2) When a leak detection method operated in accordance with the requirements of subdivisions (c) and (d) of this section indicates that a leak may have occurred, the facility must notify the Department in accordance with section 3.4(a) of this Part.

(3) Additional testing and inspection. When a leak is suspected, or where inspections or tests required by this Part have not been performed, the Department may order the facility to inspect and to test the UST system or equipment for tightness and structural soundness. If the facility fails to conduct such inspections and tests within 10 days after receipt of the Department's order, the Department may conduct inspections or tests for tightness. The expenses of conducting such tests as ordered by the Department must be paid by the tank system owner.

(4) A facility that cannot implement a method of leak detection that complies with the requirements of this section must take the UST system out of service pursuant to section 3.5(a) of this Part.

(b) *Specific requirements for Category 1, 2, and 3 UST systems*.

(1) Tanks. USTs must be monitored for leaks as follows:

(i) Every tank that is part of a Category 1 UST system must be tested for tightness in accordance with section 3.3(c)(1) of this Part at yearly intervals, with the exception of the following:

(*a*) Any UST system storing No. 5 or No. 6 fuel oil;

(*b*) Any UST system that is monitored for leaks at weekly intervals using one of the methods listed in sections 3.3(c)(2) through (5) of this Part; or

(*c*) Any UST system having a tank that is encased in concrete that complies with section 3.3(c)(6) of this Part and is monitored at weekly intervals.

(ii) Every tank that is part of a Category 2 UST system must be monitored for leaks using one of the methods listed in sections 3.3(c)(2) through (5) of this Part at weekly intervals. Continuous electronic monitoring satisfies the weekly monitoring requirement.

(iii) Every tank that is part of a Category 3 UST system must be monitored for leaks in accordance with section 3.3(c)(5) of this Part at weekly intervals. Continuous electronic monitoring satisfies the weekly monitoring requirement.

(iv) All electronic tank monitoring systems must be inspected for operability at monthly intervals.

(2) Piping. Piping that routinely contains petroleum and is in contact with the ground must be monitored for leaks as follows:

(i) Pressurized piping.

(*a*) Piping installed before December 27, 1986 that conveys petroleum under pressure must be tested for tightness in accordance with section 3.3(d)(2) of this Part at yearly intervals, with the exception of the following:

(*1*) piping associated with any UST system storing No. 5 or No. 6 fuel oil;

(*2*) any pressurized piping that is equipped with an automatic line leak detector that is operated in accordance with section 3.3(d)(1) of this Part.

(*b*) Piping installed on or after December 27, 1986 that conveys petroleum under pressure and is part of a UST system storing motor fuel must be equipped with an automatic line leak detector that is operated in accordance with section 3.3(d)(1) of this Part.

(ii) Suction piping. Piping installed before December 27, 1986 that conveys petroleum under suction must be tested for tightness in accordance with section 3.3(d)(2) of this Part at yearly intervals, with the exception of piping associated with any UST system storing No. 5 or No. 6 fuel oil.

(iii) All electronic piping monitoring systems must be inspected for operability at monthly intervals.

(c) *Methods of leak detection for tanks*. Each method of leak detection for USTs used to meet the requirements of section 3.3(b)(1) of this Part must be conducted in accordance with the following:

(1) Periodic tightness testing.

(i) Qualifications of test technicians. All tightness tests must be performed by a technician who has an understanding of variables which affect the test and is trained in the performance of the test.

(ii) Test reports.

(*a*) A copy of the test report must be provided by the facility to the Department within 30 days after performance of the test.

(*b*) All test reports must be in a form satisfactory to the Department and must include the following information:

(*1*) facility registration number;

(*2*) tank identification number used on the application form required in section 1.9 of this Part for the UST and piping tested;

(*3*) date of test;

(*4*) results of test;

(5) test method;

(*6*) certification by the technician that test complies with criteria for a tightness test in subparagraph (iii) of this paragraph;

(*7*) statement of technician's qualifications;

(*8*) address of technician; and

(*9*) signature of technician.

(iii) Tank tightness testing must be capable of detecting a leak at the rate of 0.1 gallons per hour from any portion of the UST that routinely contains petroleum while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

(2) Automatic tank gauging. Equipment for automatic tank gauging which tests for the loss of petroleum must meet the following requirements:

(i) The automatic petroleum level monitor test can detect a leak at the rate of 0.2 gallons per hour from any portion of the UST that routinely contains petroleum; and

(ii) The test must be performed with the system operating in one of the following modes:

(*a*) In-tank static testing conducted on a weekly basis; or

(*b*) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the UST at weekly intervals.

(3) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:
   (i) The materials used as backfill are sufficiently porous (for example, gravel, sand, crushed rock) to readily allow diffusion of vapors from leaks into the excavation area;
   (ii) The stored petroleum, or a tracer compound placed in the UST system, is sufficiently volatile (for example, gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a leak from the UST;
   (iii) The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall, or soil moisture or other known interferences so that a leak could go undetected for more than seven days;
   (iv) The level of background contamination in the excavation zone will not interfere with the method used to detect leaks from the UST;
   (v) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the petroleum stored in the UST system, a component or components of that substance, or a tracer compound placed in the UST system;
   (vi) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in subparagraphs (i) through (iv) of this paragraph and to establish the number and positioning of monitoring wells that will detect leaks within the excavation zone from any portion of the UST that routinely contains petroleum; and
   (vii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

(4) Groundwater monitoring. Testing or monitoring for liquids on the groundwater must meet the following requirements:
   (i) The petroleum stored is immiscible in water and has a specific gravity of less than one;
   (ii) Groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the soil(s) between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (for example, the soil should consist of gravels, coarse to medium sands, coarse silts, or other permeable materials);
   (iii) The slotted portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of petroleum on the water table into the well under both high and low groundwater conditions;
   (iv) Monitoring wells must be sealed from the ground surface to the top of the filter pack;
   (v) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;
   (vi) The continuous electronic monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the groundwater in the monitoring wells;

(vii) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subparagraphs (i) through (v) of this paragraph and to establish the number and positioning of monitoring wells or devices that will detect leaks from any portion of the UST that routinely contains petroleum; and

(viii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

(5) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used if the system is designed, constructed, and installed to detect a leak from any portion of the UST that routinely contains petroleum; and if the system meets one of the requirements set forth in subparagraphs (i) through (iii) of this paragraph.

(i) For a double-walled UST system, the sampling or testing method can detect a leak through the inner wall in any portion of the UST that routinely contains petroleum;

(ii) For a UST system with a secondary barrier within the excavation zone, the sampling or testing method used can detect a leak between the UST system and the secondary barrier, and the following conditions are met;

(*a*) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (at least 1×10-6 cm/sec with respect to water) to direct a leak to the monitoring point and permit its detection;

(*b*) The barrier is compatible with the petroleum stored so that a leak from the UST system will not cause a deterioration of the barrier allowing a leak to pass through undetected;

(*c*) For a cathodically protected tank, the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system;

(*d*) The groundwater, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a leak could go undetected for more than seven days;

(*e*) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions; and

(*f*) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

(iii) For a UST system using continuous vacuum, pressure, or liquid-filled methods of interstitial monitoring, the method must be capable of detecting a breach in both the inner and outer walls of the tank and/or piping.

(6) Weep holes. Holes in the base of a concrete form encasing a tank may be used to detect a leak from any portion of the tank. Holes in the concrete form must be directly visible to an observer.

(d) *Methods of leak detection for piping*. Each method of leak detection for piping used to meet the requirements of section 3.3(b)(2) of this Part must be conducted in accordance with the following:
(1) Automatic line leak detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of petroleum through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at ten pounds per square inch line pressure within one hour.
(2) Line tightness testing. A periodic test of piping may be conducted only if it can detect a leak at the rate of 0.1 gallons per hour at one and one-half times the operating pressure.

(e) *Leak detection recordkeeping*. Every facility must maintain records demonstrating compliance with all applicable requirements of this section. These records must meet the following requirements:
(1) the results or records of any sampling, testing, or monitoring must be maintained for at least three years;
(2) the results of tank and line tightness testing must be retained until the next test is conducted;
(3) a copy of the results of tank and line tightness testing must be submitted to the Department within 30 days after performance of the test(s); and
(4) written documentation of all calibration, maintenance, and repair of leak detection equipment permanently located on-site must be maintained for at least three years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the leak detection equipment manufacturer must be retained for three years from the date of 3installation.

15-3.4 Reporting, investigation, and confirmation

(a) *Reporting of suspected leaks*. A facility must report a suspected leak to the Department's Spill Hotline (518-457-7362) within two hours after discovery and follow the procedures in subdivision (c) of this section for any of the following conditions:
(1) The discovery of petroleum outside of a UST system at the facility or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).
(2) Unusual operating conditions observed (such as the erratic behavior of petroleum dispensing equipment, the sudden loss of product from the UST system, an unexplained presence of water in the UST, or water or petroleum in the interstitial space of secondarily contained systems), unless system

equipment is found to be defective but not leaking, and is immediately repaired or replaced.

(3) Monitoring results, including alarms, from a leak detection method required under sections 3.3(a) and (b) of this Part indicate that a leak may have occurred unless the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result.

(b) *Investigation due to off-site impacts*. When required by the Department, a facility must follow the procedures in subdivision (c) of this section to determine if the UST system is the source of off-site impacts. These impacts include the discovery of petroleum (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that has been observed by the Department or brought to its attention by another party.

(c) *Leak investigation and confirmation steps*. Unless corrective action is initiated in accordance with Subpart 6 of this Part, a facility must investigate any suspected leak of petroleum using either one of the methods described in paragraphs (1) or (2) of this subdivision or another procedure approved by the Department. The investigation must commence within 48 hours following the reporting required under subdivision (a) of this section. The investigation must be completed within seven days following the reporting required under subdivision (a) of this section.

(1) System test. Every facility must conduct tightness tests pursuant to sections 3.3(c)(1) and (d)(2) of this Part to determine whether a leak exists in the UST system.

(i) If the system test confirms a leak, the facility must initiate corrective action in accordance with Subpart 6 of this Part before any repair to the UST system is undertaken.

(ii) Further investigation is not required if the test results for the UST system do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a leak.

(iii) The facility must conduct a site check as described in paragraph (2) of this subdivision if the test results for the UST system do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

(2) Site check. Every facility must measure for the presence of a release where contamination is most likely to be present at the facility. In selecting sample types, sample locations, and measurement methods, the facility must consider the nature of the type of petroleum, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release.

(i) If the test results for the excavation zone or the UST system location indicate that a release has occurred, the facility must begin corrective action in accordance with Subpart 6 of this Part;

(ii) If the test results for the excavation zone or the UST system location do not indicate that a release has occurred, further investigation is not required.

(d) *Response to spills and overfills*.

(1) A facility must report every spill to the NYSDEC's Spill Hotline (518-457-7362) within two hours after discovery, contain the spill, and begin corrective action in accordance with the requirements of Subpart 6 of this Part except if the spill meets the following conditions:

(i) It is known to be less than five gallons in total volume;

(ii) It is contained and under the control of the spiller;

(iii) It has not reached and will not reach the land or waters of the State; and

(iv) It is cleaned up within two hours after discovery.

(2) A facility must immediately discontinue operation of any leaking UST system and take the UST system out of service or close the UST system pursuant to provisions of sections 3.5(a) or (b) of this Part, respectively.

15-3.5 Out-of-service UST systems and closure

(a) *Out-of-service UST systems*.

(1)(i) When a UST system is out-of-service, the facility must continue operation and maintenance of corrosion protection in accordance with section 3.2(b) of this Part, and any leak detection in accordance with sections 3.3(a) and (b) of this Part. Subpart 6 of this Part must be complied with if a release is confirmed.

(ii) Leak detection required under sections 3.3(a) and (b) of this Part is not required as long as the UST system is empty. (The UST system is considered empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue remain in the system.) However, leak detection required under sections 3.3(a) and (b) of this Part must resume consistent with the original schedule or upon resumption of delivery of petroleum into the UST system, whichever is later.

(2) When a UST system is out-of-service for a period of three to twelve months, the facility must also comply with the following requirements:

(i) Leave vent lines open and functioning; and

(ii) Cap and secure all other piping, ancillary equipment, and manways.

(3) When a UST system is out-of-service for more than 12 months, the facility must permanently close the UST system in accordance with subdivisions (b) and (c) of this section.

(b) *Permanent closure*.

(1) At least 30 days before beginning permanent closure, a facility must notify the Department of its intent to permanently close, unless such action is in response to corrective action. Within 30 days after permanent closure, a

facility must submit a registration application to the Department, in accordance with section 1.9(f) of this Part, indicating that the UST system has been permanently closed.

(2) To permanently close a UST system:

(i) The facility must empty and clean it by removing all liquids and accumulated sludge. Every tank that is part of a UST system that is permanently closed must also be either removed from the ground or filled with an inert solid material (such as sand or concrete slurry). If an inert solid material is used, all voids within the UST must be filled. All connecting and fill lines must be disconnected and removed or securely capped or plugged. Manways must be securely fastened in place. One of the following codes of practice (refer to section 1.10 of this Part for complete citation of references) must be adhered to in order to comply with this subparagraph:

(*a*) API RP 1604, March 1996;

(*b*) API RP 2016, August 2001;

(*c*) API RP 1631, June 2001; or

(*d*) NFPA 326, 2010 edition.

(ii) The facility must ensure that all scheduled deliveries to the UST system are terminated.

(c) *Records for permanent closure*. The facility must maintain for three years records that are capable of demonstrating compliance with closure requirements under this Subpart. In addition, the facility must transmit a copy of the records to the Department within 30 days after permanent closure.

Article 15-4 AST Systems

15-4.1 AST systems: design, construction, and installation

(a) *Applicability*. The provisions of this Subpart apply to every AST system that is part of a facility.

(b) *Equipment standards for Category 2 and 3 AST systems*. In order to prevent releases due to structural failure, corrosion, or spills and overfills, any facility containing a Category 2 or 3 AST system must meet the following requirements.

(1) Tanks.

(i) Every AST with a design capacity of 60 gallons or greater must be constructed of steel and must be designed and utilized according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references), as applicable:

(*a*) For Category 2 ASTs:

(*1*) UL 142, January 1985;

(*2*) API Standard 620, September 1982 (revised April 1985);

(*3*) API Standard 650, February 1984;

(*4*) CAN4-S601-M84, 1984; or

(*5*) CAN4-S630-M84, 1984.

(*b*) For Category 3 ASTs:

(*1*) UL 142, December 2006;

(*2*) UL 80, September 2007;

(*3*) UL 2258, August 2010;

(*4*) API Standard 620, February 2008;

(*5*) API Standard 650, March 2013; or

(*6*) ULC-S601-07, 2007.

(ii) Every AST must have a surface coating designed to prevent corrosion and deterioration.

(iii) Every AST, if in contact with the ground, must be protected from corrosion. Any Category 3 AST in contact with the ground must be protected from corrosion in accordance with API Standard 651, January 2007.

(iv) ASTs storing Class IIIB petroleum are not required to be constructed of steel if installed in areas that would not be exposed to a spill or leak of Class I or Class II petroleum. The classes of petroleum are described in NFPA 30, 2012 edition (refer to section 1.10 of this Part for complete citation of references).

Note: The New York State Department of Environmental Conservation and the Nassau County Department of Health recognize that some petroleum mixtures cannot be safely stored in steel ASTs. A facility owner seeking to store such petroleum mixtures should, pursuant to the provisions of section 1.8 of this Part, request a variance from the New York State Department of Environmental Conservation from the requirements of subparagraph (i) of this paragraph.

(v) Secondary containment.

(*a*) Any AST that has a design capacity of 10,000 gallons or more must have secondary containment that meets the following requirements:

(*1*) be able to contain petroleum leaked from any portion of the AST until it is detected and removed; and

(*2*) be able to prevent the release of petroleum.

(*b*) Any AST that has a design capacity of less than 10,000 gallons and is in close proximity to sensitive receptors is required to either have secondary containment as described in clause (*a*) of this subparagraph or utilize a design/technology such that a release is not reasonably expected to occur. ASTs within 500 horizontal feet of the following resources are considered to be in close proximity to sensitive receptors:

(*1*) a perennial or intermittent stream;

(*2*) a public or private well;

(*3*) a primary or principal aquifer as defined in USGS Water Resource Investigation Reports 87-4274, 87-4275, 87-4276, 87-4122, 88-4076, and Appendix C;

(*4*) a wetland as defined in Part 664 of this Title;

(*5*) a lake/pond, estuary, or other similar surface water body; or
(*6*) a storm drain.

(*c*) An impermeable barrier under an AST that is in contact with the ground must have a permeability rate to water equal to or less than 1×10-6 cm/sec and must not deteriorate in an underground environment or in the presence of petroleum. All ASTs must be capable of being monitored between the tank bottom and the impermeable barrier.

(*d*) The secondary containment may consist of a combination of dikes, under-tank liners, pads, ponds, impoundments, curbs, ditches, sumps, tanks used for emergency or overflow containment, or other equipment capable of containing the petroleum stored. Construction of diking and the capacity of the diked area must be in accordance with the following: Category 2 AST systems: NFPA 30 (1984 edition), section 2-2.3.3; or

Category 3 AST systems: NFPA 30 (2012 edition), section 22.11.2.

(*e*) If soil is used as part of the secondary containment, the soil must be of such character that any spill into the secondary containment will be readily recoverable.

(2) Piping. Piping that routinely contains petroleum and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with subparagraphs (i) or (ii) of this paragraph.

(i) Piping made of a non-corrodible material must meet the following conditions.

(*a*) The materials, joints, and joint adhesives must be compatible with petroleum, petroleum additives, and corrosive soils.

(*b*) All underground piping must be designed, constructed, and installed with access ports to permit tightness testing without the need for extensive excavation.

(*c*) All joints must be liquid and air tight.

(*d*) All underground piping must be tested for tightness before being covered, enclosed or placed in use.

(*e*) All piping installed after October 11, 2015 must be designed and constructed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*1*) UL 971, February 2006; or
(*2*) ULC-S660-08, 2008.

(ii) Piping made of steel that is cathodically protected must meet the following conditions.

(*a*) The cathodic protection system must provide a minimum of 30 years of protection in corrosive soils.

(*b*) Cathodic protection must be provided by the use of sacrificial anodes or impressed current.

(*c*) Where sacrificial anodes or impressed current systems are used, monitors to check on the adequacy of the system must be

installed and kept in proper working condition. If at any time the monitor shows that the electrical current necessary to prevent corrosion is not being maintained, the system must be repaired or the piping will be considered unprotected and must be tested for tightness in accordance with section 4.3(d)(2) of this Part.

(*d*) Except where cathodic protection is provided by impressed current, underground piping must have dielectric bushings, washers, sleeves, or gaskets installed at the end to electrically isolate the piping from the AST and the dispenser. These dielectric connectors must be compatible with petroleum, petroleum additives, and corrosive soils.

(*e*) All underground piping must be designed, constructed, and installed with access ports to permit tightness testing without the need for extensive excavation.

(*f*) All joints must be liquid and air tight.

(*g*) All underground piping must be tested for tightness in accordance with section 4.3(d)(2) of this Part before being covered, enclosed, or placed in use.

(*h*) All piping installed after October 11, 2015 must meet the following conditions:

(*1*) The piping must be designed and constructed according to UL 971A, October 2006 (refer to section 1.10 of this Part for complete citation of references);

(*2*) The piping must be coated with a suitable dielectric material;

(*3*) The cathodic protection system must be designed, fabricated, and installed according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*i*) API RP 1632, January 1996 (revised 2002);

(*ii*) STI R892, January 2006;

(*iii*) NACE SP0169-2013, 2013; or

(*iv*) NACE SP0285-2011, 2011.

(*4*) Every field-installed cathodic protection system must be designed by a corrosion expert;

(*5*) Every impressed current system must be designed to allow determination of current operating status as required in section 4.2(b)(2) of this Part; and

(*6*) Every cathodic protection system must be operated and maintained in accordance with section 4.2(b) of this Part.

(3) Overfill prevention equipment. Every AST must be equipped with a gauge which accurately shows the level of petroleum in the AST. The gauge must be accessible to the carrier and be installed so it can be conveniently read. A high-level warning alarm, a high-level liquid pump cut-off controller, or equivalent device may be used in lieu of a gauge.

(4) Installation.

(i) Every AST system must be supported on a well-drained stable foundation which prevents movement, rolling, or settling of the AST and is designed to minimize corrosion of the tank bottom.

(ii) Prior to first receipt of petroleum, every AST must be tested for tightness. The tank in a Category 3 AST system must be tested for tightness and inspected according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*a*) API Standard 650, March 2013;

(*b*) API Standard 653, April 2009;

(*c*) PEI RP200, 2013 edition;

(*d*) STI SP001, September 2011; or

(*e*) UL 142, December 2006.

(5) Valves.

(i) Every dispenser of motor fuel under pressure from a remote pumping system must be equipped with a shear valve (impact valve) that is located in the supply line at the inlet of the dispenser. The valve must be designed to close automatically in the event that the dispenser is accidentally dislodged from the inlet pipe. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 4-3.6 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 6.3.9 meets the requirements of this subparagraph.

(ii) Every dispenser of motor fuel that causes a gravity head must be equipped with a device such as a solenoid valve that is positioned adjacent to and downstream from the operating valve. The valve must be installed and adjusted so that liquid cannot flow by gravity from the AST system in case of piping or dispenser hose failure. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 2-1.7 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 4.2.4 meets the requirements of this subparagraph.

(iii) Every fill pipe leading to a pump-filled AST must be equipped with a properly functioning check valve or equivalent device which provides automatic protection against backflow. A check valve is required only when the piping arrangement of the fill pipe is such that backflow from the receiving tank is possible.

(iv) Each connection on a gravity-drained AST through which petroleum can normally flow must be equipped with an operating valve to control the flow. For a valve installed on or before October 11, 2015, a valve which meets the standards set forth in NFPA 30 (1984 edition), section 2-2.7.1 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set

forth in NFPA 30 (2012 edition), section 22.13.1 meets the requirements of this subparagraph.

(c) *Equipment standards for Category 1 AST systems*. In order to prevent releases due to structural failure, corrosion, or spills and overfills, any facility containing a Category 1 AST system must meet the following requirements.

(1) Secondary containment.

(i) Any AST that has a design capacity of 10,000 gallons or more must have secondary containment that meets the following requirements:

(*a*) be able to contain petroleum leaked from any portion of the AST until it is detected and removed; and

(*b*) be able to prevent the release of petroleum.

(ii) Any AST that has a design capacity of less than 10,000 gallons and is in close proximity to sensitive receptors is required to either have secondary containment as described in subparagraph (i) of this paragraph or utilize a design/technology such that a release is not reasonably expected to occur. ASTs within 500 horizontal feet of the following resources are considered to be in close proximity to sensitive receptors:

(*a*) a perennial or intermittent stream;

(*b*) a public or private well;

(*c*) a primary or principal aquifer as defined in USGS Water Resource Investigation Reports 87-4274, 87-4275, 87-4276, 87-4122, 88-4076, and Appendix C;

(*d*) a wetland as defined in Part 664 of the New York State Environmental Conservation Law;

(*e*) a lake/pond, estuary, or other similar surface water body; or

(*f*) a storm drain.

(iii) The secondary containment may consist of a combination of dikes, under-tank liners, pads, ponds, impoundments, curbs, ditches, sumps, tanks used for emergency or overflow containment, or other equipment capable of containing the petroleum stored. Construction of diking and the capacity of the diked area must be in accordance with NFPA 30 (1984 edition), section 2-2.3.3.

(iv) If soil is used as part of the secondary containment, the soil must be of such character that any spill into the secondary containment will be readily recoverable.

(2) Overfill prevention equipment. Every AST must be equipped with a gauge which accurately shows the level of product in the AST. The gauge must be accessible to the carrier and be installed so it can be conveniently read. A high-level warning alarm, a high-level liquid pump cut-off controller, or equivalent device may be used in lieu of a gauge.

(3) Valves.

(i) Every dispenser of motor fuel under pressure from a remote pumping system must be equipped with a shear valve (impact valve) that is located in the supply line at the inlet of the dispenser. The valve must

be designed to close automatically in the event that the dispenser is accidentally dislodged from the inlet pipe. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 4-3.6 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 6.3.9 meets the requirements of this subparagraph.

(ii) Every dispenser of motor fuel that causes a gravity head must be equipped with a device such as a solenoid valve that is positioned adjacent to and downstream from the operating valve. The valve must be installed and adjusted so that liquid cannot flow by gravity from the AST system in case of piping or dispenser hose failure. For a valve installed on or before October 11, 2015, a valve meeting the standards set forth in NFPA 30A (1984 edition), section 2-1.7 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30A (2012 edition), section 4.2.4 meets the requirements of this subparagraph.

(iii) Every fill pipe leading to a pump-filled AST must be equipped with a properly functioning check valve or equivalent device which provides automatic protection against backflow. A check valve is required only when the piping arrangement of the fill pipe is such that backflow from the receiving tank is possible.

(iv) Each connection on a gravity-drained AST through which petroleum can normally flow must be equipped with an operating valve to control the flow. For a valve installed on or before October 11, 2015, a valve which meets the standards set forth in NFPA 30 (1984 edition), section 2-2.7.1 meets the requirements of this subparagraph. For a valve installed after October 11, 2015, a valve meeting the standards set forth in NFPA 30 (2012 edition), section 22.13.1 meets the requirements of this subparagraph.

15-4.2 General operating requirements

(a) *Spill and overfill prevention*.

(1) Every facility must ensure that releases due to spilling or overfilling do not occur. One of the transfer procedures described in NFPA 385 (2012 edition) or API RP 1007 (March 2001 edition) must be used in order to comply with the requirement of this paragraph, unless those procedures are technically infeasible. In circumstances of technical infeasibility, the facility must develop and employ practices to ensure that releases due to spilling or overfilling do not occur.

(2) The facility must report, investigate, and clean up any spills and overfills in accordance with section 4.4(d) of this Part.

(3) Every AST must be marked (for example, with stenciled letters) with the tank registration identification number, as well as the tank design and working capacities.

(4) Every AST system must be color coded in accordance with API RP 1637 at or near the fill port. If an AST system contains petroleum that does not have a corresponding API color code, the facility must otherwise mark the AST (for example, with stenciled letters) to identify the petroleum currently in the AST system. If the fill port is remote from the AST such that the AST cannot be properly identified by sight from the fill port, the facility must also place the marking near the fill port to identify the petroleum currently in the AST system. For any fill port connected to multiple AST systems storing different types of petroleum, the facility may place the marking near the fill port (for example, with a label or placard) to identify the types of petroleum in the AST systems.

(5) Where there are monitoring wells located at a facility, every monitoring well must be clearly identified as a monitoring well to prevent accidental delivery of petroleum to the monitoring well and must be sealed or capped so as to prevent liquid from entering the well from the surface.

(6) The facility must keep all gauges, valves, and other equipment for spill prevention in good working order.

(7) Immediately prior to a delivery, the carrier must determine that the AST has available working capacity to receive the volume of petroleum to be delivered. Every aspect of the delivery must be monitored and immediate action must be taken to stop the flow of petroleum when the working capacity of the AST has been reached or should an equipment failure or emergency occur.

(b) *Operation and maintenance of corrosion protection*. Every facility having a Category 2 or 3 metal AST system with corrosion protection must comply with the following requirements to ensure that a release due to corrosion is prevented until the AST system is permanently closed pursuant to section 4.5(b) of this Part:

(1) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the AST and piping that routinely contains petroleum and is in contact with the ground.

(2) All AST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) Frequency. Every cathodic protection system must be tested at yearly intervals; and

(ii) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be according to one of the following codes of practice (refer to section 1.10 of this Part for complete citation of references):

(*a*) API RP 651, January, 2007; or

(*b*) NACE RP0193-2001, 2001 edition.

(3) Every AST system with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly.

(4) For AST systems using cathodic protection, records of the operation of the cathodic protection must be maintained to demonstrate compliance with the requirements of this section. The records generated to meet the provisions of paragraphs (2) and (3) of this subdivision must be kept for three years.

(c) *Compatibility*. Every facility must use an AST system made of or lined with materials that are compatible with the petroleum stored in the AST system.

(d) *Repairs*.

(1) Permanent repairs.

(i) All repairs must be equal to or better than the standards of original construction. Such repairs must consist of:

(*a*) steel welds or steel patches which are welded in place; or

(*b*) practices set forth in paragraph (3) of this subdivision.

(ii) All welds associated with the repair of an AST must be inspected and tested for tightness before the AST is returned to service.

(2) Cleaning of tank prior to repair.

(i) Prior to repair, an AST must be cleaned. Wash water must not be discharged to the lands or waters of the State unless the discharge is in conformance with the standards of Part 701, 702, 703, and 750 of 6 NYCRR, as applicable.

(ii) Sludge which has accumulated on the bottom of the AST must be removed, transported, and disposed of in a manner consistent with all applicable State and federal requirements for solid waste disposal.

(3) Lining specifications.

(i) Any noncorrodible epoxy-based resins or equivalent lining which is bonded firmly to the interior surfaces may be used as a lining to protect an AST from future corrosion.

(ii) The lining must be of sufficient thickness, density, and strength to form a hard impermeable shell which will not crack, soften, or separate from the interior surface of the AST.

(iii) The lining's coefficient of thermal expansion must be compatible with steel so that stress due to temperature changes will not be detrimental to the soundness of the lining.

(iv) The lining must be compatible with petroleum products and petroleum additives.

(v) The lining material must be applied and cured in strict accord with manufacturer's specifications.

(vi) Linings used to protect the bottom of an AST must extend up the side of the tank a minimum of 18 inches.

(4) Inspection of lining. The lining must be checked for air pockets and blisters, and electrically tested for pinholes. The lining thickness must be checked with an Elcometer Thickness Gauge or equivalent and the hardness checked with a Barcol Hardness Tester or equivalent to assure compliance with manufacturer's specifications. Any defects must be repaired.

(5) Manufacturer's guarantee. A lining must be installed under the direction of the lining manufacturer or a certified representative. The manufacturer or representative must guarantee to the owner in writing that the lining will not leak the product specified in storage and the lining will not deteriorate in any way for a period of 10 years. A copy of the guarantee must be kept by the owner for the life of the AST.

(e) *Tank systems in locations subject to flooding*. For Category 1 and 2 AST system located in an area where the AST may become buoyant because of a rise in the water table, flooding, or accumulation of water, the facility must maintain safeguards in accordance with sections 2-5.6 of NFPA 30 (1984 edition). If such safeguards include ballasting of an AST with water during flood warning periods, tank system valves and other openings must be closed and secured in a locked position in advance of the flood. Ballast water removed from the AST after the flood must not be discharged to the waters of the State unless the discharge is in conformance with the standards of Parts 701, 702, 703, and 750 of the 6 NYCRR, as applicable.

(f) *Stormwater management*. Stormwater which collects within the secondary containment system must be controlled by a manually operated pump or siphon, or a gravity drain pipe which has a manually controlled dike valve on the outside of the dike. All pumps, siphons and valves must be properly maintained and kept in good condition. If gravity drain pipes are used, all dike valves must be locked in a closed position except when the operator is in the process of draining clean water from the diked area. Stormwater or any other discharge at a facility must be uncontaminated and free of sheen prior to discharge. Stormwater which is contaminated must not be discharged to the waters of the State unless the discharge is in conformance with the standards of Parts 701, 702, 703, and 750 of the 6 NYCRR, as applicable.

15-4.3 Inspections and leak detection

(a) *Specific requirements for Category 1, 2, and 3 AST systems*.

(1) Tank systems.

(i) Every facility having an AST system must inspect the AST system at monthly intervals in accordance with section 4.3(b)(1) of this Part.

(ii) Except as provided in subparagraph (iii) of this paragraph, every Category 1 AST system that has a tank as described in clause (*a*) or (*b*) of this subparagraph must be inspected at ten-year intervals in accordance with section 4.3(b)(2) of this Part.

(*a*) An AST that has a design capacity of 10,000 gallons or more.

(*b*) An AST that has a design capacity of less than 10,000 gallons and is in close proximity to sensitive receptors. ASTs within 500 horizontal feet of the following resources are considered to be in close proximity to sensitive receptors:

(*1*) a perennial or intermittent stream;

(*2*) a public or private well;
(*3*) a primary or principal aquifer as defined in USGS Water Resource Investigation Reports 87-4274, 87-4275, 87-4276, 87-4122, 88-4076, and Appendix C;
(*4*) a wetland as defined in Part 664 of 6 NYCRR;
(*5*) a lake/pond, estuary, or other similar surface water body; or
(*6*) a storm drain.

(iii) Any Category 1 AST system that has a tank as described in clause (*a*) or (*b*) of this subparagraph is exempt from the requirement established in subparagraph (ii) of this subdivision.
(*a*) An AST that is entirely aboveground, such as a tank on a rack, cradle or stilts.
(*b*) An AST that stores only No. 5 or No. 6 fuel oil.

(2) Underground piping that routinely contains petroleum must be monitored for leaks as follows:
(i) Underground pressurized piping.
(*a*) Underground piping installed before December 27, 1986 that conveys petroleum under pressure must be tested for tightness in accordance with section 4.3(d)(2) of this Part at ten-year intervals.
(*b*) Underground piping installed on or after December 27, 1986 that conveys petroleum under pressure and is part of an AST system storing motor fuel must be equipped with an automatic line leak detector that is operated in accordance with section 4.3(d)(1) of this Part.
(ii) Underground suction piping and gravity-fed piping. Underground piping installed before December 27, 1986 that conveys petroleum under suction or hydrostatic pressure from the AST must be tested for tightness in accordance with section 4.3(d)(2) of this Part at ten-year intervals.

(b) *Inspections of AST systems*. Inspections of AST systems must be conducted in accordance with the following:
(1) Monthly inspections. The inspection must include, as applicable, identification of leaks, cracks, areas of wear, corrosion and thinning, poor maintenance and operating practices, excessive settlement of structures, separation or swelling of tank insulation, malfunctioning equipment, and structural and foundation weaknesses.
(i) For an AST system that includes a tank that is fully enclosed within pre-fabricated secondary containment, the inspection must cover the exterior surfaces of:
(*a*) the secondary containment of the AST; and
(*b*) the accessible portions of piping and ancillary equipment.
(ii) For an AST system that includes a tank that is insulated in order to store heated petroleum and is within secondary containment, the inspection must cover the exterior surfaces of:

(*a*) the insulation of the AST; and
(*b*) the accessible portions of piping and ancillary equipment.

(iii) For an AST system not covered under subparagraph (i) or (ii) of this paragraph, the inspection must cover the exterior surfaces of the tank, piping, and ancillary equipment.

(iv) For every AST system, the inspection must cover any leak detection system, cathodic protection monitoring equipment, or other monitoring or warning system which may be in place.

(2) Ten-year inspections. The inspection must include:

(i) An inspection that is conducted in accordance with API Standard 653 (April 2009) or STI SP001 (September 2011), and a tightness test of any underground piping; or

(ii) A tightness test of the AST system that is performed in accordance with subdivision (c) of this section.

(c) *Tightness testing of ASTs*.

(1) Qualifications of test technicians. All tightness tests must be performed by a technician who has an understanding of variables which affect the test and is trained in the performance of the test.

(2) Test reports.

(i) A copy of the test report must be provided by the facility to the Department within 30 days after performance of the test.

(ii) All test reports must be in a form satisfactory to the Department and must include the following information:

(*a*) facility registration number;
(*b*) tank identification number used on the application form required in section 1.9 of this Part for the AST tested;
(*c*) date of test;
(*d*) results of test;
(*e*) test method;
(*f*) certification by the technician that test complies with criteria for a tightness test in subparagraph (iii) of this paragraph;
(*g*) statement of technician's qualifications;
(*h*) address of technician; and
(*i*) signature of technician.

(iii) Tank tightness testing must be capable of detecting a leak at the rate of 0.1 gallons per hour from any portion of the AST that routinely contains petroleum while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

(d) *Methods of leak detection for underground piping*. Each method of leak detection for piping used to meet the requirements of section 4.3(a)(2) of this Part must be conducted in accordance with the following:

(1) Automatic line leak detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of petroleum through piping or triggering an audible or visual alarm may be used only if it will detect a leak of three gallons per hour at ten pounds per square inch line pressure within one hour.
(2) Line tightness testing. A periodic test of piping may be conducted only if it can detect a leak at the rate of 0.1 gallons per hour at one and one-half times the operating pressure.

(e) *Inspection and leak detection recordkeeping*. Every facility must maintain records demonstrating compliance with all applicable requirements of this section. These records must include the results of monthly and ten-year inspections. Monthly inspection records must be maintained for at least three years. Ten-year inspection records must be maintained for at least ten years. A copy of the results of tank tightness testing must be submitted to the Department within 30 days after performance of the test. At a minimum, the records must list each component tested and describe any action taken to correct an issue.

(f) *Additional testing and inspection*. When a leak is suspected, or where inspections or tests required by this Part have not been performed, the Department may order the facility to inspect and to test the AST system or equipment for tightness. If the facility fails to conduct such inspections and tests within 10 days after receipt of the Department's order, the Department may conduct inspections or tests for tightness. The expenses of conducting such tests as ordered by the Department must be paid by the tank system owner.

15-4.4 Reporting, investigation, and confirmation

(a) *Reporting of suspected leaks*. A facility must report a suspected leak to the New York State Department of Environmental Conservation Spill Hotline (518-457-7362) within two hours after discovery and follow the procedures in subdivision (c) of this section for any of the following conditions:
(1) The discovery of petroleum outside of an AST system at the facility or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).
(2) Unusual operating conditions observed (such as the erratic behavior of petroleum-dispensing equipment, the sudden loss of product from the AST system, an unexplained presence of water in the AST, or water or petroleum in the interstitial space of secondarily contained systems), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced.
(3) Monitoring results, including alarms, from an inspection or leak detection method required under section 4.3(a) of this Part indicate that a leak may have occurred unless the monitoring device is found to be defective, and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result.

(b) *Investigation due to off-site impacts*. When required by the Department, a facility must follow the procedures in subdivision (c) of this section to determine if the AST system is the source of off-site impacts. These impacts include the discovery of petroleum (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that has been observed by the Department or brought to its attention by another party.

(c) *Leak investigation and confirmation steps*. Unless corrective action is initiated in accordance with Subpart 6 of this Part, a facility must investigate any suspected leak of petroleum using either one of the methods described in paragraphs (1) or (2) of this subdivision or another procedure approved by the Department. The investigation must commence within 48 hours following the reporting required under subdivision (a) of this section. The investigation must be completed within seven days following the reporting required under subdivision (a) of this section.

(1) Inspection. Every facility must conduct an AST system inspection in accordance with section 4.3(b)(2)(i) of this Part to determine whether a leak exists in the AST system.

(i) If the inspection confirms a leak, the facility must initiate corrective action in accordance with Subpart 6 of this Part before any repair to the AST system is undertaken.

(ii) Further investigation is not required if the inspection results do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a leak.

(iii) The facility must conduct a site check as described in paragraph (2) of this subdivision if the inspection results for the AST system do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

(2) Site check. Every facility must measure for the presence of a release where contamination is most likely to be present at the facility. In selecting sample types, sample locations, and measurement methods, the facility must consider the nature of the type of petroleum, the type of initial alarm or cause for suspicion, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release.

(i) If the samples indicate that a release has occurred, the facility must begin corrective action in accordance with Subpart 6 of this Part.

(ii) If the samples do not indicate that a release has occurred, further investigation is not required.

(d) *Response to spills and overfills*.

(1) A facility must report every spill to the New York State Department of Environmental Conservation Spill Hotline (518-457-7362) within two hours after discovery, contain the spill, and begin corrective action in accordance with the requirements of Subpart 6 of this Part except if the spill meets the following conditions:

(i) It is known to be less than five gallons in total volume;

(ii) It is contained and under the control of the spiller;
(iii) It has not reached and will not reach the land or waters of the State; and
(iv) It is cleaned up within two hours after discovery.

(2) A facility must immediately discontinue operation of any leaking AST system and take the AST system out of service or close the AST system pursuant to provisions of section 4.5(a) or (b) of this Part, respectively.

15-4.5 Out-of-service AST systems and closure

(a) *Out-of-service AST systems*.

(1)(i) When an AST system is out-of-service, the facility must continue operation and maintenance of corrosion protection in accordance with section 4.2(b) of this Part, and inspections and leak detection in accordance with section 4.3(a) of this Part. Subpart 6 of this Part must be complied with if a release is confirmed.

(ii) Inspections and leak detection required under section 4.3(a) of this Part are not required as long as the AST system is empty. (The AST system is considered empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue remain in the system.) However, inspections and leak detection required under section 4.3(a) of this Part must resume consistent with the original schedule or upon resumption of delivery of petroleum into the AST system, whichever is later.

(2) When an AST system is out-of-service for more than three months, the facility must also comply with the following requirements:
(i) Leave vent lines open and functioning; and
(ii) Cap and secure all other piping, ancillary equipment, and manways.

(3) When an AST system is out-of-service for more than 12 months, the facility must permanently close the AST system in accordance with subdivision (b) of this section, unless the AST system is located at a facility where one or more other tank systems are not out-of-service.

(b) *Permanent closure*.

(1) At least 30 days before beginning permanent closure, a facility must notify the Department of its intent to permanently close, unless such action is in response to corrective action. Within 30 days after permanent closure, a facility must submit a registration application to the Department, in accordance with section 1.9(f) of this Part, indicating that the AST system has been permanently closed.

(2) To permanently close an AST system, the facility must empty and clean it by removing all liquids, vapors, and accumulated sludge. One of the following codes of practice (refer to section 1.10 of this Part for complete citation of references) must be adhered to in order to comply with this paragraph:

(i) API RP 2016, August 2001; or
(ii) NFPA 326, 2010 edition.

(3) Every tank that is part of an AST system that is permanently closed must, if not removed, be stenciled with the date of permanent closure.

(4) ASTs that are permanently closed that remain at the facility must be protected from flotation.

(5) AST systems that have been permanently closed may not be returned to service unless the entire AST system meets the requirements for Category 3 AST systems.

(c) *Records for permanent closure*. The facility must maintain for three years records that are capable of demonstrating compliance with closure requirements under this Subpart. In addition, the facility must transmit a copy of the records to the Department within 30 days after permanent closure.

Article 15-5 Delivery Prohibition

15-5.1 Circumstances and process for imposing a delivery prohibition

(a) *Tier 1 conditions*.

(1) When the Department finds that a Tier 1 condition exists at a facility, the Department will affix a tag on the fill pipe of the relevant tank system.

(2) At the time that it affixes a tag, the Department will provide to the facility operator, if one is present, a written notification of the imposition of the delivery prohibition that will include the finding of the relevant condition(s) at the facility. The Department will then send the written notification to the facility via certified mail to the correspondence address listed in the current facility registration or license within five business days following the time that the tag is affixed to the tank system.

(3) The following are Tier 1 conditions:

(i) A tank system is known to be releasing petroleum. If the source of the release cannot be determined upon inspection, then all tank systems at the facility that are probable sources of the release will be tagged.

(ii) A UST system covered under sections 2.1(a), 3.1(a)(2), or 3.1(a)(4) of this Part does not have one or more of the following:

(*a*) secondary containment equipment required under sections 2.1(b)(1)(iv), 2.1(b)(2)(ii)(*c*), and 3.1(b)(1)(iv) of this Part;

(*b*) spill and overfill prevention equipment required under section 2.1(b)(3) of this Part or overfill prevention equipment required under section 3.1(b)(3) of this Part;

(*c*) corrosion protection equipment required under sections 2.1(b)(1)(ii), 2.1(b)(2)(ii), 2.1(c)(2)(ii), 2.1(c)(2)(iii), 2.1(c)(3), 3.1(b)(1)(ii), or 3.1(b)(2)(ii) of this Part; or

(*d*) leak detection equipment required under sections 2.3(a) and (b), or 3.3(a) and (b) of this Part.

(b) *Tier 2 conditions*.

(1) When the Department finds that a Tier 2 condition exists at a facility, the Department may affix a tag on the fill pipe of the relevant tank system.

(2) Prior to affixing a tag, the Department will send a written statement to the facility informing the facility of the relevant condition(s). The Department will send the statement via certified mail to the correspondence address listed in the current facility registration or license.

(3) At the time that it affixes a tag, the Department will provide to the facility operator, if one is present, a written notification of the imposition of the delivery prohibition that will include the finding of the relevant condition(s) at the facility. The Department will then send the written notification to the facility via certified mail to the correspondence address listed in the current facility registration or license within five business days following the time that the tag is affixed to the tank system.

(4) The following are Tier 2 conditions:

(i) The results of leak detection required by sections 2.3(a) and (b) of this Part, sections 3.3(a) and (b) of this Part, or inspections and leak detection required by sections 4.3(a) and (b) of this Part indicate that the tank system may be leaking petroleum or would not contain a leak if one were to occur, unless the facility submits, within ten days after receipt of the Department's statement issued pursuant to paragraph (2) of this subdivision, acceptable documentation to the Department that demonstrates that the relevant tank system is not leaking or has been appropriately repaired.

(ii) With respect to the operation of a UST system covered under sections 2.1(a), 3.1(a)(2), or 3.1(a)(4) of this Part, the facility has not demonstrated within 30 days following receipt of the Department's statement issued pursuant to paragraph (2) of this subdivision compliance with the following standards:

(*a*) spill and overfill prevention operating standards under section 2.2(a) of this Part;

(*b*) corrosion protection operating standards under section 2.2(b) of this Part; or

(*c*) applicable leak detection methods under section 2.3(c) and (d) of this Part.

(iii) With respect to the operation of a UST system covered under sections 3.1(a)(1) or 3.1(a)(3) of this Part, one or more of the following is missing and the facility has not documented to the Department that the missing component has been put in place within 30 days after receipt of the Department's statement issued pursuant to paragraph (2) of this subdivision:

(*a*) secondary containment equipment required under section 3.1(b)(iv) of this Part;

(*b*) overfill prevention equipment required under section 3.1(b)(3) of this Part;
(*c*) corrosion protection equipment required under sections 3.1(b)(1)(ii) and 3.1(b)(2)(ii) of this Part; or
(*d*) leak detection equipment required under sections 3.3(a) and (b) of this Part.

(iv) With respect to the operation of an AST system covered under section 4.1(a) of this Part, one or more of the following is missing and the facility has not documented to the Department that the missing component has been put in place within 30 days after receipt of the Department's statement issued pursuant to paragraph (2) of this subdivision:
(*a*) secondary containment equipment required under sections 4.1(b)(1)(v) and 4.1(c)(1) of this Part;
(*b*) overfill prevention equipment required under sections 4.1(b)(3) and 4.1(c)(2) of this Part;
(*c*) corrosion protection equipment required under sections 4.1(b)(1)(ii) and (iii), and 4.1(b)(2)(ii) of this Part; or
(*d*) leak detection equipment required under section 4.3(a) of this Part.

(c) The Department may issue the written finding, consistent with paragraphs (a)(2) or (b)(3) of this section, that a Tier 1 or Tier 2 condition exists, but withhold the imposition of the delivery prohibition for a period that may not exceed 180 days, where:
(1) there is no evidence that the tank system is leaking; and
(2) imposing the delivery prohibition would jeopardize public health or safety or the availability of, or access to, fuel in a rural and remote area.

15-5.2 Prohibitions

(a) *Delivery prohibition*. No person may deliver or cause the delivery of petroleum to any tank system to which a tag is affixed. No person may accept petroleum to any tank system to which a tag is affixed.
(b) *Tag tampering and removal prohibition*. Unless authorized by the Department, no person may tamper with or remove a tag affixed to a tank system or cause such tampering or removal.

15-5.3 Notifications

(a) *Notice of delivery prohibition to facility and carrier*. The presence of a tag affixed to the fill pipe of a tank system constitutes notice of the delivery prohibition.
(b) *Notification to carrier by facility*. After the Department affixes a tag to the fill pipe of a tank system, the facility must, prior to the next scheduled delivery of petroleum, inform all carriers that normally deliver to the tank system that delivery

is prohibited. The facility must retain a record of any correspondence regarding the delivery prohibition.

15-5.4 Termination of delivery prohibition

(a) A delivery prohibition may be terminated by the Department on its own initiative, or following the conclusion of review of compliance submissions or an expedited hearing.

(1) Department initiative. If the Department terminates a delivery prohibition on its own initiative, the Department will send a written notification to the facility confirming that the prohibition has been terminated. The Department will send the notification via certified mail to the correspondence address listed in the current facility registration or license.

(2) Review of compliance submissions.

(i) A facility may, at any time, submit information to the Department demonstrating that the facility is in compliance or has corrected the condition(s) that prompted the Department to impose the prohibition.

(ii) Upon submission of information to the Department, the Department will designate an individual to review submissions and provide a written decision as set forth below.

(iii) The designated individual will provide a written decision to the facility within five business days after the Department receives the facility's submission. If the designated individual decides to deny termination of the delivery prohibition, the decision will set forth the reasons for the denial including a description of any deficiency in the information supplied by the facility.

(iv) The decision of the designated individual will constitute a final agency determination subject to challenge under Article 78 of the Civil Practice Law and Rules.

(v) The Department will retain the record generated during the staff review process for one year.

(3) Expedited hearing.

(i) Not later than 15 days after a tag has been affixed to a tank fill port, the Department will provide the facility with an opportunity to present proof on the limited issue of whether the Department incorrectly determined that any Tier 1 or Tier 2 conditions existed at the facility. Notice of such hearing will be sent together with the written notification of any delivery prohibition issued pursuant to sections 5.1(a)(2) or (b)(3) of this Part.

(ii) The Department will bear the burden of proof at the expedited hearing.

(iii) The failure of the facility to appear at the time and place scheduled for the expedited hearing will constitute a waiver of the opportunity for an expedited hearing.

(iv) The expedited hearing will be held before a Department hearing officer. The hearing officer will make a report to the Local Health Commissioner setting forth the appearances, the arguments

presented at the hearing, findings of fact and conclusions of law, and a recommended determination for consideration by the Nassau County Commissioner of Health.

(v) The hearing officer may, to the extent practicable and without prejudice to the facility's right to have a timely expedited hearing, consolidate the expedited hearing regarding the existence of Tier 1 or 2 conditions with any hearing regarding the facility's violation of other provisions of the Environmental Conservation Law, or any order, rule, or regulation issued or promulgated thereunder.

(vi) The hearing officer will have the powers and authority provided to a presiding officer under the New York State Public Health Law and the Nassau County Public Health Ordinance.

(vii) The expedited hearing will be recorded. The hearing officer will cause a typed transcript of the record to be prepared for the Department's files, but will not wait for the preparation of this transcript before making a report to the Nassau County Commissioner of Health, if so requested by the facility or the Commissioner.

(viii) The hearing officer will issue his or her report within 30 days after the close of the hearing, unless the parties agree to an extension of this time.

(b) *Removal of a tag*. Within two business days after a decision by the Department that all Tier 1 and Tier 2 conditions at a facility have been resolved, the Department will remove, or authorize the removal of, the tag.

Article 15-6 Release Response and Corrective Action

15-6.1 General

A facility must, in response to a release from a tank system, comply with the requirements of this section.

15-6.2 Initial response

In response to a release from a tank system, a facility must immediately perform the following initial response actions:

(a) identify and mitigate fire, explosion, and vapor hazards;
(b) take immediate action to prevent any further release of petroleum; and
(c) report the release to the NYSDEC Spill Hotline (518-457-7362) within two hours after discovery.

15-6.3 Initial abatement measures and site check

(a) Unless directed to do otherwise by the NYSDEC, the facility must perform the following abatement measures:
   (1) remove as much of the petroleum from the tank system as is necessary to prevent further release;
   (2) visually inspect any aboveground releases or exposed belowground releases and prevent further petroleum migration;
   (3) continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the excavation zone and entered into subsurface structures (such as sewers or basements);
   (4) remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the facility must comply with applicable State and local requirements;
   (5) measure for the presence of a release where contamination is most likely to be present at the facility, unless the presence and source of the release have been confirmed in accordance with the site check required by sections 2.4(c)(2), 3.4(c)(2), or 4.4(c)(2) of this Part, or the site assessment required by section 2.6(c) of this Part. In selecting sample types, sample locations, and measurement methods, the facility must consider the nature of the petroleum stored, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and
   (6) investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with section 6.5 of this Part.

(b) Within 20 days after release confirmation, a facility must submit:
   (1) a report to the New York State Department of Environmental Conservation summarizing the initial abatement steps taken under subdivision (a) of this section; and
   (2) any resulting information or data.

15-6.4 Initial site characterization

(a) Unless directed to do otherwise by the NYSDEC, a facility must assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in section 6.3 of this Part. This information must include:
   (1) data on the nature and estimated quantity of release;
   (2) data from available sources and/or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release,

subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use;

(3) results of the site check required under sections 2.4(c)(2), 3.4(c)(2), or 4.4(c)(2) of this Part; and

(4) results of the free product investigations required under section 6.3(a)(6) of this Part, to be used by a facility to determine whether free product must be recovered under section 6.5 of this Part.

(b) Within 45 days after release confirmation or another reasonable period of time determined by the NYSDEC, a facility must submit the information collected in compliance with subdivision (a) of this section to the NYSDEC in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the NYSDEC.

15-6.5 Free product removal

At a facility where an investigation under section 6.3(a)(6) of this Part indicates the presence of free product, the facility must undertake corrective action to meet the cleanup objectives of Part 611 of 6 NYCRR. In meeting the requirements of this section, the facility must:

(a) conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the facility, and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable local, State, and Federal regulations;

(b) use abatement of free product migration as a minimum objective for the design of the free product removal system;

(c) handle any flammable products in a safe and competent manner to prevent fires or explosions; and

(d) unless directed to do otherwise by the NYSDEC, prepare and submit to the NYSDEC, within 45 days after confirming a release, a free product removal report that provides at least the following information:

(1) the name of the person(s) responsible for implementing the free product removal measures;

(2) the estimated quantity, type, and thickness of free product observed or measured in wells, boreholes, and excavations;

(3) the type of free product recovery system used;

(4) whether any discharge will take place on the facility or off the facility during the recovery operation and where this discharge will be located;

(5) the type of treatment applied to, and the effluent quality expected from, any discharge;

(6) the steps that have been or are being taken to obtain necessary permits for any discharge; and

(7) the disposition of the recovered free product.

15-6.6 Investigations for soil and groundwater cleanup

(a) In order to determine the full extent and location of soils contaminated by the release and the presence and concentrations of dissolved product contamination in the groundwater, the facility must conduct investigations of the release, the release site, and the surrounding area possibly affected by the release if any of the following conditions exist:
   (1) there is evidence that groundwater wells have been affected by the release (for example, as found during release confirmation or previous corrective action measures);
   (2) free product is found to need recovery in compliance with section 6.5 of this Part;
   (3) there is evidence that contaminated soils may be in contact with groundwater (for example, as found during conduct of the initial response measures or investigations required under sections 6.2 through 6.5 of this Part); and
   (4) the New York State Department of Environmental Conservation requests an investigation, based on the potential effects of contaminated soil or groundwater on nearby surface water and groundwater resources.

(b) A facility must submit the information collected under subdivision (a) of this section as soon as practicable or in accordance with a schedule established by the Department.

15-6.7 Corrective action plan

(a) At any point after reviewing the information submitted in compliance with sections 6.2 through 6.4 of this Part, the NYSDEC may require the facility to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils and groundwater. If a plan is required, the facility must submit the plan according to a schedule and format established by the NYSDEC. Alternatively, the facility may, after fulfilling the requirements of sections 6.2 through 6.4 of this Part, choose to submit a corrective action plan for responding to contaminated soil and groundwater. In either case, the facility is responsible for submitting a plan that provides for adequate protection of public health and the environment as determined by the Department, and must modify the facility's plan as necessary to meet this standard.

(b) The New York State Department of Environmental Conservation will approve the corrective action plan only after ensuring that implementation of the plan will adequately protect public health, safety, and the environment. In making this determination, the NYSDEC will consider the following factors as appropriate:
   (1) The physical and chemical characteristics of the petroleum, including its toxicity, persistence, and potential for migration;
   (2) The hydrogeologic characteristics of the facility and the surrounding area;

(3) The proximity, quality, and current and future uses of nearby surface water and groundwater;
(4) The potential effects of residual contamination on nearby surface water and groundwater;
(5) An exposure assessment; and
(6) Any information assembled in compliance with this Subpart.

(c) Upon approval of the corrective action plan or as directed by the NYSDEC, the facility must implement the plan, including modifications to the plan made by the NYSDEC. The facility must monitor, evaluate, and report the results of implementing the plan in accordance with a schedule and in a format established by the Department.

(d) The facility may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil and groundwater before the corrective action plan is approved provided that the facility:
(1) notifies the NYSDEC of the facility's intention to begin cleanup;
(2) complies with any conditions imposed by the NYSDEC, including halting cleanup or mitigating adverse consequences from cleanup activities; and
(3) incorporates these self-initiated cleanup measures in the corrective action plan that is submitted to the Department for approval.

15-6.8 Public participation

(a) For each confirmed release that requires a corrective action plan, the New York State Department of Environmental Conservation will provide an opportunity for public involvement by those members of the public directly affected by the release and the planned corrective action. This notice may include public notice in local newspapers, block advertisements, public service announcements, e-mail, publication in a state register, letters to individual households, or personal contacts by field staff.

(b) The New York State Department of Environmental Conservation will ensure that site release information and decisions concerning the corrective action plan are made available to the public for inspection upon request.

(c) Before approving a corrective action plan, the New York State Department of Environmental Conservation may hold a public meeting to consider comments on the proposed corrective action plan if there is sufficient public interest, or for any other reason.
(d) The New York State Department of Environmental Conservation will provide public notice that complies with subdivision (a) of this section if implementation of an approved corrective action plan does not achieve the established cleanup levels in the plan and termination of that plan is under consideration by the New York State Department of Environmental Conservation.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XVI
Site Design Drawings

Section 16.0 Scope

This Article pertains to all new construction and certain alterations anywhere within the County.

Section 16.1 Adoption of Generally Accepted Standards - Reserved

Section 16.2 Definitions - Reserved

Section 16.3 Site Design Drawings Requirements

16.3.1 A site design drawings shall be submitted to the Fire Marshal for every new building to be constructed within the County and for every building within the County that will be subjected to a Level 2 or Level 3 alteration as defined by the *New York State Uniform Fire Prevention and Building Code*

16.3.2 Site design drawings shall be submitted in accordance with Article XXIV of this Ordinance.

16.3.3 Fees for site plan review shall be submitted with fees set forth in Article XXII of this Ordinance.

Section 16.4 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 16.5 Penalties

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand ($1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

Historical notes:

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ARTICLE XVII

Manual Fire Alarm Systems and Automatic Fire Detection Systems

Section 17.0 Scope

This Article pertains to manual fire alarm system and automatic fire detection system installation and maintenance where systems are required.

Section 17.1 Adoption of Generally Accepted Standards

17.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 70 National Electrical Code®

NFPA 72 National Fire Alarm and Signaling Code

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

17.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

17.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 17.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

ALARM VERIFICATION FEATURE – A feature of an automatic fire detection and alarm system to reduce unwanted alarms wherein smoke detectors report alarm conditions for a minimum period of time, or confirm alarm conditions within a given time period, after being automatically reset,

in order to be accepted as a valid alarm-initiation signal as further specified in NFPA 72.

AUTOMATIC FIRE DETECTION AND FIRE ALARM SYSTEM – An approved installation of equipment which automatically actuates a fire alarm when the detecting element is exposed to fire, smoke or abnormal rise in temperature.

DEFICIENCY – A condition in which a system or a portion thereof is damaged, inoperable, or in need of service, but does not rise to the level of an impairment.

> **Critical Deficiency** – A deficiency that, if not corrected, can have an effect on the performance of the fire protection system.
>
> **Non-Critical Deficiency** – A deficiency that does not have an effect on the performance of the fire protection system, but correction is needed for the proper inspection, testing, and maintenance of the system(s).

FACP– Fire Alarm Control Panel

FACU– Fire Alarm Control Unit

FIRE ALARM SYSTEM – A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

IMPAIRMENT – A condition where a fire protection system, as defined by the *New York State Uniform Fire Prevention and Building Code* or unit or portion thereof is out of order and the condition can result in the fire protection system or unit not functioning in a fire event.

> **Emergency Impairment** – A condition where a fire protection system or portion thereof is out of order due to an unexpected occurrence.
>
> **Preplanned Impairment** – A condition where a fire protection system or a portion thereof is out of service due to work that has been planned in advance.

LATCH, LATCHING, TO LATCH – This refers to a feature of a Fire Alarm System that identifies an initiating alarm point even after the alarm condition has subsided. The fire alarm control panel must be reset to clear the alarm condition and device latching indicator.

FIRE ALARM SYSTEM ROUGH OUT WORK – The installation of wire, conduit, back boxes, mounting brackets and mounting hardware which must be performed by a contractor prior to approval of working design drawings by the Fire Marshal because of construction constraints, requirements or deadlines including but not limited to the need to close walls or ceilings of a structure or building under construction.

NUISANCE ALARM – An alarm caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, or an alarm activated by a cause that cannot be determined.

Section 17.3 General Design Requirements

17.3.1 The level of fire protection and notification of any fire alarm system will be consistent with the occupancy protected as required by Article XVIII of this Ordinance. Fire Alarm Systems shall not be interconnected to other Fire Alarm Control Panels unless such panels are within the same fire area in accordance with the *Building Code of New York State*.

17.3.2 Any Fire Alarm System with thirty (30) or more smoke detectors shall employ an alarm verification feature.

17.3.3 In Fire Alarm Systems utilizing fifty (50) or more alarm initiating devices, all initiating devices shall be addressable.

17.3.4 A multiple tenant building shall have a single Fire Alarm System that is connected to a single Fire Alarm Control Panel. The Fire Alarm Control Panel shall be installed in a common, accessible area that provides the fire department with access. No tenant space shall have a separate fire alarm system.

Section 17.4 Design Drawings, Specifications, Installation, Approval and Service/Maintenance

17.4.1 All fire and smoke detection devices used in the County shall be listed or approved by a nationally recognized testing laboratory. These devices shall be used only for the purpose for which they are intended. These devices shall only be installed in conformity with nationally recognized standards. All initiating devices and/or system circuits shall latch upon alarm activation. Non-latching initiating devices or circuits are not permitted.

17.4.2 Design drawings and Specifications

17.4.2.1 Working design drawings shall be submitted to and approved by the Fire Marshal prior to the installation, alteration, relocation or remodeling of any fire alarm system or manual fire alarm system;

except where a proposed alteration of an existing system involves the relocation, lowering, raising, or removal of fewer than five (5) existing initiating devices and/or notification devices,

17.4.2.2 Design drawings shall contain equipment specifications and floor plans showing detection and fire alarm system locations and such other information as might be required by the Fire Marshal. All working design drawings shall be stamped with an approved seal and original signature of a registered architect or professional engineer. A letter from the registered architect or professional engineer shall be provided with the design drawing submittal attesting to the authenticity of his/her seal and signature for the specific project. The letter shall include an original seal and signature. Copies or facsimiles are not permitted. Following approval, the original "Fire Marshal's Copy" of the approved design drawings shall be on site during construction and testing. The design drawing review fee set forth in Article XXII of this Ordinance shall accompany the submission of the design drawings.

17.4.2.3 Any deviation from the approved design drawings shall require the permission of the Fire Marshal.

17.4.2.4 A proposed alteration of an existing system that involves the relocation, lowering, raising, or removal of fewer than five (5) existing initiating devices and/or notification devices shall require a permit issued by the Fire Marshal prior to the commencement of any work. A Relocation Permit shall be issued by the Fire Marshal. The relocation permit fee set forth in Article XXII of this Ordinance shall accompany the application for the permit.

17.4.2.2 Manual fire alarm system and automatic fire detection system rough out work, as defined in Section 17.2 of this Ordinance, shall be permitted to commence prior to the approval of working design drawings by the Fire Marshal, following the submission to the Fire Marshal of all required working design drawings, fees and permit applications, including a smoke and fire detection and fire alarm system rough out work permit application which shall be completed in the form provided by the Fire Marshal and submitted by the owner, corporate officer or documented designated representative of the New York State licensed fire alarm company undertaking the smoke and fire detection and fire alarm system rough out work along with the permit fee set forth in Article XXII of this Ordinance.

17.4.2.3 The Fire Marshal shall be notified no fewer than 48 hours prior to the commencement of any smoke and fire detection and fire alarm system rough out work.

17.4.2.4 Any licensed fire alarm installer who installs manual fire alarm system and automatic fire detection system shall be responsible for making corrections to any rough out work that may be necessary to conform such work to subsequently approved working design drawings.

17.4.3 Final Approval

Before requesting final Fire Marshal approval of the installation of a Manual Fire Alarm System and Automatic Fire Detection System, the installing contractor shall furnish a written Record of Completion Report to the effect that the system has been installed in accordance with approved design drawing and tested in accordance with NFPA 72 and manufacturer's specifications. The Record of Completion Report shall be on a form specified by the Fire Marshal.

17.4.4 Acceptance Test

Upon completion of the installation of a manual fire alarm system and automatic fire detection system, the installer shall perform a test of the system in the presence of the Fire Marshal. The request to have the Fire Marshal view the acceptance shall be accompanied by the fee set forth in Article XXII of this Ordinance.

17.4.5 Design drawings Submittal Requirements

Fire Alarm System design drawing submittals shall be in accordance with Section 24.7 of this Ordinance.

17.4.5.1 It shall be unlawful for any person, firm or business entity to install, modify, alter, replace, renovate or remodel any fire alarm system without first obtaining approved design drawings form the Fire Marshal or obtaining a manual fire alarm system and automatic fire detection equipment relocation permit. It shall be unlawful for any person, firm or business entity to operate or maintain any fire alarm system without first obtaining a fire alarm system permit. Application for the fire alarm permit and appropriate fees shall be submitted with design drawings. Fire Alarm permit will not be issued until a final acceptance test is witnessed and approved by the Fire Marshal.

17.4.6 Permit Required

It shall be unlawful for any person to operate, install, maintain, construct, replace, repair, improve or provide maintenance to any fire alarm system without first obtaining a permit from the Fire Marshal.

1. The Fire Marshal shall issue, upon proper application from a New York State licensed alarm company, and payment of a fee, a permit to any person who owns or leases property upon which a fire alarm system is operated or maintained. The Licensed Fire Alarm Company shall sign and have notarized the application attesting that the fire alarm system will meet all the requirements of this Ordinance. The fee to be charged for this section shall be in accordance with the fee set forth in Article XXII of this Ordinance. Such permit shall be transferable to any subsequent owner or lessee of the premises in which such fire alarm system has been installed upon written notification to the Fire Marshal. A fee set forth in Article XXII of this Ordinance, shall be paid with this notification.

2. The permit required by this Ordinance shall be renewed every three (3) years. The permit shall be valid so long as there is full compliance with the provisions of this Ordinance. The fee for this renewal is set forth in Article XXII of this Ordinance.

3. A permit card issued by the Fire Marshal indicating the permit number shall be installed on or near the fire alarm control panel (FACP/FACU) in full view at all times. Single station battery operated smoke detectors installed in one and two family premises shall be exempt from this Ordinance.

17.4.7 Failure to Renew in a Timely Manner

The renewal of any Fire Alarm Permit more than one hundred twenty (120) days after it expires, shall be subject to a late-renewal fee set forth in Article XXII.

Section 17.5 Remote Supervising

17.5.1 A licensed alarm company shall provide the Fire Marshal with the following information on all Remote Supervising Stations that the alarm company will use to transmit alarms to fire departments in the County;

1. Name of Remote Supervising Station

2. Address

3. Local address if different from the above

4. The name and a twenty four hour telephone number of a responsible person working for the Remote Supervising station.

17.5.2 Remote Supervising Stations upon receiving a signal that a fire department is needed shall transmit to the fire department the following information;

1. Name

2. Address

3. Nearest cross street

4. Telephone number

5. Permit number

6. Initiating device point address, including specific location within premise where available

Section 17.6 License Required

17.6.1 All persons, firms, business entities or corporations installing, inspecting, testing, and providing maintenance on any Fire Alarm System as defined in this Ordinance, shall have a license issued by the New York State, Department of State, Division of Licensing Services.

Section 17.7 Licensed Alarm Company Identification

A tag attesting to the licensed alarm companies' inspection shall be affixed to the fire alarm control panel (FACP) providing the following information:

1. Name, address and telephone number of the Licensed Alarm Company

2. New York State License number

3. Name of technician installing, servicing, inspection and/or maintenance

4. Signature of technician

5. Information on tag should include the date of work and type of work performed on fire alarm system (new installation, annual inspection/service, repair)

Section 17.8 Maintenance of Fire Alarm Systems

17.8.1 It shall be the responsibility of the owner/lessee of a property in the County to have a New York State licensed fire alarm company, perform maintenance on fire alarm systems.

17.8.2 A alarm systems subject to this Ordinance and maintained in the County shall be cleaned, inspected and tested in accordance with either NFPA 72, or the recommendations of the system's manufacturer, whichever requires the more frequent inspections. Written records of inspection shall be maintained on the premises protected and shall include:

1. Date of inspection.
2. Name of inspecting alarm company and alarm company employee(s) performing the inspection.
3. Condition of equipment.
4. Action taken to correct any deficiencies.

17.8.4 Maintenance shall also include verification of signals receipt by the Remote Supervising Station, and the Nassau County Fire alarm permit.

Section 17.9 Inspection, Test and Maintenance Service tags

17.9.1 Inspection, Test and Maintenance Service tags

All Inspection, Test & Maintenance Service Tags shall be, 7 inches in height, and 3½ inches in width.

17.9.1.1 Service tags may be printed for a multiple period of years

17.9.2 Light Green inspection, test & maintenance tags shall contain the following information in the format of the sample tag:

1. **"DO NOT REMOVE BY ORDER OF THE FIRE MARSHAL"** (all capital letters, at least 10-point boldface type)
2. Licensed firm or contractors name, address, phone number and New York State license number
3. Printed name of service person or contractor
4. Signature of service person or technician.

5. Day, month and year (to be punched)

6. Name and address of owner or occupant

7. Building address

8. Type of Inspection, Testing and Maintenance: monthly, quarterly, annual or five year (to be punched)

17.9.3 Yellow inspection, test & maintenance tags shall contain the following information in the format of the sample tag:

1. **"DO NOT REMOVE BY ORDER OF THE FIRE MARSHAL"** (all capital letters, at least 10-point boldface type)

2. **"EQUIPMENT DEFICIENCY"** (all capital letters, at least 10-point boldface type)

3. Licensed firm or contractors name, address, phone number and New York State license number

4. Printed name of service person or contractor

5. Signature of service person or technician.

6. Day, month and year (to be punched)

7. Name and address of owner or occupant

8. Building address

9. List of deficiencies and classification as critical or non-critical

17.9.4 Red inspection, test & maintenance tags shall contain the following information in the format of the sample tag:

1. **"DO NOT REMOVE BY ORDER OF THE NASSAU COUNTY FIRE MARSHAL"** (all capital letters, at least 10-point boldface type)

2. **"EQUIPMENT IMPAIRED"** (all capital letters, at least 10-point boldface type)

3. Licensed firm or contractors name, address, phone number and New York State license number

4. Printed name of service person or contractor

5. Signature of service person or technician.
6. Day, month and year (to be punched)
7. Name and address of owner or occupant
8. Building address
9. List of deficiencies and classification as critical or non-critical

Section 17.10 Fire Alarm System Out of Service

Where an approved fire alarm system is out of service the local fire department and the Fire Marshal shall be notified immediately. The building shall either be evacuated or, with the approval of the Fire Marshal, a fire watch as described in Section 14.10 of this Ordinance shall be provided for all occupants left unprotected by shut down, until fire alarm is restored to normal operating condition by a licensed fire alarm contractor. A report of the completed work shall be submitted to the Fire Marshal before the building may be re-occupied or cease the fire watch.

Section 17.11 Misuse of Fire Alarm Systems

Notwithstanding the provisions of this Ordinance, nothing contained herein shall modify, limit, enlarge or in any other way affect the penalties provided for willful or intentional false alarms as same is defined and provided for within the Laws of the New York State.

Any alarm to which the fire department responds and after investigation is unable to determine the cause of the alarm or determines the alarm is the result of malfunction of the fire alarm system or the negligence of the user or a nuisance alarm shall be designated as a non-intentional false alarm. Thereupon, it shall be the responsibility of the occupant of the premises to contact a New York State licensed fire alarm company, so that the cause for such alarm be corrected by that licensed fire alarm company. A report of such correction, in writing, shall be submitted to the Fire Marshal within ten (10) days.

17.11.1 Malfunctioning, non-intentional false alarm, or undetermined alarms occurring three (3) times in a ninety (90) day period which results in the response of the fire department or any fire department personnel shall constitute a violation of this Ordinance.

17.11.2 Any activation of the fire alarm system resulting in the response of the fire department or any fire department personnel, caused by a fire alarm

contractor that fails to contact the local fire department dispatcher to take the fire alarm system out of service during service on the fire alarm system, shall be in violation of this Ordinance.

17.11.3 Upon activation of the fire alarm system, the manager/agent in charge of the premises shall not reset the fire alarm system until such time as a representative of the responding fire department arrives on scene to investigate the alarm, and grants permission to reset the fire alarm system.

17.11.4 It shall be prohibited for any person or firm to remove, tamper with or otherwise disturb any manual fire alarm system and automatic fire detection equipment except for the purpose of making necessary repairs, by a New York State licensed fire alarm contractor or when approved by the Fire Marshal

Section 17.12 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 17.13 Penalties

Any person or business entity other than a corporation violating any provisions of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand ($1,000.00) dollars or, by imprisonment for not more than one (1) year or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand ($5,000.00) dollars for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XVIII

Fire Protection Requirements for Occupancy Classifications

Section 18.0 Scope

This Article pertains to Standpipe Systems, Sprinkler Systems, Smoke and Fire Detecting Systems, and Fire Alarm Systems requirements for Occupancies.

Section 18.1 Adoption of Generally Accepted Standards

18.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 14	Standard for the Installation of Standpipe and Hose Systems
NFPA 72	National Fire Alarm and Signaling Code
NFPA 720	Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

18.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

18.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 18.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine

gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

ALTERNATIVE AUTOMATIC FIRE EXTINGUISHING SYSTEM – A system used as an alternative to a required automatic fire sprinkler system when approved by the Fire Marshal

AUTOMATIC FIRE DETECTION AND FIRE ALARM SYSTEM – An approved installation of equipment which automatically actuates a fire alarm when the detecting element is exposed to fire, smoke or abnormal rise in temperature. System shall provide total coverage for all areas including all rooms, halls, storage areas, basements, attics, lofts, spaces above suspended ceilings, and other subdivisions and accessible spaces as well as the inside of all closets, elevator shafts, enclosed stairways, dumbwaiter shafts, and chutes.

AUTOMATIC FIRE SPRINKLER SYSTEM – A system of piping and appurtenances designed and installed in accordance with generally accepted standards so that heat from a fire will automatically cause water to be discharged over the fire area to extinguish it or prevent its further spread.

CLEAN AGENT FIRE SYSTEMS (CAFS) – Electrically nonconducting, volatile, or gaseous fire extinguishant that does not leave a residue upon evaporation.

CARBON MONOXIDE DETECTOR – A device connected to an alarm control unit having a sensor that responds to carbon monoxide.

FIRE ALARM SYSTEM – A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

FIRE PROTECTION EQUIPMENT – Apparatus, assemblies, or systems either portable or fixed, for uses to prevent, detect, control, or extinguish fire.

MIXED OCCUPANCY – A building which is occupied or used by two or more occupancy types or uses

OCCUPANCY – The purpose for which a building or a portion thereof is used or intended to be used. As defined in the *New York State Uniform Fire and Building Code*.

RACK OR HIGH-PILED STORAGE – Storage of materials in racks, shelves or piles where the top of the storage is greater than 12 feet in height, including bin boxes exceeding 5 foot in any dimensions.

SMOKE/FIRE DETECTOR and FIRE ALARM SYSTEM ROUGH OUT WORK –The running of wire and conduit, and the installation of back boxes, mounting brackets and mounting hardware which must be performed by a contractor prior to the approval of working design drawings by the Fire Marshal because of construction constraints or deadlines including but not limited to the need to close walls or ceilings of a structure or building under construction.

STANDPIPE SYSTEM – Approved installation of piping and appurtenances, whereby all parts of a building can be quickly reached with an effective stream of water.

Section 18.3 Application

18.3.1 This Article covers new construction and existing buildings altered or repaired or where a change in occupancy has occurred as outlined in Section 18.3.3 of this Ordinance.

18.3.2 Any modification of the requirements for new buildings which, in the absence of specific provisions are applied to existing buildings, shall be allowed only to the extent that, it shall have been conclusively proven to the Fire Marshal that such modifications meet the performance requirements of this Ordinance. Such modifications shall constitute compliance with this Ordinance.

18.3.3 Any existing building covered under the provisions of this Article, which is altered or repaired, when the alterations, as defined in the *Existing Building Code of New York State*, are classified as an Alteration-Level 2 or an Alteration-Level 3 or a Change of Occupancy, shall be considered as new construction and must meet all the requirements for a new building under the particular occupancy.

18.3.4 Any alteration to an existing building, or any new construction which creates a mixed occupancy as defined in Section 18.2 of this Ordinance, must meet the requirements for the most hazardous occupancy. If there is an alteration to an existing building which creates the mixed occupancy, fire protection and fire detection would be that which would be required for new construction.

18.3.5 Any building installing or using rack or high-piled storage as defines in Section 18.2 of this Ordinance shall have to comply with *Fire Code of New York State,* Chapter 23 “High-Piled Combustible Storage.”

Section 18.4 Classification of Buildings by Occupancy

18.4.1 Assembly Occupancy

Assembly Group A (A-1, A-2, A-3, A-4, A-5) occupancy as defined in *the Building Code of New York State*, includes, among others, the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption; or waiting transportation. Assembly occupancies shall include all those defined in the *Building Code of New York State*.

18.4.2 Business Occupancy

Business Group B occupancy as defined in the *Building Code of New York* State, includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include all those defined in the *Building Code of New York State.*

18.4.3 Educational Occupancy

Educational Group E occupancy as defined in the *Building Code of New York State* includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Educational occupancies shall include all those defined in the *Building Code of New York State*.

18.4.4 Factory Industrial Occupancy

Factory Industrial Group F (F-1, F-2) occupancy as defined in the *Building Code of New York State*, includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations. Factory Industrial occupancies shall include all those defined in the *Building Code of New York State*.

18.4.5 High Hazard Occupancy

High Hazard Group H (H-1, H-2, H-3, H-4, H-5) occupancy as defined in the *Building Code of New York State*, includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in control areas constructed and located as required in Section 414 of the *Building Code of New York State*. Hazardous uses are classified in Groups H-1, H-2, H-3, H-4, H-5 and shall be in accordance with the requirements of Section 415 of the

Building Code of New York State and the requirements of *the Fire Code of New York State*

18.4.5 Institutional Occupancy

Institutional Group I (I-1, I-2, I-3, I-4) occupancy as defined in the *Building Code of New York State*, includes, among others, the use of a building or structure, or a portion thereof, in which people are cared for or live in a supervised environment, having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which liberty of the occupants is restricted. Institutional occupancies shall include all those defined in the *Building Code of New York State*.

18.4.6 Mercantile Occupancy

Mercantile Group M occupancy as defined in the *Building Code of New York State*, includes, among others, the use of a building or structure, or a portion thereof, for the display and sale of merchandise, and involves stock of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include all those defined in the *Building Code of New York State*.

18.4.7 Residential Occupancy

Residential Group R (R-1, R-2, R-3, R-4) occupancy as defined in the *Building Code of New York State*, includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *Residential Code of New York State*. Residential occupancies shall include all those defined in the *Building Code of New York State*. This Ordinance is exempt from enforcement in the interior of Group R Occupancies regulated by the *Residential Code of New York Stat*e (detached one and two family dwellings and town houses). The interior of Group R Occupancies shall be under the jurisdiction of the local building department and exempt from this Section.

18.4.8 Storage Occupancy

Storage Group S (S-1, S-2) occupancy as defined in the *Building Code of New York State*, includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy as defined in the *Building Code of New York State*. Storage occupancies shall include all those defined in the *Building Code of New York State*.

18.4.9 Utility and Miscellaneous Occupancy

Utility and Miscellaneous Group U occupancy as defined in the *Building Code of New York State* as buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of the *Building Code of New York State* commensurate with the fire and life hazard incidental to the occupancy. Utility and Miscellaneous occupancies shall include all those defined in the *Building Code of New York State*.

18.4.10 Mixed Occupancy

A building which is occupied or used by two or more occupancies or uses classified in Section 18.4.1 through 18.4.9 inclusive or in part, shall be regulated by this Article.

Section 18.5 Fire Protection for Assembly Group A Occupancies

18.5.1 Automatic Sprinkler System Required

An automatic sprinkler system shall be required to be installed in Group A assembly occupancies where required by and in accordance with the *Fire Code of New York State*. The sprinkler system shall meet all the requirements of NFPA 13.

18.5.2 Standpipe Systems Required

A class 1 standpipe system shall be required to be installed in Group A assembly occupancies where required by and in accordance with the *Fire Code of New York State*. The Standpipe System shall meet all the requirements of NFPA 14.

Additionally all new Group A assembly occupancies constructed which are three (3) stories or more and/or having a floor level thirty (30) feet or more above the lowest level of fire department access shall have a class 1 standpipe system. The Standpipe System shall meet the requirements of NFPA 14. The Standpipe System must be a separate system not connected to the Sprinkler System unless such a connection is permitted in NFPA 13.

18.5.3 Fire Alarm System Required

A fire alarm system shall be required to be installed in Group A assembly occupancies where required by and in accordance with the *Fire Code of New York State*. All new Assembly occupancies which accommodate fifty (50) or

more persons shall have a complete fire alarm system installed. The fire alarm system shall meet all the requirements of NFPA 72.

18.5.3.1 Fire Alarm System and Voice Evacuation System Required

All new Assembly occupancies which accommodate one thousand (1,000) or more persons shall have a complete fire alarm system equipped with a voice evacuation system installed. The fire alarm detection system shall meet all the requirements of NFPA 72.

18.5.4 Carbon Monoxide Detection required

All new and existing Assembly occupancies shall have a complete Carbon Monoxide Detection System installed. The Carbon Monoxide Detection System shall meet the requirements of Article VIII of this Ordinance and NFPA 720

Section 18.6 Fire Protection for Business Group B Occupancies

18.6.1 Automatic Sprinkler System Required

An automatic sprinkler system shall be required to be installed in occupancies where required by and in accordance with the *Fire Code of New York State*. Additionally all new Group B Business occupancies constructed which are three (3) or more stories and/or having a floor level thirty (30) feet or more above the lowest level of fire department access shall have a complete automatic sprinkler system installed throughout. The Sprinkler System shall meet all the requirements of NFPA 13.

18.6.2 Standpipe System Required

A class 1 standpipe system shall be installed in Group B business occupancies where required by and in accordance with the *Fire Code of New York State.* The standpipe system shall meet the requirements of NFPA 14.

Additionally all new Business occupancies constructed which are three (3) stories or more and/or having a floor level thirty (30) feet or more above the lowest level of fire department access shall have a class 1 standpipe system. The Standpipe System shall meet the requirements of NFPA 14. The Standpipe System must be a separate system not connected to the Sprinkler System unless such a connection is permitted in NFPA 13.

18.6.3 Fire Alarm System Required

All new Business Occupancies shall have a fire alarm system installed. The fire alarm system shall meet all the requirements of NFPA 72.

18.6.3.1 Existing Business Occupancies where mammals (except horses, cattle, pigs or sheep), birds (except for chickens or other fowl used for food purposes), reptiles and/or amphibians are regularly kept or stored prior to their adoption, sale or gift as pets to the general public, shall have a fire alarm system installed by January 1st 2018.

18.6.4 Carbon Monoxide Detection required

All new and existing Business occupancies shall have a complete Carbon Monoxide Detection System installed. The Carbon Monoxide Detection System shall meet the requirements of Article VIII of this Ordinance and NFPA 720

Section 18.7 Fire Protection for Educational Group E Occupancies

18.7.1 Automatic Sprinkler System Required

An automatic sprinkler system shall be required to be installed in Group E Educational occupancies where required by and in accordance with the *Fire Code of New York State*. The Sprinkler System shall meet all the requirements of Standard NFPA 13.

18.7.2 Standpipe System Required

A class 1 standpipe system shall be required to be installed in Group E Educational occupancies where required by and in accordance with the *Fire Code of New York State*. All new Educational Occupancies constructed which are three (3) stories or more and/or having a floor level thirty (30) feet or more above the lowest level of fire department access shall have a class 1 standpipe system. The standpipe system shall meet the requirements of NFPA 14. The standpipe system must be a separate system not connected to the sprinkler system unless such a connection is permitted in NFPA 13.

18.7.3 Fire Alarm System Required

18.7.3.1 All new Educational Occupancies shall have a fire alarm system installed. The fire alarm system shall meet all the requirements of NFPA 72.

18.7.3.2 All new Educational Occupancies which accommodate one hundred (100) or more persons shall have a complete fire alarm system equipped with a voice evacuation system installed. The fire alarm system shall meet all the requirements of NFPA 72.

18.7.4 Carbon Monoxide Detection Required

All new and existing Educational occupancies shall have a complete Carbon Monoxide Detection System installed. The Carbon Monoxide Detection System shall meet the requirements of Article VIII of this Ordinance and NFPA 720.

Section 18.8 Fire Protection for Factory Industrial Group F Occupancies

18.8.1 Automatic Sprinkler System Required

An automatic sprinkler system shall be required to be installed in Group F Factory Industrial occupancies where required by and in accordance with the *Fire Code of New York State*. Additionally all new Factory Industrial Occupancies, except those that are free standing, not more than 3,000 square feet, no more than one story in height, and without a basement or cellar, shall have a complete automatic sprinkler system. The Sprinkler System shall meet all the requirements NFPA 13.

18.8.2 Standpipe System Required

A class 1 standpipe system shall be required to be installed in Group F Factory Industrial Occupancies where required by and in accordance with the *Fire Code of New York State*. Additionally all new Factory Industrial Occupancies constructed except those that are free standing, not more than 3,000 square feet, no more than one story in height, and without a basement or cellar, shall have a class 1 standpipe system. The standpipe system shall meet the requirements of NFPA 14. The class 1 standpipe system must be a separate system not connected to the sprinkler system unless such a connection is permitted in NFPA 13.

18.8.3 Manual Fire Alarm System Required

All new Factory Industrial Group F Occupancies shall have a manual fire alarm system installed. The manual fire alarm system shall meet all the requirements of NFPA 72.

18.8.4 Carbon Monoxide Detection required

All new and existing Factory occupancies shall have a complete Carbon Monoxide Detection System installed. The Carbon Monoxide Detection System shall meet the requirements of Article VIII of this Ordinance and NFPA 720.

Section 18.9 Fire Protection for High Hazard Group H Occupancies

18.9.1 Automatic Sprinkler System Required

An automatic fire sprinkler system shall be required to be installed in Group H High Hazard occupancies where required by and in accordance with the Fire Code of New York State. The Sprinkler System shall meet all the requirements of NFPA 13.

18.9.2 Standpipe System Required

A class 1 standpipe system shall be required to be installed in Group H High Hazard occupancies where required by and in accordance with the *Fire Code of New York State*. The standpipe system shall meet the requirements of NFPA 14.

18.9.3 Fire Alarm System Required

A fire alarm system shall be required to be installed in Group H High Hazard occupancies where required by and in accordance with the *Fire Code of New York State*. The fire alarm system shall meet all the requirements of NFPA 72.

18.9.4 Carbon Monoxide Detection Required

All new and existing High Hazard occupancies shall have a complete Carbon Monoxide Detection System installed. The Carbon Monoxide Detection System shall meet the requirements of Article VIII of this Ordinance and NFPA 720.

Section 18.10 Fire Protection for Institutional Group I Occupancies

18.10.1 Automatic Sprinkler System Required

An automatic sprinkler system shall be required to be installed in Group I Institutional occupancies where required by and in accordance with the *Fire Code of New York State.* All new Institutional Occupancies shall have an automatic sprinkler system. The sprinkler system shall meet all the requirements of Standard NFPA 13.

18.10.2 Standpipe System Required

18.10.2.1 All new Institutional Occupancies more than one story shall have a class 1 standpipe system. The standpipe system shall meet the requirements of NFPA 14. The class 1 standpipe system must be

a separate system not connected to the sprinkler system unless such a connection is permitted in NFPA 13.

18.10.2.2 Existing Institutional occupancies may be required to install class 1 standpipe systems when after consideration of the following factors the Fire Marshal determines that they are necessary to enable a Fire Department to control and extinguish fire more quickly and efficiently.

1. Distances of travel, and accessibility to all areas of the building from street hydrants.

2. Changes in configuration of building or buildings due to alterations or additions.

3. Physical obstacles interfere with Fire Department apparatus access.

18.10.3 Fire Alarm System Required

A fire alarm system shall be required to be installed in Group I Institutional occupancies where required by and in accordance with the *Fire Code of New York State.* All new and existing Institutional Occupancies shall have a fire alarm system installed. The fire alarm system shall meet all the requirements NFPA 72.

18.10.4 Carbon Monoxide Detection Required

All new and existing Institutional occupancies shall have a complete Carbon Monoxide Detection System installed where required by and in accordance with the *Fire Code of New York State*. The carbon monoxide detection system shall meet the requirements of the *Fire Code of New York State*, Article VIII of this Ordinance and NFPA 720.

Section 18.11 Fire Protection for Mercantile Group M Occupancies

18.11.1 Automatic Sprinkler System Required

An automatic sprinkler system shall be required to be installed in Group M Mercantile occupancies where required by and in accordance with the *Fire Code of New York State*. Additionally all new Mercantile Occupancies, except those that are free standing, not more than 3,000 square feet, no more than one story in height, and without a basement or cellar, shall have a complete automatic fire sprinkler system. The Sprinkler System shall meet all the requirements of NFPA 13.

18.11.2 Standpipe System Required

A class 1 standpipe system shall be required to be installed in Group M mercantile occupancies where required by and in accordance with the *Fire Code of New York State*. Additionally all new Mercantile Occupancies constructed which are two (2) stories or more in height or more than 50,000 square feet, shall have a class 1 standpipe system. The standpipe system shall meet the requirements of NFPA 14. The class 1 standpipe system must be a separate system not connected to the sprinkler system unless such a connection is permitted in NFPA 13.

18.11.3 Fire Alarm System Required

All new Mercantile Occupancies shall have a fire alarm system installed. The fire alarm system shall meet all the requirements of NFPA 72.

18.11.3.1 Existing Mercantile Occupancies where mammals (except horses, cattle, pigs or sheep), birds (except for chickens or other fowl used for food purposes), reptiles and/or amphibians are regularly kept or stored prior to their adoption, sale or gift as pets to the general public, shall have a fire alarm system installed by January 1, 2018.

18.11.4 Carbon Monoxide Detection Required

All new and existing Mercantile Occupancies shall have a complete Carbon Monoxide Detection System installed. The Carbon Monoxide Detection System shall meet the requirements of Article VIII of this Ordinance and NFPA 720.

Section 18.12 Fire Protection for Residential Group R Occupancies

18.12.1 Automatic Sprinkler System Required

An automatic sprinkler system shall be required to be installed in Group R Residential Occupancies where required by and in accordance with the *Fire Code of New York State*. The Sprinkler System shall meet all the requirements of NFPA 13. NFPA 13R system shall not meet the requirements of this section.

18.12.2 Standpipe Systems Required

A class 1 standpipe system shall be installed in Group R Residential Occupancies where required by and in accordance with the *Fire Code of New York State.* The standpipe system shall meet the requirements of NFPA 14.

Additionally all new Residential occupancies constructed which are three (3) stories or more and/or having a floor level thirty (30) feet or more above the lowest level of fire department access shall have a class 1 standpipe system. The standpipe system shall meet the requirements of NFPA 14. The standpipe system must be a separate system not connected to the sprinkler system unless such a connection is permitted in NFPA 13.

18.12.3 Fire Alarm System Required

All new Group R Occupancies shall have a fire alarm system installed. The fire alarm system shall meet all the requirements of NFPA 72.

18.12.3.1 Single- and multiple-station smoke alarms for Groups R-1, R-2, R-3, R-4, I-1

Single and multiple station smoke alarms shall be interconnected into the building fire alarm control panel (FACP). Activation of the single or multiple station smoke alarm shall provide a supervisory signal at the FACP. A trouble signal shall be transmitted to the FACP upon detection of a failure of a monitored circuit or component.

18.12.4 Carbon Monoxide Detection Required

All new and existing Residential occupancies shall have a complete Carbon Monoxide Detection System installed where required by and in accordance with the *Fire Code of New York State.* The carbon monoxide detection system shall meet the requirements of *the Fire Code of New York State*, Article VIII of this Ordinance and NFPA 720.

18.12.4.1 Carbon Monoxide Detectors installed individually or in conjunction with combination single and multiple-station smoke alarms for Groups R-1, R-2, R-3, R-4, I-1.

Individual carbon monoxide alarms shall be interconnected into the building fire alarm control panel (FACP). Activation of the individual carbon monoxide alarms and or single and multiple-station combination carbon monoxide detection and smoke detectors shall provide a supervisory signal to the FACP. A trouble signal shall be transmitted to the FACP upon detection of a failure of a monitored circuit or component. Alternatively, listed combination Carbon Monoxide/Smoke detectors with sounder bases and interconnected to the FACP may be utilized as part of a combination system.

Section 18.13 Fire Protection for Storage Group S Occupancies

18.13.1 Automatic Sprinkler System Required

An automatic sprinkler system shall be required to be installed in Group S Storage occupancies where required by and in accordance with the *Fire Code of New York State*. Additionally all new Group S Storage Occupancies, with the exception of open parking garages and Group S occupancies that are free standing, not more than 3,000 square feet, no more than one story in height, and without a basement or cellar, shall have an automatic sprinkler system. The Sprinkler System shall meet all the requirements of NFPA 13.

18.13.2 Standpipe System Required

A class 1 standpipe system shall be required to be installed in Group S Storage occupancies where required by and in accordance with the *Fire Code of New York State*. Additionally all new Group S Storage Occupancies constructed which are two (2) stories or more in height or more than 50,000 square feet, shall have a class 1 standpipe system. The standpipe system shall meet the requirements of NFPA 14. The class 1 standpipe system must be a separate system not connected to the sprinkler system unless such a connection is permitted in NFPA 13.

18.13.3 Fire Alarm System Required

All new Group S Storage Occupancies shall have a fire alarm system installed. The fire alarm system shall meet all the requirements of NFPA 72.

18.13.4 Carbon Monoxide Detection Required

All new and existing Storage occupancies, with the exception of parking garages, shall have a complete Carbon Monoxide Detection System installed. The Carbon Monoxide Detection system shall meet the requirements of Article VIII of this Ordinance and NFPA 720.

Section 18.14 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 18.15 Penalties

Any person or business entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars

($1,000.00) or, by imprisonment for not more than one (1) year, or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars ($5,000.00) for each and every offense. The imposition of the penalty for any violations of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XIX
Liquid and Solid Oxidizing Materials

Section 19.0 Scope

This Article pertains to the storage of oxidizing materials that are liquid or solid.

Section 19.1 Adoption of Generally Accepted Standards

19.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 10	Standard for Portable Fire Extinguishers
NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 14	Standard for the Installation of Standpipe and Hose Systems
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 51	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes
NFPA 51B	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work
NFPA 70	National Electrical Code®
NFPA 101	Life Safety Code
NFPA 231	Standard for General Storage
NFPA 231C	Standard for Rack Storage of Materials
NFPA 400	Hazardous Materials Code

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

19.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In

the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

19.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 19.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

CLASS 1 OXIDIZER – An oxidizing material whose primary hazard is that it may increase the burning rate of combustible material with which it comes in contact.

CLASS 2 OXIDIZER – An oxidizing material that can cause spontaneous ignition when in contact with combustible materials.

CLASS 3 OXIDIZER – An oxidizing material that can undergo vigorous self-sustained decomposition when catalyzed or exposed to heat.

CLASS 4 OXIDIZER – An oxidizing material that can undergo an explosive reaction when catalyzed or exposed to heat, shock, or friction.

COMBUSTIBLE CONTAINERS – Includes paper bags, fiber drums, plastic containers, and wooden or fiber boxes or barrels. It also includes noncombustible containers having removable combustible liners or packing, and includes noncombustible containers in combustible over packs.

CUTOFF – Storage in the same building or area but physically separated from incompatible materials by partitions or walls or when contained in a fixed tank

DEFLAGRATION – Propagating thermal decomposition that proceeds in the material at less than sonic velocity and may or may not develop hazardous pressures.

DETACHED – Storage, either in the open or in a separate building, located away from all structures except those housing operations related directly to the production of the stored materials.

DETONATION – Propagating thermal decomposition that proceeds at supersonic velocity in the material accompanied by the development of a shock wave in the decomposing material.

EXPLOSIVE REACTION – Includes both deflagration and detonation.

INCOMPATIBLE MATERIALS – Those materials that when mixed with oxidizing materials can cause hazardous reactions or can catalyze decomposition of the oxidizer.

MANUFACTURING PLANTS – Those facilities where oxidizing materials are produced by chemical means and stored.

OXIDIZING MATERIAL – Any solid or liquid that readily yields oxygen or other oxidizing gas or that readily reacts to oxidize combustible materials. See Table 19.2 for examples of oxidizers by class.

PROCESSING PLANTS – Those facilities not on the premises of manufacturing plants where oxidizers are packaged mixed or blended.

RETAIL ESTABLISHMENTS – Those facilities where oxidizing materials are sold directly to the general public.

SEGREGATED – Storage in the same room but physically separated by space from incompatible materials, using sills or curbs to maintain spacing, or by using intervening storage of non-hazardous, compatible materials.

STORAGE – Materials or merchandise displayed or stored.

WAREHOUSES – Those facilities where oxidizing materials are received stored and subsequently shipped.

Table 19.2
Oxidizers

Class 1

Aluminum Nitrate	Lithium Peroxide	Potassium Perchlorate
Ammonium Persulfate	Magnesium Nitrate	Potassium Peroxide
Barium Chlorate	Magnesium Perchlorate	Potassium Persulfate
Barium Nitrate	Magnesium Peroxide	Silver Nitrate
Barium Perchlorate	Mercurous Nitrate	Sodium Bromate
Barium Permanganate	Nickel Nitrate	Sodium Carbonate Peroxide
Barium Peroxide	Nitrate, *not otherwise specified*	Sodium Chlorate
Bromine Pentafluoride	Nitric Acid,	Sodium Chlorite, *40% or less*
Bromine Trifluoride	*70% concentration or less*	Sodium Dichloro-s-triazinetrione Dihydrate
Calcium Chlorate	Nitro-Carbo Nitrate	Sodium Dichromate
Calcium Chlorite	Nitrogen Dioxide, liquid	Sodium Nitrate
Calcium Nitrate	Nitrogen Peroxide, liquid	Sodium Perborate
Calcium Permanganate	Nitrogen Tetroxide, liquid	Sodium Perborate Tetrahydrate
Calcium Peroxide	Perchlorate,	Sodium Perchlorate
Chlorate,	*not otherwise specified*	Sodium Perchlorate Monohydrate
not otherwise specified	Perchloric Acid Solutions,	Sodium Persulfate
Chlorine Dioxide	*less than 60% by weight*	Strontium Chlorate
Cupric Nitrate	Permanganate,	Strontium Nitrate
Hydrogen Peroxide Solutions	*not otherwise specified*	Strontium Peroxide
over 8% but not exceeding	Peroxide,	Tetranitromethane
27.5% Concentration by weight	*not otherwise specified*	Thorium Nitrate
Iodine Pentafluoride	Potassium Chlorate	Uranium Nitrate
Lead Nitrate	Potassium Dichromate	Uranyl Nitrate
Lead Peroxide	Potassium Nitrate	Zinc Chlorate
Lithium Hypochlorite	Potassium Nitrite	Zinc Peroxide

Table 19.2
Oxidizers
(Continued)

Class 2	Class 3	Class 4
Chromium Trioxide *(Chromic acid)*	Ammonium Dichromate	Ammonium Perchlorate
Hydrogen Peroxide, *27.5 to 52% concentration by weight*	Hydrogen Peroxide, *52% to not more than 91% concentration by weight*	Ammonium Permanganate
Nitric Acid, *more than 70% concentration*	Calcium Hypochlorite	Guanidine Nitrate
Potassium Bromate	Mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione	Perchloric Acid Solutions, *more than 72.5% by weight*
Potassium Permanganate	Perchloric Acid Solutions, *60% to 72.5% by weight*	Potassium Superoxide
Sodium Chlorite, *over 50% by weight*	Potassium dichloro-s-triazinetrione (potassium dichloroisocyanurate)	Hydrogen Peroxide Solutions, *more than 91% by weight*
Sodium Peroxide	Sodium dichloro-s-triazinetrione (sodium dichloroisocyanurate)	
Sodium Permanganate	Powders and mixtures containing over 39% available chlorine	
Trichloro-s-triazinetrione *(trichloroisocyanuric acid)*		

Section 19.3 General Rules Applicable to All Classes of Oxidizers

19.3.1 Identification of Materials in Storage

19.3.1.1 All oxidizer storage areas shall be conspicuously identified with a diamond shaped sign as illustrated in Figure 19.3 measuring a minimum of 8'' x 8'' (20.32 cm x 20.32 cm) square on point. The sign shall be yellow; the symbol and lettering shall be black. The word "OXIDIZER" must be centered on the sign horizontal center line in letters 2-1/2 inches (63.5 mm) high with a 15/32-inch (11.9 mm) stroke. The base of the bar of the symbol must be 2-1/16 inches (52.4 mm) above the sign's horizontal center line. The overall height of the symbol must be 4-5/16 inches (109.5 mm) with the bar measuring l/8-inch (3.2 mm) wide and 2-3/16 inches (55.6 mm) long. The symbol must be 2-3/8 inches (60.3 mm) across the widest part the word "OXIDIZER" shall be displayed horizontally, reading from left to right.

The sign shall not be obscured by markings, attachments, placement of objects or other materials. The sign(s) shall be visible from all directions of approach to the area. The sign shall be durable, to withstand normal conditions and use. When materials having different hazard identification are stored in the same area, the area shall be marked to indicate all hazards.

19.3.1.2 Hazards

All packages shall be individually marked with the chemical name of the oxidizer or other information adequate to permit accurate area identification as required by Section 19.3.1.1 of this Ordinance.

19.3.2 Storage Arrangements.

19.3.2.1 The arrangement and quantity of oxidizers in storage shall depend upon their classification, type of container, storage location (segregated, cutoff, or detached) and fire protection as specified in sections of this Ordinance that follow and in the manufacturer's instructions.

19.3.2.1.1 The arrangement and quantity of oxidizers in storage may deviate from the requirements of the succeeding sections when protected by specially engineered fire

protection systems proven adequate by tests acceptable to the Fire Marshal.

19.3.2.1.2 Approval of a storage arrangement shall be based upon the potential risk of large quantities of toxic fumes causing a severe hazard to surrounding areas.

Figure 19.3

***Not to scale**

19.3.2.2 Oxidizers shall be stored so as to avoid contact with incompatible materials such as ordinary combustibles, flammable liquids, greases, corrosives, hydrocarbons, agricultural products, pool chemicals, household products, burning materials, soap products, paint products, solvents, acids, vinegar, garbage, beverages, oils, pine oil, dirty material, tobacco products, ceramic materials, explosives, pesticides, and those materials, including other oxidizers, that could react with the oxidizer or catalyze its decomposition. NFPA Manual of Hazardous Chemical Reactions lists many oxidizers and other materials that interact.

19.3.3 Employee training

Personnel involved in operations where oxidizers are stored shall receive instruction in handling the materials in a safe manner, including manufacturers' recommendations. Particular attention shall be given to proper disposal of spilled material and to methods to be employed in fighting fires when oxidizers are involved.

19.3.4 Heating, Sheltering and Electrical Installations

19.3.4.1 Heating shall be arranged so that stored materials shall be a minimum of 3 feet away from the heating units, piping or ducts and shall be separated so that the oxidizer cannot be heated to within 25 degrees Fahrenheit of its decomposition temperature or to 120 degrees Fahrenheit, whichever is lower.

19.3.4.2 The oxidizers shall be kept dry by shelter or waterproof container.

19.3.4.3 Electrical installations shall be in conformance with NFPA 70.

19.3.5 Smoking

19.3.5.1 Smoking is prohibited in all oxidizing materials storage areas.

19.3.5.2 "No Smoking" signs shall be placed conspicuously within and at all entrances to storage areas.

19.3.6 Maintenance Repairs

19.3.6.1 The performance of maintenance work in the storage area shall be subject to prior review and approval by supervisory personnel.

19.3.6.2 Cutting and welding procedures shall be in conformance with NFPA 51B, and Article IX of this Ordinance.

19.3.7 Fire Protection for Oxidizer Storage

19.3.7.1 Fire hydrants and water supplies shall be provided as ordered by the Fire Marshal. Hydrants shall be installed in accordance with NFPA 24.

19.3.7.2 The need for automatic sprinkler protection shall be determined by the nature of the materials, the manner of storage, and the construction of the buildings under consideration. When automatic sprinkler systems are required, the systems shall be installed in conformance with NFPA 13, and approved by the Fire Marshal.

19.3.7.3 Water supplies shall be adequate for the protection of the oxidizer storage by hose streams and automatic sprinklers. The water system shall be capable of providing not less than 750 gallons per minute where protection is by means of hose streams, or 500 gallons per minute for hose streams in excess of the automatic sprinkler water demand. Duration of the water supply shall be in accordance with NFPA 231, or NFPA 231C.

19.3.7.4 Manual firefighting equipment, such as small hose or portable extinguishers suitable for Class A fires, shall be provided throughout the building and in the loading and unloading areas. In addition, extinguishers suitable for Class B and Class C fires shall be provided as required. (NFPA 10, and NFPA 14.)

19.3.8 Housekeeping and Waste Disposal.

19.3.8.1 The accumulation of combustible waste is prohibited.

19.3.8.2 Spilled material and leaking or broken containers shall be immediately removed to a safe area to await disposal in conformance with applicable regulations and manufacturer's instructions.

19.3.8.3 Spilled material shall not be added to any container and shall be neutralized in accordance with manufacturer's procedures.

19.3.8.4 Used empty combustible containers shall be stored in a detached area or an area protected by sprinklers.

19.3.8.5 Containers shall not be reused for any purpose.

19.3.9 Construction

Combustible construction materials that may be in contact with oxidizers shall be protected with a compatible coating to prevent impregnation of the combustible materials by the oxidizers.

Section 19.4 Class 1 Oxidizers

19.4.1 Application

This section shall apply to Class 1 oxidizers when stored in quantities in excess of 4,000 pounds. Section 19.3, General Rules, also applies to storage of Class 1 oxidizers.

19.4.2 Storage Arrangements

19.4.2.1 The storage of Class 1 oxidizers shall be segregated, cutoff, or detached.

19.4.2.2 Storage in noncombustible containers or in bulk in noncombustible buildings is not limited as to quantity or size of piles.

19.4.2.3 Storage in noncombustible containers in combustible buildings is not limited as to quantity or arrangement except that the distance to combustible walls shall be at least 4 feet.

19.4.2.4 Storage in bulk in combustible buildings is not limited as to quantity or arrangement except that oxidizers shall not come in contact with combustible building members unless the members are protected by a compatible coating to prevent their impregnation by the oxidizer.

19.4.2.5 Storage in combustible containers shall not exceed the limits outlined in Table 19.4.

19.4.2.6 Bulk storage, either in permanent bins or piles, shall be separated from all other materials. Bins shall be of noncombustible construction except that wooden bins protected with a compatible coating to prevent impregnation of the combustible material by the oxidizer are permissible. Storage shall be arranged so as to prevent excessive dusting of adjacent areas

Table 19.4 Storage of Class 1 Oxidizers in Combustible Containers

Piles	**Non-Sprinlklered Building**	**Sprinklered Building ***
Length (feet)	50	No Limit
Width (feet)	**50**	**50**
Height (feet)	15	20
Distance to next pile (ft)	**6**	**3**
Distance to walls (ft)	4	4
Quantity limit per building (tons)	**No Limit**	**No Limit**

*If the storage is to be considered protected by a sprinkler, the sprinkler system shall be designed in accordance with Section 19.4.3.

19.4.3 Sprinkler Protection

Sprinkler protection for Class 1 oxidizers in combustible containers shall be in accordance with NFPA 231, or NFPA 231C, whichever is applicable. For the purpose of applying the requirements in NFPA 231 or 231C, Class 1 oxidizers in combustible containers shall be designated Class 1 or Class 2 commodities, depending on the packaging, and approved by Fire Marshal.

Section 19.5 Class 2 Oxidizers

19.5.1 Application

This section shall apply to Class 2 oxidizers when stored in quantities in excess of 1,000 pounds. Section 19.3, General Rules, also applies to storage of Class 2 oxidizers.

19.5.2 Storage Arrangements

19.5.2.1 The storage of Class 2 oxidizers shall be segregated, cutoff, or detached.

19.5.2.2 Cutoffs shall have a fire resistance rating of at least two (2) hour.

19.5.2.3 Storage in noncombustible containers in non-combustible buildings is not limited as to quantity.

19.5.2.4 Storage in noncombustible containers in combustible buildings, is not limited as to quantity or arrangement, except that containers shall be at least 4 feet from walls in both sprinklered and in non-sprinklered buildings.

19.5.2.5 Except in retail establishments, storage in combustible containers shall not exceed the limits outlined in Table 19.5.

19.5.2.6 In retail establishments, storage in combustible containers shall not exceed the limits outlined in Table 19.5 except that the quantity limit per building and per pile shall be reduced by 50 percent.

19.5.2.7 Storage in glass carboys shall not be more than two carboys high.

19.5.2.8 Storage in basements is prohibited, except when the oxidizing agent is in fixed tanks. Storage above the ground floor is prohibited in quantities greater than 1,000 lbs.

19.5.2.9 Bulk storage in bins or piles is not permitted.

19.5.3 Building Construction

19.5.3.1 Construction materials that may be in contact with oxidizers, all cutoff partitions and all construction in stories or basements below storage of liquid oxidizers, shall be noncombustible.

19.5.3.2 Storage areas for oxidizing materials in combustible containers shall be provided with means to vent fumes in a fire emergency. Ventilation shall automatically activate at 135ºF. A manual activation control shall be provided on the inside and outside of the structure. One (1) square foot of ventilation shall be provided for every fifty (50) square feet of total floor area.

19.5.3.3 In particular circumstances, the provisions of Section 19.5.3.2 of this Ordinance may be altered at the discretion of the Fire Marshal to one (1) square foot of ventilation for every one hundred (100) square feet of total first floor area, after consideration of special features such as topographical conditions, barricades, walls, adequacy of building exits, nature of occupancies, proximity to buildings or adjoining property, and character of construction of such buildings, capacity and construction of storage areas, quantity and characteristics of oxidizers stored, nature of process, degree

of private fire protection, degree of automatic fire protection, adequacy of facilities and ability for fire control and extinguishment.

19.5.4 Tanks and Containers

Tanks and containers for storage of Class 2 liquid oxidizers shall be designed and installed in accordance with standard engineering practice and applicable codes and standards and materials of construction shall be suitable for the material contained.

19.5.5 Sprinkler Protection

Sprinkler protection for Class 2 oxidizers in combustible containers shall be in accordance with NFPA 231, or NFPA 231C, whichever is applicable, and approved by the Fire Marshal. Sprinklers shall be able to provide a water density of 0.2 gallons per minute per square foot over an area not exceeding 3,750 square feet.

19.5.6 Detached Storage

19.5.6.1 To be considered detached, a sprinklered building for storage of Class 2 oxidizers shall be a minimum of 35 feet from other buildings and from adjacent property which may be built upon.

19.5.6.2 To be considered detached, a non-sprinklered building for storage of Class 2 oxidizers shall be located no less than 50 feet from other buildings or a line of property which may be built upon.

19.5.6.3 In particular circumstances, the provisions of Section 19.5.6 of this Ordinance may be altered at the discretion of the Fire Marshal after consideration of special features such as topographical conditions, barricades, walls, adequacy of building exits, nature of occupancies, proximity to buildings or adjoining property and character of construction of such buildings, capacity and construction of storage areas, quantity and characteristics of oxidizers stored, nature of process, degree of private fire protection, degree of automatic fire protection, adequacy of facilities and ability for fire control and extinguishment.

Table 19.5 **Storage of Class 2 Oxidizers in Combustible Containers**

	Segregated Storage		**Cutoff Storage**		**Detached Storage**		
	Non Sprinklered	Sprinklered (1)	Non Sprinklered	Sprinklered (1)	Non Sprinklered Storage A(2)	Non Sprinklered Storage B	Sprinklered (1)
Building Limit (tons)	100	200	500	2000	No Limit	500	No Limit
Pile Limit (tons)	5	20	25	100	100	500	200
Height Limit (feet)	8	10	8	12	8	No Limit	12
Aisle Width	*	*	*	*	*	*	*
Distance to Incompatible Storage (feet)	10	10	N/A	N/A	N/A	N/A	N/A
Distance to Wall (feet)	4	4	4	4	4	4	4

1 If the storage is to be considered sprinklered, the sprinkler system shall be designed in accordance with Section 19.5.5. (See also 19.2.2.1.1)

2 Detached storage A is designed to limit a fire to a single block of material with reasonable manual firefighting. Detached storage B limits the total quantity in a single building since the possibility of successfully limiting damage with manual firefighting is questionable.

* To equal pile height

Section 19.6 Class 3 Oxidizers

19.6.1 Application

This section shall apply to Class 3 oxidizers when stored in quantities in excess of 200 pounds. Section 19.3, General Rules, also applies to storage of Class 3 oxidizers.

19.6.2 Storage Arrangements.

19.6.2.1 The storage of Class 3 oxidizers shall be segregated, cutoff, or detached.

19.6.2.1.1 Storage arrangement of Class 3 oxidizers in combustible containers shall not exceed the limits outlined in Table 19.6.

19.6.2.1.2 Storage arrangement of Class 3 oxidizers in noncombustible containers shall not exceed the limits outlined in Table 19.6, except that quantity limits per building and per pile may be doubled.

19.6.2.2 All storage shall be on the ground floor only.

19.6.2.3 Cutoffs shall have a fire resistance rating of at least two hours.

19.6.2.4 Storage in glass carboys shall be one carboy high.

19.6.2.5 Bulk storage in open bins or piles is not permitted.

Table 19.6 **Storage of Class 3 Oxidizers in Combustible Containers**

	Segregated Storage				Cutoff Storage				Detached Storage		
	Mfg. Plant Warehouse		Proc. Plant Warehouse		Mfg. Plant/Proc. Plant, Warehouse		Retail Establishment		Mfg. Plant, Proc. Plant, Warehouse, Retail Establishment		
	Non Sprinklered	Sprinklered (1)	Non Sprinklered	Sprinklered (1)	Non Sprinklered	Sprinklered (1)	Non Sprinklered	Sprinklered	Non Sprinklered Storage A (2)	Non Sprinklered Storage B (2)	Sprinklered
Building Limit (tons)	60	100	25	50	300	1200	150	600	No Limit	300	No Limit
Pile Limit (tons)	5	20	1.2	5	15	60	7.5	30	75	300	150
Height Limit (feet)	6	8	6	8	6	10	6	10	6	No Limit	10
Aisle Width	*	*	*	*	*	*	*	*	*	*	*
Distance to Incompatible Storage (feet)	10	10	10	10	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Distance to Wall (feet)	4	4	4	4	4	4	4	4	4	4	4 see note 3

1 If the storage is to be considered sprinklered, the sprinkler system shall be designed in accordance with Section 19.6.5.1. (See also 19.2.2.1.1)

2 Detached storage A is designed to limit a fire to a single block of material with reasonable manual firefighting. Detached storage B limits the quantity in a single building since the possibility of limiting damage with manual firefighting is questionable.

3 Required for combustible buildings only.

* To equal pile height

19.6.3 Building Construction.

19.6.3.1 Any buildings in which Class 3 oxidizers are stored or displayed shall be without basements. Construction materials that may be in contact with oxidizers, shall be non-combustible.

19.6.3.2 Storage areas for oxidizing materials in combustible containers shall be provided with means to vent fumes in a fire emergency. Ventilation shall automatically activate at 135 ºF. A manual activation control shall be provided on the inside and outside of the structure. One (1) square foot of ventilation shall be provided for every fifty (50) square feet of total floor area.

19.6.3.3 In particular circumstances, the provisions of Section 19.6.3.2 of this Ordinance may be altered at the discretion of the Fire Marshal to one (1) square foot of ventilation for every one hundred (100) square feet of total first floor area, after consideration of special features such as topographical conditions, barricades, walls, adequacy of building exits, nature of occupancies, proximity to buildings or adjoining property and character of construction of such buildings, capacity and construction of storage areas, quantity and characteristics of oxidizers stored, nature of process, degree of private fire protection, degree of automatic fire protection, adequacy of facilities and ability for fire control and extinguishment.

19.6.4 Tanks and Containers

19.6.4.1 Tanks and containers for storage of Class 3 liquid oxidizers shall be designed and installed in accordance with standard engineering practice and applicable codes and standards and materials of construction shall be suitable for the material contained.

19.6.4.2 Bulk tanks for Class 3 liquid oxidizers shall be located outside, or in a building specially designed for the purpose.

19.6.5 Sprinkler Protection.

19.6.5.1 Sprinkler protection for Class 3 oxidizers in combustible containers shall be installed in accordance with NFPA 231 or NFPA 231C, whichever is applicable and approved by Nassau County Fire Marshal. They shall be able to provide a water density of 0.2 gallons per minute per square foot over an area not exceeding 5,000 square feet.

19.6.5.2 Sprinkler protection for Class 3 oxidizers in noncombustible containers shall be provided in accordance with Section 19.6.5.1 of this Ordinance, except the area of coverage shall not exceed 3,750 square feet.

19.6.6 Detached Storage

19.6.6.1 To be considered detached a sprinklered building for storage of Class 3 oxidizers shall be a minimum of 50 feet from other buildings and from adjacent property which may be built upon.

19.6.6.2 To be considered detached a non-sprinklered building for storage of Class 3 oxidizers shall be located no less than 75 feet from other buildings or adjacent property which may be built upon.

19.6.6.3 In particular circumstances, the provisions of Section 19.6.6 of this Ordinance may be altered at the discretion of the Fire Marshal after consideration of special features such as topographical conditions, barricades, walls, adequacy of building exits, nature of occupancies, proximity to buildings or adjoining property and character of construction of such buildings, capacity and construction of storage areas, quantity and characteristics of oxidizers stored, nature of process, degree of private fire protection, degree of automatic fire protection, adequacy of facilities and ability for fire control and extinguishment.

Section 19.7 Class 4 Oxidizers

19.7.1 Application

This section shall apply to Class 4 oxidizers when stored in quantities in excess of 10 pounds or in excess of 50 pounds when stored in magazines in accordance with NFPA 495. Section 19.3 of this Ordinance, General Rules, also applies to storage of Class 4 oxidizers.

19.7.2 Storage Arrangements

19.7.2.1 The storage of Class 4 oxidizers shall be detached.

19.7.2.2 Storage in glass carboys shall be one carboy high. Storage in drums or in containers or in cases shall not exceed the limits outlined in Table 19.7.1.

19.7.2.3 Bulk storage in bins or piles is not permitted.

Table 19.7.1 Storage of Class 4 Oxidizers in Drums, Containers, Cases

Piles	**Non-sprinklered Buildings**	**Sprinklered Buildings**
Length (feet)	10	10
Width (feet)	**4**	**4**
Height (feet)	4	8
Distance to next pile (feet)	**6**	**8**
Quantity Limit per building (tons)	1	No Limit

19.7.3 Building Construction and Location

19.7.3.1 Buildings shall be one story without basement. Construction materials that may be in contact with oxidizers shall be noncombustible.

19.7.3.2 Storage areas shall be provided with means to vent fumes in an emergency. Storage areas for oxidizing materials in combustible containers shall be provided with means to vent fumes in a fire emergency. Ventilation shall automatically activate at 135 ºF. A manual activation control shall be provided on the inside and outside of the structure. One (1) square foot of ventilation shall be provided for every fifty (50) square feet of total floor area. Depending on amount of oxidizers stored, type of storage and area stored, the above requirements may be based on one (1) square foot of ventilation for every one hundred (100) square feet of total first floor area.

19.7.3.3 A storage building or storage tank shall be located not less than the minimum distance in Table 19.7.2 from flammable liquid storage, combustible material in the open, and from any building, tank, passenger railroad, road, street, or highway.

Table 19.7.2 Separation of Buildings, Tanks Containing Class 4 Oxidizers

Weight of Class 4 Oxidizer (pounds)	Distance (feet)
over 10 to 100	75
101 to 500	100
501 to 1,000	125
1,001 to 3,000	200
3,001 to 5,000	300
5,001 to 10,000*	400

* Larger quantity storage distances shall be determined on an individual basis by the Fire Marshal.

When two tanks are not separated from each other by the "Distances to Next Pile" in Table 19.7.1, the total contents of both tanks shall be considered when applying Table 19.7.2.

19.7.4 Tanks and Containers

19.7.4.1 Tanks and containers for storage of Class 4 liquid oxidizers shall be designed and installed in accordance with recognized good practice and materials of construction shall be suitable for the material contained.

19.7.4.2 Storage tanks shall be equipped with containment or diversion dikes and vents. Vent sizes shall be designed after consultation with the manufacturer to avoid tank over pressure.

19.7.5 Sprinkler Protection

Sprinkler protection for Class 4 oxidizers shall be installed on a deluge sprinkler system to provide water density of 0.35 gallons per minute per square foot over the entire storage area and shall be approved by the Fire Marshal.

Section 19.8 Permits and Certificate of Fitness Required

19.8.1 Permits for Locations Selling or Storing Oxidizers

19.8.1.1 All locations where oxidizers are sold or stored, at or above regulated quantities listed below, shall be required to have a permit issued by the Fire Marshal:

Class l Oxidizer	4,000 Pounds (lbs)
Class 2 Oxidizer	1,000 Pounds (lbs)
Class 3 Oxidizer	200 Pounds (lbs)
Class 4 Oxidizer	10 Pounds (lbs)

19.8.1.2 Application for Permit

All firms, business entities, or corporations selling or storing oxidizers as described in Section 19.8.1 of this Ordinance, shall obtain a permit from the Fire Marshal. The procedure for obtaining a permit is set forth in Article XX of this Ordinance.

19.8.1.3 Display of Permits

The permit shall be prominently displayed at each selling or storage location.

19.8.1.4 Force and Effect
A permit is valid for one (1) year from the date of issuance unless it is revoked or suspended by the Fire Marshal.

19.8.1.5 All provisions set forth in Article XX of this Ordinance concerning permits issued by the Fire Marshal are applicable to permits for Locations Selling or Storing Oxidizers

19.8.2 Transportation of Oxidizers

19.8.2.1 Vehicle Permits Required

No person, firm or corporation shall use or cause to be used, any motor vehicle, tank truck, tank semi-trailer, or tank truck trailer for the transportation of Oxidizers as described in Section 19.8.1 of this Ordinance, unless a permit to operate such vehicle has been issued by the Fire Marshal. This section shall not apply to any motor vehicle, tank truck, tank semi-trailer or tank truck trailer traveling through the County and making no deliveries of Oxidizers within the County.

19.8.2.2 Vehicle Requirements

Any vehicle having a valid permit under this article shall at all times have:

1. A valid state registration

2. A valid state inspection certificate, where required by the state of registration.

3. Fire extinguisher, minimum 10 BC dry chemical, mounted on an approved bracket and properly maintained.

4. A minimum of three (3) emergency reflectors.

5. A minimum of two (2) wheel chocks.

6. A chain or load binder capable of safely securing cylinders in the upright position to prevent movement relative to each other or to the supporting structure when in transit, particularly during sudden starts and stops and changes of direction of the vehicle.

7. A minimum of four D.O.T. approved placards to be used only when transporting product in accordance with this Article. The vehicle shall be placarded in accordance with Title 49, Code of Federal Regulations.

8. An exhaust system which is tight and clear of the cargo area.

19.8.2.3 Smoking Prohibited

Smoking is prohibited within 15 feet of any vehicle transporting a cargo containing liquid and/or solid oxidizing materials.

19.8.2.4 Application for Permits

The procedure for obtaining a vehicle permit is the standard application set forth in Article XXof this Ordinance.

19.8.2.5 Display of Permits

The vehicle permit shall be affixed to the exterior of the vehicle and a copy shall be carried inside the vehicle.

19.8.2.6 Force and Effect

A permit shall be valid for a period of one (1) year from the date of such issuance. A permit shall not be displayed on any vehicle for a period of more than thirty (30) days after it has expired or been revoked.

19.8.2.7 All provisions set forth in Article XX of this Ordinance concerning permits issued by the Fire Marshal are applicable to permits for Transportation of Oxidizers

19.8.3 Certificate of Fitness

19.8.3.1 Certificate of Fitness Required

A minimum of one (1) person holding a valid certificate of fitness issued by the Fire Marshal shall be on the premises where oxidizers are store while the premises are occupied.

19.8.3.2 The provisions governing Certificates of Fitness as set forth in Article XX of this Ordinance are applicable to Certificates of Fitness required by this Article.

19.8.3.3 Force and Effect

The Certificate of Fitness shall be valid for a period of one (1) year from the date of its issuance.

19.8.3.4 Employees in Training

Upon successful completion of the Certificate of Fitness written examination an individual may gain practical experience as required by this Ordinance, by working with an individual who holds a valid Certificate of Fitness as described under this Article. After a training period not to exceed thirty (30) days the practical section of the Certificate of Fitness shall be taken. In the event that a Certificate of Fitness is not obtained within the thirty (30) day period the applicant shall be required to file for a new certificate of fitness as described in this Article.

Section 19.9 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 19.10 Penalties

19.10.1 Any person or business entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000) or, by imprisonment for not more than one (1) year or both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

Article XX
Licenses, Permits and Certificates of Fitness

Section 20.1 Scope

This Article pertains to requirements common to all Licenses, Permits and Certificates of Fitness issued by the Fire Marshal unless otherwise indicated. Where there is a conflict between the requirements of this Article and any other Article of this Ordinance, such other Article shall take precedence.

20.1.1 Application and Review

20.1.1.1 Application for licenses, permits and Certificates of Fitness shall be made to the Fire Marshal on forms provided by the Fire Marshal. The applicant shall fully answer all application questions on such forms and pay the applicable fee set forth in Article XXII of this Ordinance for the license, permit or Certificates of Fitness requested. Applications for license and permits shall be accompanied by such information and documentation as required by the Fire Marshal.

20.1.1.2 The Fire Marshal shall review all applications submitted to determine compliance with applicable provisions of this Ordinance and other applicable rules and regulations. When the Fire Marshal determines that a person, firm, business entity or corporation has failed to meet the requirements for a license, permit and Certificates of Fitness he shall refuse to issue the license, permit and Certificates of Fitness. An applicant shall not apply again within a four (4) month period following the refusal.

20.1.2 License Requirements

20.1.2.1 An applicant must be at least 18 years of age, of good character, and financially responsible. No individual shall be entitled to a license if the applicant has been convicted of a felony, or a crime if committed in New York State would have been a felony, unless he or she has received an executive pardon. Valid certificates of relief from disabilities or good conduct from an appropriate parole board may be considered.

20.1.2.3 Every person, firm, business entity, or corporation applying for a license shall furnish satisfactory proof to the Fire Marshal on forms provided by the Fire Marshal that they are familiar with materials, techniques, standards, laws, ordinances, recognized

good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations, they will be involved with and for which the license is issued.

20.1.2.4 An applicant must pass a written qualification examination, prepared and administered by the Fire Marshal, evidencing competency with the techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations, for the following licenses;

1. Servicing and installation of portable fire extinguishers
2. Grease hood and duct exhaust systems
3. Automatic fire extinguishing systems
4. Fire Sprinkler installer
5. Fire Sprinkler Testing, Inspection and Maintenance

20.1.2.5 An applicant must pass a practical qualification examination, prepared and administered by the Fire Marshal, evidencing competency with the techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations, for the following licenses;

1. Servicing and installation of portable fire extinguishers

20.1.2.6 Licensed firms must submit a Certificate of Insurance to the Fire Marshal indicating the following coverage: comprehensive general liability and bodily injury and property damages, product liability, completed operations, and contractual liability.

20.1.2.6.1 The Certificate of Insurance and declaration page shall indicate coverage of ($1,000,000.00) one million dollars per occurrence, ($2,000,000.00) two million dollar aggregate,

20.1.2.6.2 A Certificate of Insurance for Workers Compensation and Disability listing the Fire Marshal as the certificate holder (if applicable)

20.1.2.6.3 A licensed firm shall notify the Fire Marshal of any change, lapse, or cancellation of coverage.

20.1.3 Display of License and Permits

20.1.3.1 A license holder shall post a copy of the license or maintain it otherwise so that it is readily accessible at each place of operation or carry the license in a manner specified by the Fire Marshal.

20.1.3.2 Where applicable, the licensee shall affix a vehicle permit to the exterior of the vehicle as required by the Fire Marshal and the copy shall be carried inside the vehicle.

20.1.3.3 Printed on the license and permits in bold type shall be the following:

"THIS LICENSE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER"

20.1.4 Force and Effect

20.1.4.1 Unless an Article of the Ordinance otherwise provides, a license or permit shall be valid for a period of one (1) year from the date of its issuance unless the Fire Marshal revokes or suspends the license or permit. The licensee shall not display a permit on any vehicle for a period of more than thirty (30) days after it has expired. Licensee shall remove any permit when it has been revoked.

20.1.5 Revocation and Suspension

20.1.5.1 The license or permit is subject to revocation or suspension by the Fire Marshal at any time when the licensee or the permit holder or a vehicle displays evidence of non-compliance with the provisions of this Ordinance and the *New York State Uniform Fire Prevention and Building Code*.

20.1.5.2 The Fire Marshal may seal, lock or confiscate any equipment to ensure that Flammable or Combustible Liquid is not dispensed and or transported without a valid license or permit.

20.1.5.3 The Fire Marshal may also suspend a license if the Fire Marshal determines that a license holder, or any officer, director, stockholder, member or partner, or any other person directly or indirectly interested in an entity which holds a license:

1. Has failed to comply with any of the provisions of this Article, or the this Ordinance; or

2. Has demonstrated untrustworthiness or incompetence in the installation, servicing or maintenance those systems for which the license was granted.

20.1.5.4 The Fire Marshal may revoke a license issued under this article, or refuse to issue a renewal thereof, if the Fire Marshal determines that such license holder, or any officer, director, stockholder, member or partner, or any other person directly or indirectly interested in an entity which holds a license:

1. Has made a material false statement in his or its application or has committed fraud, deceit, misrepresentation or bribery in securing any license, permit or Certificate of Fitness; or

2. Has committed fraud or fraudulent practices, or has practiced dishonest or misleading advertising; or

3. Has failed to comply with any of the provisions of this Article, or the this Ordinance; or

4. Has been convicted of any crime involving dishonesty or deceit; or scheming to defraud or

5. Was the former holder of a license, or was an officer, director, stockholder, or partner in a corporation, partnership or limited-liability company which was the former holder of a certificate of registration, which was suspended or revoked by the Fire Marshal; or

6. Has demonstrated untrustworthiness or incompetence in the installation, servicing or maintenance those systems for which the license was granted; or

7. Is financially irresponsible or not of good moral character.

20.1.5.5 Whenever a license is revoked by the Fire Marshal, the holder of the license shall be ineligible to apply to be relicensed for one (1) year from the date of the revocation, unless a shorter period is provided for in an order of the Fire Marshal.

20.1.5.6 Revocation or Suspension of licenses or permits, or the denial of a renewal, may be appealed in writing within thirty days addressed to the Chief Fire Marshal. Appeals shall be heard by the Fire Commission which may modify or reverse a revocation or suspension or direct the renewal of a License or Permit.

20.1.6 Transferability

20.1.6.1 Licenses and permits are not transferable unless otherwise provided for by this Ordinance.

20.1.7 Renewal of License and Permits

20.1.7.1 Prior to the expiration date, a license or permit required pursuant to this Ordinance may be renewed for a subsequent year and shall continue in effect unless the Fire Marshal revokes or suspends such license or permit. A licensee shall file an application for renewal of a license or permit in the same manner as an application for an original license or permit. Each such application shall be accompanied by the applicable fee set forth in Article XXII of this Ordinance. The Fire Marshal shall grant, or reject a license or permit renewal application in the same manner as for an original license or permit.

20.1.8 Change of Required Information

20.1.8.1 Each person holding a license or permit shall notify the Fire Marshal in writing of any change in name, in business, residential or other notification address, or any other required information within ten (10) days after such change. Failure on the part of a person, firm, business entity, or corporation to give such notification constitutes grounds for revocation of said license or permit. This notification shall be accompanied by the applicable fee set forth in Article XXII of this Ordinance.

20.1.9 Replacement of License or Permit

20.1.9.1 If a license or permit is lost, mutilated or otherwise rendered unusable, the licensee or permittee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement license or permit. The licensee shall pay the replacement fee set forth in Article XXII of this Ordinance.

20.1.10 Annual Report

20.1.10.1 The holder of a license shall report annually, to the Fire Marshal, the name, address, license number, and Certificate of Fitness number of each qualified person in the holder's employ.

20.1.10.2 License may not be issued by the Fire Marshal until:

1. The applicant has submitted to the Fire Marshal evidence of statutory business registration or evidence of compliance with the appropriate act or statute.

2. The Fire Marshal, or a person designated by him, has, by inspection, determined that the applicant possesses the equipment required for the license sought. The Fire Marshal shall give an applicant a reasonable opportunity to correct any deficiencies discovered by inspection

Section 20.2 Certificates of Fitness

20.2.1 Applications for a Certificate of Fitness shall be made to the Fire Marshal on forms provided by the Fire Marshal and accompanied by the applicable fee set forth in Article XXII of this Ordinance. The applicant shall fully answer all application questions on such forms. Applications for Certificate of Fitness shall contain all information as may be required by the Fire Marshal.

20.2.2 Proof of Qualifications

20.2.2.1 Every person applying for a Certificate of Fitness shall furnish proof to the Fire Marshal that he or she is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations involved with and for which the Certificate of Fitness is issued, by passing a written examination. The applicant shall further prove that he or she is physically competent to perform any and all actions necessary or incidental to the operation for which the Certificate of Fitness is issued, by passing a practical examination.

20.2.3 Investigation and Examination

20.2.3.1 The Fire Marshal shall investigate every new application for a Certificate of Fitness. When the Fire Marshal determines that the applicant conforms to all the requirements of this Ordinance, he or she shall issue the Certificate of Fitness.

20.2.3.2 An applicant must be at least 18 years of age, of good character, and financially responsible. No individual shall be entitled to a certificate of fitness if the applicant has been convicted in this state or elsewhere of a felony, or a crime with a New York State felony equivalent, unless he or she has received an executive pardon. Valid certificates of relief from disabilities or good conduct from the appropriate parole board will be considered.

20.2.3.3 An applicant who has successfully completed the application process must be employed by, or be the owner of, a registered facility before a certificate of fitness will be issued to him or her.

20.2.4 Force and Effect

20.2.4.1 The Certificate of Fitness shall be valid for the period indicated on the Certificate of Fitness card unless revoked or suspended by the Fire Marshal.

20.2.5 Refusal of Certificate of Fitness

20.2.5.1 When the Fire Marshal determines that a candidate has failed an examination for a Certificate of Fitness, no Certificate of Fitness shall be issued. An applicant may not apply again for the Certificate of Fitness within ten (10) days following the examination.

20.2.6 Revocation and Suspension

20.2.6.1 A Certificate of Fitness is subject to revocation or suspension by the Fire Marshal at any time when the Certificate of Fitness holder displays evidence of non-compliance with the provisions of this Ordinance.

20.2.6.2 The Fire Marshal may suspend a Certificate of Fitness for such period of time deemed proper by the Fire Marshal, or revoke a Certificate of Fitness issued under this article, or refuse to issue a renewal thereof, if the Fire Marshal determines that such Certificate of Fitness holder,

1. Has made a material false statement in his or its application or has committed fraud, deceit, misrepresentation or bribery in securing any license, permit or Certificate of Fitness; or

2. Has committed fraud or fraudulent practices, or has practiced dishonest or misleading advertising; or

3. Has failed to comply with any of the provisions of any Article of this Ordinance; or

4. Has been convicted of any crime involving dishonesty or deceit; or

5. Has demonstrated untrustworthiness or incompetence in the installation, servicing or maintenance those systems for which the Certificate of Fitness was granted; or

6. Is financially irresponsible or not of good moral character.

20.2.6.3 Whenever a Certificate of Fitness is revoked by the Fire Marshal, the holder of the Certificate of Fitness shall be ineligible to apply to be reinstated for one (1) year from the date of the revocation, unless authorized by Fire Marshal.

20.2.6.4 Certificate of Fitness Revocation or Suspension appeal must be submitted in writing to the Chief Fire Marshal and shall be heard by the Nassau County Fire Commission. Only the Nassau County Fire Commission can reverse a Revocation or Suspension of a Certificate of Fitness.

20.2.7 Transferability

A Certificate of Fitness is not transferable.

20.2.8 Renewal of Certificate of Fitness

20.2.8.1 An applicant shall file an application for renewal of a Certificate of Fitness in the same manner as an application for an original Certificate. Each such application shall be accompanied by the fee set forth in Article XXII of this Ordinance. The granting of a renewal of a Certificate of Fitness shall be accomplished in the same manner as for an original Certification of Fitness, except that any person continuously engaged in any activity for which a Certificate Of Fitness is required, shall not, upon renewal, be required to take a written examination. However, a written and practical examination is required for re-certification at intervals not to exceed five years (5) from the last certification date.

20.2.9 Change of Address

Each person holding a Certificate of Fitness shall notify the Fire Marshal in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of the Certificate of Fitness. This notification shall be accompanied by the appropriate fee set forth in Article XXII of this Ordinance.

20.2.10 Replacement of Certificate of Fitness

If a Certificate of Fitness is lost, mutilated or otherwise rendered unusable, the licensee shall submit a written request within ten (10) days to the Fire Marshal for a replacement Certificate of Fitness. This request shall be accompanied by the appropriate fee as set forth in Article XXII of this Ordinance.

20.2.11 Contents of Certificate of Fitness

A Certificate of Fitness issued by the Fire Marshal is in the form of an identification card containing the following:

1. The purpose for which the Certificate of Fitness was issued,

2. The date the Certificate of Fitness was issued and the date of expiration;

3. Other information as may be necessary to properly identify the person to whom the Certificate of Fitness is issued;

4. The signature of the person to whom the Certificate of Fitness was issued;

5. The name and signature of the Fire Marshal who issued the Certificate of Fitness, or the Fire Marshal's name and countersignature of his designated representative;

6. Printed thereon in bold type the following: "**THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER**."

20.2.12 Requirement to Display Certificate of Fitness

20.2.12.1 Any person to whom a Certificate of Fitness has been granted shall upon request produce and show proper identification and his Certificate of Fitness to anyone to whom he or she seeks to

render his services or to the Fire Marshal or his or her representative.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XXI
Commercial Cooking Requirements

Section 21.0 Scope

This article pertains to any restaurant, delicatessen, banquet hall, cafeteria, coffee shop, diner or other place where food is served or prepared. This article also pertains to places used for civic, political, institutional, religious, social, recreational, educational, or similar purposes.

Section 21.1 Adoption of Generally Accepted Standards

21.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 10	Standard for Portable Fire Extinguishers
NFPA 17A	Standard for Wet Chemical Extinguishing Systems
NFPA 70	National Electrical Code®
NFPA 80	Standard for Fire Doors and Other Openings Protective
NFPA 96	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

21.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

21.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 21.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words

used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

ACCESS PANEL – A closure device used to cover an opening into a duct, enclosure, equipment or an appurtenance.

AUTOMATIC EXTINGUISHING SYSTEM – An approved system of devices and equipment which automatically detects fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

AUTOMATIC OPENING PROTECTIVE – Constructed and arranged to operate other than manually; if open, will close when subjected to a predetermined temperature or rate of temperature rise, combustion products or other approved fire control signal.

CANOPY HOOD – A covering fixed above and overhanging on all its unclosed sides, a cooking appliance or appliances, whose lower edge is generally at or slightly above head level, and in some cases having a roof-like appearance, the purpose of which is to contain and channel, for other purposes, the various fumes and vapors resulting from the cooking activities.

CONCEALED SPACES – That portion(s) of a building behind walls, over suspended ceilings, in pipe chases, attics, and elsewhere whose size may normally range from 1-3/4 inch (44.45 mm) stud-spaces to 8 feet (2.44m) interstitial truss spaces, and possibly containing combustible materials such as building structural members, thermal and/or electrical insulation and ducting. Such spaces have sometimes been used as HVAC plenum chambers.

CONTINUOUS ENCLOSURE – A recognized architectural or mechanical component of the building having a fire resistance rating as required for the structure and whose purpose is to enclose the vapor removal duct and convey that duct to its termination point outside the structure without having any portion possessing a fire resistance rating less than the required value.

CONTINUOUS EXTERNAL WELD – A metal joining method without interruption as related to visibility and quality, located on the outside of the surfaces that directly contain and/or convey the grease laden vapors of the cooking process(es). For the purpose of the definition, it specifically does not include filter support frames or appendages inside hoods. Welding is a fabrication technique for joining metals by heating the materials to the point that they melt and flow together forming an uninterrupted surface of no less strength then the original materials.

DAMPERS – A valve or plate within a duct or its terminal components for controlling draft or the flow of gases including air.

DETECTION DEVICES – Electrical, pneumatic, thermal, mechanical, or optical sensing instruments or a subcomponent of such an instrument whose purpose is to cause an automatic action to be taken, upon the occurrence of some pre-selected event. In the context of this Article, the event in question could be excessive temperature or flame, and the action could be the operation of a fire extinguishing system.

DINING ROOM – A dining area outside of a dwelling unit.

DISCHARGE – The final portion of a duct or pipe where the product being conveyed is emptied or released from confinement; the termination point of the pipe or duct.

DOMESTIC TYPE COOKING EQUIPMENT – Cooking equipment designed and intended for use in a residential location.

DRAFT CURTAIN – A structure of non-combustible or limited combustible construction arranged to limit and contain the spread of smoke and heat along the underside of the ceiling or roof. A draft curtain shall extend from the ceiling on the kitchen side, a minimum of 24 inches.

DUCTS (OR DUCT SYSTEM) – A continuous passageway for the transmission of air and vapors which, in addition to the containment components themselves, may include duct fittings, dampers, plenums, and/or other items or air handling equipment.

EASILY ACCESSIBLE – Within comfortable reach with limited dependence on mechanical devices, extensions or assistance.

FIRE PARTITION – An interior wall or partition of a building that separates two areas and serves to restrict the spread of fire, yet does not qualify as a fire wall.

GREASE – Rendered animal fat, vegetable shortening and other such oily matter used for the purposes of and resulting in the activity of cooking and/or preparing foods. Grease may be liberated and entrained with exhaust air, or may be visible as liquid or solid.

GREASE EXTRACTORS – A system of components designed for and intended to process vapors, gases, and/or air as it is drawn through such devices by collecting the airborne grease particles and concentrating them for further action at some future time, leaving the exiting air with a lower amount of combustible matter.

GREASE FILTERS – A component of the grease vapor removal system which deflects the air and vapors passing through it in such a manner as to cause the grease vapors to concentrate and/or condense for the purpose of collection as a result leaving the exiting air with a lower amount of combustible matter.

GREASE HOOD AND DUCT EXHAUST SYSTEM – Containment system for the transportation of air and grease vapors, so designed and installed to reduce the possibility of the accumulation of combustible condensation and the occurrence of damage should a fire be experienced within the system.

GREASE REMOVAL DEVICES – Other components of the grease and vapor removal system which do not fit the definition of “grease extractors” or “grease filters” yet are designed, installed, and perform so as to take vapor suspended grease particles from the exhaust air/vapor stream, or are designed to assist other devices in the removal of such vapors or particles.

HIGH LIMIT CONTROL – A operating device, installed in and serving as an integral component of a deep-fat-fryer, having as its purpose the secondary limitation of temperature allowed to be experienced by the cooking operation, and, should that temperature be exceeded, the automatic interruption of the thermal energy input.

HOOD – A device provided for a cooking appliance(s) to direct and capture grease-laden vapors and exhaust gases. It shall be constructed in a manner that will allow it to withstand adverse conditions that may be experienced. (See canopy hoods, and non-canopy hoods)

HVAC – Heating, ventilation, and air-conditioning.

LIMITED COMBUSTIBLE – As defined in NFPA 96

LIQUID TIGHT – Constructed and performing in such a manner as not to permit the passage of any liquid at any temperature.

NON-CANOPY HOOD – A fixed device located in close proximity to a cooking appliance and in some cases having a shelf-like appearance, the purpose of which is to use air movement to contain and channel, either in a vertical or horizontal manner, the various fumes and vapors resulting from the cooking activities.

NONCOMBUSTIBLE MATERIALS – Noncombustible materials, such as steel and masonry products, that will not burn under normal conditions.

OPENING PROTECTIVE – Assembly of materials and accessories, including frames and hardware, installed in a wall, partition, floor, ceiling or roof opening to prevent, resist or retard the passage of fire, flame, excessive heat or hot gases.

PRECIPITATORS - Part of a recirculating system listed under UL 710B that is used to control smoke and grease-laden vapor using an electrostatic charge.

SELF-CLOSING OPENING PROTECTIVE – Arranged and equipped with devices which will insure closing after having been opened.

SPECIAL SPRINKLER INSTALLATION – Fire sprinkler(s) installation supplied from the domestic water system. These fire sprinkler heads shall meet the following requirements:

1. Sprinkler heads installed in conformity with this section do not constitute a fire sprinkler system.

2. Special sprinkler installations may be supplied from the domestic water service within the building, or from a branch, provided the size of the domestic water supply piping up to the point at which sprinkler connections are made is at least equal to the size required by generally accepted standards for the number of sprinkler heads to be served.

3. Where the sprinkler connection to the domestic water supply piping is made within the building at a point other than the water service connection, the sprinkler connection shall be made to a main or branch from the main with no intervening means of shutoff from the main or main riser.

4. A special sprinkler installation containing more than ten heads shall be equipped with an automatic local alarm.

5. A special sprinkler installation shall be designed as a pipe schedule system off for ordinary hazard.

TRAP – A cup-like or U-shaped configuration occurring on the inside of a duct system component where liquids may accumulate.

WET CHEMICAL EXTINGUISHING AGENT – A solution of water and potassium-carbonate-based chemical, potassium-acetate-based chemical or a combination thereof, forming an extinguishing agent.

Section 21.3 Kitchens

21.3.1 Kitchens serving dining rooms, including but not limited to restaurants, cafeterias, coffee shops, and lunch rooms, shall be enclosed by construction having a fire-resistance rating of at least two (2) hours.

Exceptions:

1. Existing kitchens shall be permitted to have a one hour enclosure.

2. The enclosures may have a fire resistance rating of one hour where a full sprinkler system or special sprinkler installation is provided within the entire kitchen enclosure.

21.3.2 Openings between a kitchen and a dining room shall be provided with automatic or self-closing 1 1/2 hour opening protective where the kitchen or pantry is not sprinklered, or automatic or self-closing 3/4 hour opening protective where the kitchen is sprinklered.

Exception: Openings between a kitchen and a public dining room shall be permitted without opening protective when all of the following conditions exist:

1. The kitchen shall be equipped with a full sprinkler system or special sprinkler installation.

2. A grease hood and duct exhaust system shall be provided and protected with an automatic extinguishing system.

3. A non-combustible draft curtain shall extend down a minimum of twenty-four (24) inches from the ceiling above the opening.

4. The opening shall be protected by sprinkler heads located on the kitchen side.

21.3.4 New construction shall have metal type studding or other non-combustible building material between the kitchen and public areas.

21.3.5 Kitchens which are combined with, or located adjacent to or within the dining room, such as coffee shops and hibachi restaurants, shall be separated from the dining area by a draft curtain and be equipped with a fire sprinkler system or special sprinklers installation.

Section 21.4 Grease Hood and Duct Exhaust Systems

21.4.1 Grease hood and duct exhaust systems shall be installed over deep fat fryers, broilers, grills, woks, range tops, griddles, tandoori, gyro machines, stoves and any other appliance as required by the Fire Marshal.

21.4.2 Grease hood and duct exhaust systems shall comply with NFPA 96, except as otherwise provided for in this Article.

21.4.3 Grease hood and duct exhaust systems shall have a clearance of at least eighteen (18) inches to combustible material and three (3) inches to limited-combustible and non-combustible material. Clearance reductions shall be allowed as specified in NFPA 96 provided a minimum of three (3) inches is maintained at all points.

21.4.5 Where the hood itself does not make a grease tight seal with the wall, spaces between the hood and the wall shall be sealed by steel flashing around the length, depth and height of the hood and shall be made grease tight. The material and gauge shall be the same as the hood.

21.4.4 Grease Hoods

21.4.4.1 Grease hoods shall be sized and configured to provide for the capture, containment and removal of grease laden vapors, fire, smoke and heat.

21.4.4.2 Grease hoods shall extend a minimum of six (6) inches beyond the length and breadth of the cooking equipment.

21.4.4.3 Grease hoods shall not be more than seven (7) feet above the floor.

21.4.4.4 Grease hoods shall be a minimum of twenty-four (24) inches in height on all sides.

21.4.4.5 Flammable materials such as caulking are not permitted inside the hood.

21.4.4.6 Grease filters shall be listed of the baffle type, rust resistant, set at a forty-five (45) degree angle and with dimensions of twenty (20) inches by twenty (20) inches. The grease shall have the capability to drain into a track pitched back to a removable container.

21.4.4.7 Special engineered listed systems may be used if approved by the Fire Marshal and shall meet the requirements of the *Mechanical Code of New York State*, the *Fire Code of New York*

State, NFPA 96, and UL710 – *Standard for Safety Exhaust Hoods for Commercial Cooking Equipment*.

21.4.4.8 Ventless Hood Systems may be used if approved by the Fire Marshal and shall meet the requirements of the *Mechanical Code of New York State*, the *Fire Code of New York State*, NFPA 96, UL 710B – *Standard of Recirculating Systems* and UL710 – *Standard for Safety Exhaust Hoods for Commercial Cooking Equipment*.

21.4.5 Grease Ducts

21.4.5.1 Grease hoods shall be provided with steel exhaust ducts connected to or through a ventilation fan listed for such use.

21.4.5.2 Grease ducts shall have a smooth interior, without penetrations, dips or grease traps. Smaller ducts shall join larger or irregular ducts by using a transition so as not to impede the flow of grease laden vapors or create grease traps.

21.4.5.3 Grease ducts shall be securely fastened to the building at least twice along the run and at every change of direction.

21.4.5.4 All seams and joints shall have a liquid tight external weld.

21.4.5.5 Grease ducts shall be provided with access doors for easy inspection and cleaning both horizontal and vertically every twelve (12) feet and at every change of direction.

21.4.5.6 Dampers shall not be permitted in grease ducts.

21.4.6 Exterior Installations

21.4.6.1 All grease ducts shall be protected on the exterior by paint or other suitable weather-protective coating.

21.4.6.2 A residue trap shall be provided at the base of each vertical riser with provisions for cleanout.

21.4.6.3 Grease ducts shall terminate at least thirty-six (36) inches above the roof line unless capped by a fan.

21.4.6.4 A grease duct shall pass through a curb on the exterior of the building and shall be constructed of non-combustible material with the same clearances as grease duct enclosures.

21.4.6.5 The grease duct shall be flanged out to the curb with a grease tight seal to the fan by an approved gasket.

21.4.6.6 The exhaust fan shall be hinged to the curb with a hold open retainer for easy cleaning.

21.4.6.7 The exhaust fan shall terminate on a finished surface at the highest point with a minimum clearance of ten (10) feet from property lines, contiguous buildings and air intake openings. If the fan is pointed away from the above a five (5) foot clearance is allowed.

21.4.7 Interior Installations

21.4.7.1 When the grease duct leaves the kitchen and enters another room or concealed space, it shall be enclosed by a fire rated enclosure and include the following requirements:

1. It shall have the same fire rating as the kitchen.

2. The distance between the exhaust duct and the enclosure shall be a minimum of six (6) inches.

3. It shall be constructed of fire rated sheetrock on metal studs or masonry products.

4. A fire rated door in accordance with NFPA 80 shall be provided

   Exception: A through penetration fire stop system may be used and shall include the following requirements:

   1. It shall have the same fire rating as the kitchen.

   2. There shall be NO minimum clearance between the insulation and the exhaust duct.

   3. The system shall be listed for such use.

   4. Panels of the same material shall be secured (not taped) to the access panels.

21.4.8 Electrical Wiring

21.4.8.1 Electrical wiring shall not run through grease ducts.

21.4.8.2 Electrical wiring on, under, or through hoods shall be in electric metallic tubing (EMT), fitted with compression connectors, or in conduit.

21.4.8.3 All fixtures shall be vapor proof, and approved for the purpose.

21.4.8.4 All electrical wiring shall be installed by a licensed electrician meeting the minimum standards of NFPA 70.

21.4.9 Grease Hood and Duct Exhaust System Cleaning

21.4.9.1 Grease hoods, ducts, exhaust fans and all components of grease hood and duct systems shall be serviced and cleaned at least every six (6) months, and/or as often as may be necessary, by a qualified person, firm, business entity or corporation licensed by the Fire Marshal pursuant to Section 21.4.10 of this Ordinance.

21.4.9.1.1 Grease hoods, ducts, exhaust fans and all components of grease hood and duct systems serving solid fuel cooking operations shall be serviced and cleaned monthly by a qualified person, firm, business entity or corporation licensed by the Fire Marshal.

21.4.9.2 A record shall be kept available at all times, showing the date of cleaning and by whom it was cleaned.

21.4.9.3 Certificate of Fitness Required

21.4.9.3.1 Each employee of a licensed firm engaged in servicing and cleaning of grease hood and duct exhaust systems shall hold a valid Certificate of Fitness in accordance with Article XX of this Ordinance, issued by the Fire Marshal.

21.4.9.3.2 An individual in training and having passed the written portion of the test, accompanied by and working directly with a Certificate of Fitness holder may service and clean grease hood and duct exhaust systems.

21.4.9.3.3 Requirement to Display Certificate of Fitness – Qualified personnel must have a valid Certificate of Fitness in accordance with Article XX of this Ordinance

in their possession while engaging in servicing and cleaning, and all qualified personnel must be able to produce their Certificate of Fitness upon demand.

21.4.9.3.4 The fee for the Certificate of Fitness as set forth in Article XXII of this Ordinance.

21.4.10 License Required

21.4.10.1 All persons, firms, business entities, or corporations installing, constructing, altering, replacing, modifying, repairing, cleaning or improving any grease hood and duct exhaust system shall obtain a license in accordance with Article XX of this Ordinance.

21.4.10.2 The fee for this license is set forth in Article XXII of this Ordinance.

21.4.10.3 The Fire Marshal may, at any time, require reasonable information of an applicant or a licensee, and may require the production of books and records which relate to the installation, construction, alteration, modification, replacement, repairing or improvement of any grease hood and duct exhaust system or the qualifications for compliance with this Ordinance by the applicant or licensee.

21.4.10.4 It shall be a violation of this Ordinance for any person, entity, or corporation to service, install, maintain, construct, repairing or improve any grease hood and duct exhaust system without having been certified by the system's manufacturer and the Fire Marshal.

21.4.11 Design drawings, Specifications and Approval for Grease Hood and Duct Exhaust Systems

21.4.11.1 Design drawings and specifications shall be submitted in accordance with Article XXIV of this Ordinance.

21.4.11.2 Requests for final approval shall be submitted in accordance with Article XXVII of this Ordinance.

21.4.11.3 There shall be a final inspection fee charged in accordance with the fee set forth in Article XXII of this Ordinance.

21.4.11.4 It shall be the responsibility of the owner or operator of the business and the licensed person, firm business entity or corporation installing the grease hood and duct exhaust system to complete the installation in compliance with the manufacturer's specifications, the requirements of this Ordinance and the Fire Marshal.

21.4.11.5 Within seventy-two (72) hours after completion of the installation, the date and time shall be set with the Fire Marshal, for a satisfactory test of the system in accordance with Article XXVII of this Ordinance. Cooking equipment shall not be used and the system shall not be placed into service until the successful completion of the acceptance test and final approval has been granted by the Fire Marshal.

21.4.12 Permit Required for Grease Hood and Duct Exhaust Systems

21.4.12.1 All grease hood and duct exhaust system installations, replacements, alterations, modifications or improvements, require a permit, in accordance with Article XX of this Ordinance.

21.4.12.2 The fee to be charged for this section shall be in accordance with the fee set forth in Article XXII of this Ordinance.

21.4.12.3 Such permit shall be transferable to any subsequent owner or lessee of the premises.

21.4.12.4 The permit shall be issued after the following:

1. Receipt of the fee by the Fire Marshal as set forth in Article XXII of this Ordinance.

2. Final approval has been granted by the Fire Marshal in accordance with Article XXVII of this Ordinance.

Section 21.5 Automatic Fire-Extinguishing Systems

21.5.1 Automatic Fire-Extinguishing systems shall be installed to protect grease hoods, ducts, deep fat fryers, broilers, grills, woks, range tops, griddles, tandoori, gyro machines, stoves and any other appliances as required by the Fire Marshal.

21.5.2 Installation

21.5.2.1 All systems shall be installed in accordance with NFPA 96, NFPA 17 and NFPA 17A.

21.5.2.2 All Automatic Fire-Extinguishing systems shall conform to manufacturer's specifications.

21.5.2.3 Special engineered listed systems may be used, if approved by the Fire Marshal.

21.5.2.4 Grease hood and duct exhaust systems shall be inspected, tested and approved by the Fire Marshal prior to installation of an Automatic Fire-Extinguishing System.

21.5.2.5 In accordance with NFPA 17A, wet chemical containers and expellant gas assemblies shall be easily accessible for inspection, maintenance, and recharge, and shall have the gauge and label positioned in full view.

21.5.3 Gas Equipment

21.5.3.1 All gas-operated equipment in the kitchen shall be provided with an automatic shutoff device activated by the Automatic Fire-Extinguishing System.

21.5.3.2 Shutoff valves shall be located in places so as to provide access for operation and shall be installed so as to be protected from damage. These valves shall not be located under the grease hood, behind the cooking equipment, or in a hazard area. Shutoff valves shall not be located in concealed or inaccessible spaces.

21.5.3.3 The shutoff device must be designed so that it can only be reset manually.

21.5.3.4 Operation of this valve shall not interrupt the supply of gas to any other areas in the building.

21.5.3.5 A sign shall be affixed near the control head giving the location of the gas shutoff valve.

21.5.3.6 The automatic gas shutoff device shall be installed by a licensed plumber.

21.5.4 Electrical Equipment

21.5.4.1 An automatic shutoff shall be provided for all electrical equipment and outlets under the hood.

21.5.4.2 All electrical wire shall be installed by a licensed electrician in accordance with NFPA 70.

21.5.5 Deep Fat Fryers

21.5.5.1 Deep fat fryers shall be equipped with a separate high limit control in addition to the adjustable operating control (thermostat) to shut off fuel or energy in the event the fat exceeds a temperature of 425°F.

21.5.6 Carbon Dioxide Systems.

Carbon Dioxide Systems shall be equipped with an automatic exhaust fan shutoff device and approved damper activated by the extinguishing system.

21.5.7 Operation

Exhaust fans shall remain on and operating when Automatic Fire-Extinguishing Systems are activated.

21.5.8 Maintenance and Inspection

21.5.8.1 Automatic Fire-Extinguishing Systems shall be inspected every six (6) months by a qualified person, firm, business entity or corporation licensed by the Fire Marshal.

21.5.8.2 A tag attesting to this inspection shall be affixed to the agent cylinder, and every manual pull station. This tag shall not be red in color, and shall show the following information:

1. Pre-printed licensed contractor's name, address and phone number.

2. Pre-printed the license number of the contractor, assigned by the Fire Marshal.

3. Printed name of service person or technician.

4. Signature of service person or technician.

5. Pre-printed day, month and year of service, all of which shall be punched.

6. The location ID assigned by the Fire Marshal.

7. The permit number assigned by the Fire Marshal.

8. Date of agent cylinder hydrostatic test.

9. Agent cylinder model number and serial number.

10. Pre-printed tag number, unique to each tag.

21.5.8.3 Notification shall be sent to the Fire Marshal for all inspections and maintenance of systems and shall indicate any deficiencies observed utilizing the Fire Marshal Automatic Fire-Extinguishing System Work Report.

21.5.9 Non-compliant Systems

21.5.9.1 Immediately after attaching a red tag, the service person or technician shall orally notify the building owner or the building owner's representative of all the impairments. The service person or technician shall also provide written notice to the building owner or the building owner's representative and the Fire Marshal of all impairments; and the written notice shall be emailed, faxed or hand delivered within twenty four (24) hours of the attachment of the red tag.

21.5.9.2 A red tag may only be removed by an authorized employee of a licensed contractor or a representative of the Fire Marshal after the service person or technician completes and attaches a service tag that indicates the impaired conditions were corrected.

21.5.9.5 Red tags may be printed for a multiple period of years.

21.5.9.6 Red tags shall be the same size as service tags.

21.5.9.7 Red tags shall contain the same information as the normal service tag and in addition list the nature of the impairment.

21.5.10 License Required

21.5.10.1 All persons, firms, business entities, or corporations installing, constructing, altering, replacing, modifying or improving and servicing or maintain any Automatic Fire-Extinguishing System shall obtain a license in accordance with Article XX of this Ordinance.

21.5.10.2 The fee to be charged for this section shall be in accordance with the fee set forth in Article XXII of this Ordinance.

21.5.10.3 The Fire Marshal may, at any time, require reasonable information of an applicant or a licensee, and may require the production of books and records which relate to the installation,

maintenance, construction, replacement or improvement of any Automatic Fire-Extinguishing system or the qualifications for compliance with this Ordinance by the applicant or licensee. Proof shall include a written statement or certificate issued by the manufacturer. The license shall indicate those manufacturers systems which the licensee is qualified to install.

21.5.10.4 It shall be a violation of this Ordinance for any person, entity, or corporation to service, install, maintain, construct, or improve any Automatic Fire-Extinguishing system without having been certified by its manufacturer and the Fire Marshal.

21.5.10.5 Every person, firm, business entity or corporation applying for a license shall furnish satisfactory proof to the Fire Marshal that he is familiar with materials, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturers recommendations pertaining to the particular system, materials, devices or operations he will be involved with and for which the license is issued. Proof shall include a written statement or certificate issued by the appropriate manufacturer or manufacturers. The license shall indicate which manufacturers' systems licensee is qualified to install.

21.5.11 Design drawings, Specifications and Approval for Automatic Fire-Extinguishing Systems

21.5.11.1 Design drawings and specifications shall be submitted in accordance with Article XXIV of this Ordinance.

21.5.11.2 Requests for final approval shall be submitted in accordance with Article XXVII of this Ordinance.

21.5.11.3 There shall be a final inspection fee charged in accordance with the fee set forth in Article XXII of this Ordinance.

21.5.11.4 It shall be the responsibility of the owner or operator of the business and the authorized person, firm, business entity or corporation installing the Automatic Fire-Extinguishing System to complete the installation in compliance with the manufacturer's specifications, the requirements of this Ordinance and the Fire Marshal.

21.5.11.5 Within seventy-two (72) hours after the start of the installation, the date and time shall be set with the Fire Marshal, for a satisfactory test of the system in accordance with Article XXVII of this Ordinance. The acceptance test shall consist of

activation of the manual pull, activation of the detector portion of the system and discharge of a compressed gas through the system piping. Cooking equipment shall not be used and the system shall not be tagged and placed into service until the successful completion of the acceptance test and final approval has been granted by the Nassau County Fire Marshal.

21.5.12 Permit Required for Automatic Fire-Extinguishing Systems

21.5.12.1 All Automatic Fire-Extinguishing System installations, replacements, alterations, modifications or improvements hereinafter made, require a permit, in accordance with Article XX of this Ordinance.

21.5.12.2 The fee to be charged for this section shall be in accordance with the fee set forth in Article XXII of this Ordinance.

21.5.12.3 Such permit shall be transferable to any subsequent owner or lessee of the premises.

21.5.12.4 The permit shall be issued after the following:

1. The design drawings and application have been reviewed and approved by the Fire Marshal in accordance with Article XXIV of this Ordinance.

2. Receipt of the fee by the Fire Marshal as set forth in Article XXII of this Ordinance.

3. Final approval has been granted by the Fire Marshal in accordance with Article XXVII of this Ordinance.

Section 21.6 Fire Extinguishers

All new and existing Automatic Fire-Extinguishing Systems that are to protect cooking equipment that produce grease laden vapors shall be supplemented by a minimum of one (1) 1.5 (one and one half) gallon Class K wet chemical portable fire extinguisher. Extinguisher(s) shall be located so as to have a maximum travel distance not to exceed thirty (30) feet from the hazard. A sign shall be posted in the same proximity as the Class K fire extinguisher stating that the fire protection system shall be activated prior to using the fire extinguisher. Additional class K fire extinguishers shall be required as defined in Section 904.11.5.2 of the Fire Code of New York State. BC and ABC rated portable fire extinguishers shall not be permitted to be located in a commercial kitchen.

Section 21.7 Flaming Food and Beverage Preparation Requirements

The preparation of flaming food and beverages in places of public assembly and drinking or dining establishments shall conform with the requirements of Section 308.6 of the Fire Code of New York State. Additionally a minimum of one (1) five (5) pound ABC class portable fire extinguisher shall be provided on the serving cart or shall be located within twenty (20) feet of the specific location of flaming food or beverage preparation and serving.

Section 21.8 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 21.9 Penalties

Any person, firm, or business entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars ($1,000.00) or, by imprisonment for not more than one (1) year or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars ($5,000.00) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation of permit to continue and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XXII
Schedule of Fees

Section 22.0 Scope and General Provisions

The following fees are established for the issuance of permits, certificates, licenses, approvals, and other functions performed under this Ordinance. Fees shall be payable to the County of Nassau Treasurer. Fees shall accompany each application for such permit, certificate, license, approval or other fees related to provision of this Ordinance.

Section 22.1 Reserved

Section 22.2 Article II Fees

22.2.1	Variance Hearing	$500.00

Section 22.3 Article III Fees

22.3.1 Bulk Storage Facility Fees:

22.3.1.1	Loading Rack System Test	$550.00
22.3.1.2	Fixed Foam System Test	$550.00

22.3.2 Flammable/Combustible Liquid Storage Tank Installer, and Tank Removers, and Automatic Fire Suppression System License Fees:

22.3.2.1	Initial Application	$320.00
22.3.2.2	Annual Renewal	$165.00

22.3.3 Storage of Flammable/Combustible Liquid Design Drawings Review Fees:

22.3.3.1	Base Design Drawing Review	$215.00

22.3.3.2 Design Drawings Review Option Fees:

22.3.3.2.1	New Tank System and Piping (per tank)	$1,025.00
22.3.3.2.2	New or Modified Island(s)	$215.00

22.3.3.2.3	New or Modified Automatic Fire Suppression System	$560.00
22.3.3.2.4	New or Modified Closed Circuit Television	$215.00
22.3.3.2.5	New or Modified Self Service Conversion	$320.00
22.3.3.2.6	Pump System Conversion and Piping	$320.00
22.3.3.2.7	New or Modified Stationary Engine Installation	$320.00
22.3.3.2.8	New or Modified Stationary Engine and Generator Installation	$720.00
22.3.3.2.9	New or Modified Stage II Vapor Recovery	$720.00
22.3.3.2.10	Building, Kiosk, Structure New or Modified	$215.00
22.3.3.2.11	New or Modified Flammable/Combustible Liquid Storage/Handling	$825.00
22.3.3.2.12	Required Retrofitting	$415.00
22.3.3.2.13	Temporary Tank	$320.00
22.3.3.2.14	New or Modified Marinas	$320.00
22.3.3.2.15	New or Modified Product Piping System(s)	$320.00

22.3.4 Inspection Fees:

22.3.4.1	Automatic Fire Suppression System Inspection	$550.00
22.3.4.2	Self Service Inspection	$550.00

22.3.5 Flammable/Combustible Liquid Truck Permit Fees:

22.3.5.1	Initial Application	$320.00
22.3.5.2	Annual Renewal	$165.00

Section 22.4 Reserved

Section 22.5 Article V Fees

22.5.1 Flammable Finishes Location Fees:

22.5.1.1	Design Drawings Review	$550.00

22.5.3 Flammable Finish License Fees:

22.5.3.1	Initial Application	$320.00
22.5.3.2	Annual Renewal	$165.00

22.5.4 Automatic Extinguishing System Fees

22.5.4.1	Design Drawing Review	$550.00
22.5.4.2	Inspection	$550.00
22.5.4.3	Permit	$215.00

Section 22.6 Article VI Fees

22.6.1 Liquefied Petroleum Gas Storage Fees:

22.6.1.1	Storage Permit Initial Application	$320.00
22.6.1.2	Storage Permit Annual Renewal	$165.00
22.6.1.3	Truck Permit Initial Application	$320.00
22.6.1.4	Truck Permit Annual Renewal	$165.00

22.6.2 Liquefied Petroleum Gas Certificate of Fitness Fees:

22.6.2.1	Certificate of Fitness Initial Application	$330.00
22.6.2.2	Renewal fee for each year valid	$70.00

22.6.3 Liquefied Petroleum Gas Design Drawings Review Fees:

22.6.3.1	Water Capacity 0 to 99 Gallons	$25.00
22.6.3.2	Water Capacity 100 to 249 Gallons	$50.00

22.6.3.3	Water Capacity 250 to 499 Gallons	$95.00
22.6.3.4	Water Capacity 500 to 999 Gallons	$185.00
22.6.3.5	Water Capacity 1000 to 1999 Gallons	$450.00
22.6.3.6	Water Capacity 2000 Gallons or more	$890.00

22.6.4 Liquefied Petroleum Gas Truck Fees:

22.6.4.1	Initial Application	$320.00
22.6.4.2	Annual Renewal	$165.00

22.6.5 Liquefied Petroleum Gas Transport and Handling Certificate of Fitness Fees:

22.6.5.1	Initial Application	$330.00
22.6.5.2	Annual Renewal	$175.00

Section 22.7 Article VII Fees

22.7.1 Compressed Gasses Transport and Handling Certificate of Fitness Fees:

22.7.1.1	Initial Application	$330.00
22.7.1.2	Renewal fee for each year valid	$175.00

Section 22.8 Article VIII Fees

22.8.1 CO Detection Fees:

22.8.1.1	Design Drawings Review	$550.00
22.8.1.2	Test inspection	$550.00

Section 22.9 Article IX Fees

22.9.1 Welding and Cutting Certificate of Fitness Fees:

22.9.1.1	Initial Application	$330.00
22.9.1.2	Renewal fee for each year valid	$175.00

Section 22.10 Article X Fees

22.10.1 Hazardous Materials Fees:

22.10.1	Permit	$270.00
22.10.2	Permit Late Renewal	$100.00

Section 22.11 Article XI Fees

22.11.1 Board-up and Restoration Companies License Fees:

22.11.1.1	Initial Application	$320.00
22.11.1.2	Annual Renewal	$165.00

22.11.2 Board-up and Restoration Companies Certificate of Fitness Fees:

22.11.2.1	Initial Application	$330.00
22.11.2.2	Renewal fee for each year valid	$175.00

Section 22.12 Article XII Fees

22.12.1 Clean Agent Fire Extinguishing & Suppression System Installers Fees:

22.12.1.1	Initial Application	$320.00
22.12.1.2	Annual Renewal	$165.00

22.12.2 Clean Agent Fire Extinguishing & Suppression System Fees:

22.12.2.1	Design Drawing Review	$550.00
22.12.2.2	Inspection	$550.00
22.12.2.3	Permit	$215.00

Section 22.13 Article XIII Fees

22.13.1 Fees for a load test of an emergency lighting system that utilizes an emergency generator.

22.13.1.1	Buildings having a ground floor area not larger than 2,500 square feet (per generator).	$460.00
22.13.1.2	Buildings having a ground floor area larger than 2,500 but less than 5,000 square feet (per generator).	$590.00
22.13.1.3	Buildings having a ground floor area that is 5,000 square feet or larger (per generator).	$720.00
22.13.1.4	Additional charge per floor above or below ground floor	$75.00

22.13.2 Fees for a load test of an emergency lighting system that utilizes self-contained, battery-operated emergency light units.

22.13.2.1	One to twenty-five emergency light units	$460.00
22.13.2.2	Twenty-six to fifty emergency light units	$590.00
22.13.2.3	Fifty-one or more emergency light units	$720.00
22.13.2.4	Additional charge per floor above or below ground floor in buildings with fifty-one or more units	$75.00

Section 22.14 Article XIV Fees

22.14.1 Tents or Membrane:

22.14.1.1	Tents or membrane structures having an area greater than 200 square feet	$60.00
22.14.1.2	Tents, membrane structures or canopies having an area greater than 400 square feet	$110.00
22.14.1.3	Tents, canopies or membrane structures of any size where cooking is performed within the structure	$150.00

22.14.2 Annual School Inspections Fees:

22.14.2.1	Each facility less than or equal to 2500 square feet	$145.00

22.14.2.2	Each facility greater than 2500 square feet and less than or equal to 10,000 square feet.	$200.00
22.14.2.3	Each facility greater than 10,000 square feet.	$485.00

Section 22.15 Article IV Fees

22.15.1 Flammable/Combustible Liquid Tank Testing Certificate of Fitness Fees:

22.15.1.1	Initial Application	$330.00
22.15.1.2	Renewal fee for each year valid	$70.00

22.15.2 Flammable/Combustible Liquid Underground Storage Tank Testing Fees:

22.15.2.1	Per Tank System	$215.00

22.15.3 Flammable/Combustible Liquid Storage Tank Coating Fees:

22.15.3.1	Thickness Test	$550.00

22.15.4 Flammable/Combustible Liquid Dispensing Certificate of Fitness Fees:

22.15.4.1	Initial Application	$110.00
22.15.4.2	Renewal fee for each year valid	$70.00

22.15.5 Flammable/Combustible Liquid Transport Certificate of Fitness:

22.15.5.1	Initial Application	$330.00
22.15.5.2	Renewal fee for each year valid	$70.00

22.15.6 Functionality Test Fees:

22.15.6.1	Per Tank System	$200.00

Section 22.16 Article XVI Fees

22.16.1	Site Design Drawings Review	$550.00

Section 22.17 Article XVII Fees

22.17.1 Automatic Fire Alarm System Fees:

22.17.1.1	Design Drawing Review	$550.00
22.17.1.2	Final Approval	$550.00
22.17.1.3	Fire Alarm Rough Permit	$215.00
22.17.1.4	Fire Alarm Relocations Permit	$550.00
22.17.1.5	System Permit (Renewable every 3 years)	$90.00
22.17.1.6	Late Fee	$20.00

Section 22.18 Reserved

Section 22.19 Article XIX Fees

22.19.1 Liquid and Solid Oxidizer Truck Fees:

22.19.1.1	Initial Application	$320.00
22.19.1.2	Annual Renewal	$165.00

22.19.2 Liquid and Solid Oxidizer Permit Fees:

22.19.2.1	Initial Application	$320.00
22.19.2.2	Annual Renewal	$165.00

22.19.3 Liquid and Solid Oxidizer Certificate of Fitness Fees:

22.19.3.1	Initial Application	$330.00
22.19.3.2	Renewal fee for each year valid	$70.00

Section 22.20 Article XX

22.20.1 License or Permit Fees:

22.20.1	License or Permit Change of Required Information	$60.00
22.20.2	License or Permit Replacement	$60.00

22.20.2 Certificate of Fitness Fees:

22.20.3	COF Change of Required Information	$60.00
22.20.4	COF Replacement	$60.00

Section 22.21 Article XXI Fees

22.21.1 Grease Hood and Duct Installers License Fees:

22.21.1.1	Initial Application	$320.00
22.21.1.2	Annual Renewal	$165.00

22.21.2 Grease Hood and Duct Cleaners License Fees:

22.21.2.1	Initial Application	$320.00
22.21.2.2	Annual Renewal	$165.00

22.21.3 Grease Hood and Duct Cleaners Certificate of Fitness Fees:

22.21.6	Initial Application	$330.00
22.21.7	Renewal fee for each year valid	$175.00

22.21.4 Grease Hood & Duct Exhaust System Fees:

22.21.4.1	Design Drawing Review	$550.00
22.21.4.2	Inspection	$550.00
22.21.4.3	Permit	$215.00

22.21.5 Automatic Fire Extinguishing System Installers Fees:

22.21.5.1	Initial Application	$320.00
22.21.5.2	Annual Renewal	$165.00

22.21.6 Automatic Fire Extinguishing System Fees:

22.21.13	Design Drawing Review	$550.00
22.21.14	Inspection	$550.00

22.21.12	Permit	$215.00

Section 22.22 Reserved

Section 22.23 Article XXIII Fees

22.23.1 Servicing of Portable Fire Extinguishers License Fees:

22.23.1.1	Initial Application	$320.00
22.23.1.2	Annual Renewal	$165.00

22.23.2 Servicing of Portable Fire Extinguishers Certificate of Fitness:

22.23.2.1	Initial Application	$330.00
22.23.2.2	Renewal fee for each year valid	$70.00

Section 22.24 Article XXIV Fees

22.24.1	Stamping of Extra Design drawings (More than four (4) sets), per set	$25.00
22.27.2	Accelerated Design Drawings Review An additional fee to that listed here will be calculated using appropriate personnel overtime rate at a minimum of 4 hours	$400.00
22.27.4	Resubmitted Design Drawings review for any design drawings required by this Ordinance that have been rejected two or more times	$270.00

Section 22.25 Article XXV Fees

22.25.1	Pyrotechnic Display Design Drawing Review and Site Inspection	$450.00
22.25.2	Use of Open Flame Design Drawing Review and Site Inspection	$450.00
22.25.5	Where Required Stand-by Fire Marshal Personnel Calculated using appropriate personnel overtime rate (Minimum of 4 Hours)	

Section 22.26 Article XXVI Fees

22.26.1	Pyrotechnic Display Permit	$85.00
22.26.2	Pyrotechnic Display Design Drawings Review and Site Inspection	$450.00

Section 22.27 Article XXVII Fees

22.27.1	Approval and Acceptance Test	$550.00
22.27.3	Accelerated Test or Inspection An additional fee to that listed here will be calculated using appropriate personals' overtime rate at a minimum of 4 hours	$400.00

Section 22.28 Article XXVIII Fees

22.28.1 Sprinkler and Standpipe System (Type 1) Installers License Fees

22.28.1.1	Initial Application	$330.00
22.28.1.2	Renewal fee for each year valid	$175.00

22.28.2 Sprinkler and Standpipe System Fees

22.28.2.1	Design Drawings Review	$550.00
22.28.2.2	Inspection	$550.00
22.28.2.3	Permit – Initial Application	$215.00
22.28.2.4	Permit – Five Year Renewal	$125.00
22.28.2.5	Sprinkler System Rough Out Work Permit	$215.00
22.28.2.6	Sprinkler Head Relocation Test Permit	$550.00

22.28.3 Sprinkler and Standpipe System Installation Certificate of Fitness (Type 1) Fees:

22.28.3.1	Initial Application	$330.00
22.28.3.2	Renewal fee for each year valid	$70.00

Section 22.29 Article XXIX

22.29.1 Sprinkler and Standpipe System (Type 2) Inspection, Testing and Maintenance License Fees:

22.29.1	Initial Application	$320.00
22.29.2	Renewal fee for each year valid	$165.00

22.29.2 Sprinkler and Standpipe System Testing Fees:

22.29.3	Functionality Test	$550.00

22.29.4 Inspection, Testing and Maintenance Certificate of Fitness (Type 2) Fees:

22.28.4.1	Initial Application	$330.00
22.28.4.2	Renewal fee for each year valid	$70.00

Section 22.30 Miscellaneous Fees:

22.30.1 Other Fees:

22.30.1.1	Complete copy of the Nassau County Fire Prevention Ordinance.	$100.00
22.30.1.2	Site Inspection	$550.00

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XXIII

Sale, Leasing and Servicing of Portable Fire Extinguishers

Section 23.0 Scope

23.0.1 The purpose of this Article is to regulate the sale or leasing and servicing of portable fire extinguishers

23.0.2 The activity of filling or charging a portable fire extinguisher prior to its initial sale by its manufacturer is not subject to this Article.

Section 23.1 Adoption of Generally Accepted Standards

23.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 10 Standard for Portable Fire Extinguishers

NFPA 101 Life Safety Code

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

23.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

23.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 23.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

CLOSED RECOVERY SYSTEM – Equipment required for the recovery of dry chemical or halogenated agents so that the extinguishing agent is captured in a closed system.

CTC – Canadian Transportation Commission.

DOT – United States Department of Transportation.

FIRM – Any person, partnership, corporation, company or association.

HYDROSTATIC TESTING – Pressure testing by hydrostatic methods.

INTERNAL SERVICE TAG – An adhesive-backed tag that can be bonded to the siphon tube of pressurized dry chemical portable fire extinguishers for the purpose of recording service information.

LABELED – Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the Fire Marshal and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

LIMITED LICENSE – A license issued to a firm engaged in servicing portable fire extinguishers that are owned and operated by that firm. This shall include industrial and other businesses servicing such equipment for use solely within their premises.

LOW PRESSURE EXTINGUISHERS or PRESSURE VESSELS – Those units having an operating pressure of 500 psig (34.45 bars) or less.

PORTABLE FIRE EXTINGUISHER – A portable device containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire.

RECOVERY – The act of removing dry chemical or halogenated agents from a fire extinguisher by means of a closed recovery system.

SERVICE and SERVICING – Servicing portable fire extinguishers includes any or all of the following:

1. Maintenance
2. recharging
3. hydrostatic testing

Section 23.3 Licensing of Firms Selling or Leasing and Servicing Portable Fire Extinguishers

23.3.1 Each firm engaged in the business of selling or leasing and servicing portable fire extinguishers shall be licensed by the Fire Marshal.

23.3.1.1 Any firm engaged in servicing portable extinguishers that are owned and operated by that firm may do so under a limited license issued by the Fire Marshal.

23.3.2 Each firm engaged in the business of servicing portable fire extinguishers shall meet the following minimum equipment and facilities requirements:

1. A place of business for which an application for license is filed shall possess an appropriate certificate of occupancy issued by the authority having jurisdiction for the facility to sell, lease and/or maintain fire extinguishers. .

2. CO_2 receiver or cascade system for proper filling of CO_2 extinguishers

3. Adequate hydrostatic test equipment for low-pressure cylinders

4. Approved drying method for low-pressure cylinders after hydro-test

5. Adequate in shop safety cage for hydrostatic testing of low-pressure cylinders

6. Proper wrenches with non-serrated jaws or valve puller, hydraulic or electric

7. Adequate inspection light for internal inspection

8. Low-pressure hydrostatic test labels containing the information described in Section 23.4.6.4

9. Halon 1211 supply, filling equipment, and closed recovery system

10. Accurate weighing scales for extinguisher inspection and filling

11. Accurate weighing scales for cartridge inspection and filling

12. Adequate vise, for shop use

13. Facilities for proper storage and adequate supply of extinguishing agents

14. Equipment for leak testing of pressurized extinguishers

15. Commercial dry nitrogen supply [-60°F (-51.1^{o}C) dew point or less] and pressure regulator with supply and regulated pressure gages suitable for pressurizing portable fire extinguishers

16. Adapters, fittings, and sufficient tools and equipment for properly servicing and/or recharging all extinguishers being serviced and recharged

17. Adequate closed recovery system and storage to remove and store chemicals from extinguisher cylinders during servicing

18. Adequate inventory of spare parts

19. Manufacturer's service and maintenance manuals

23.3.2.1 A firm with a limited license shall only provide service for those types of extinguishers for which it has suitable equipment and parts.

23.3.2.2 A firm with a limited license that does not perform low-pressure hydrostatic testing is not required to have hydrostatic test equipment or labels.

23.3.3 If high-pressure hydrostatic testing is performed, the following additional equipment is required:

1. DOT or CTC approved hydrostatic test equipment for high-pressure testing and calibrated cylinder.

2. Adequate equipment for stamping test date on high-pressure cylinders [over 500 psi (34.45 bars)]. Die stamps must be a minimum of 1/4 in. (6.35 mm)

3. Approved drying method for high-pressure cylinders after static hydrostatic test.

23.3.3.1 A firm with a limited license that does not hydrostatic test is not required to have hydrostatic test equipment.

23.3.4 A firm that performs hydrostatic tests on high-pressure cylinders must submit a copy of its DOT or CTC approval and renewals certificates to the Fire Marshal.

23.3.5 If a firm is unable to meet the minimum requirements as stated in Section 23.3, a notarized letter from a company licensed by the Fire Marshal, on company letterhead, stating that they will provide the necessary services may be submitted with an application for a license or for renewal.

Section 23.4 Selling or Leasing and Servicing of Portable Fire Extinguishers

23.4.1 All portable fire extinguishers shall be properly maintained, serviced, and inspected annually by a firm or contractor licensed by the Fire Marshal.

23.4.2 All portable fire extinguishers mounted in an exterior location shall have an approved, valid, current, and readable inspection tag made of a weatherproof material.

23.4.3 All portable fire extinguishers considered “not in service” and without a valid tag shall be removed from the premises.

23.4.4 Any fire extinguisher sold, offered for sale or given away shall be listed and labeled and meet or exceed all of the requirements of one of the following fire test standards:

(ANSI/UL711.CAN4-S508-M83

and one of the appropriate performance standards:

1. CO_2 types: ANSI/UL 154, CAN4-S503-M83
2. Dry Chemical types: ANSI/UL 299, ULC-S504
3. Water types: ANSI/UL 626, CAN4-S507-M83
4. Halon types: ANSI/UL 1093, ULC-S512
5. Foam types: ANSI/UL 8

23.4.5 The identification of the listing and labeling organization, the fire test, and performance standard that an extinguisher meets or exceeds shall be clearly marked on each extinguisher, except extinguishers manufactured prior to January 1, 1986.

23.4.6 The selection, installation, inspection and servicing of portable fire extinguisher equipment shall be as specified in NFPA 10, except as modified below.

23.4.7.1 A new tag shall be attached to an extinguisher when it is newly installed and anytime a required service is performed. The following information shall be recorded on the record tag:

1. Name and Certificate of Fitness number of person(s) who serviced the extinguisher.

2. Serial number of extinguisher

3. Indication of the type of service performed

4. Indication of the type of extinguisher involved

5. Indication of the month and year that the service was performed

6. The Words “DO NOT REMOVE”

7. Name, address, phone number, and license number of firm performing the service.

23.4.7.2 Six-Year Maintenance Labels. After each six-year maintenance, a record tag consisting of a metallized decal shall be affixed on the exterior of the extinguisher shell. Any six-year maintenance tag previously attached to an extinguisher shall be removed prior to affixing the new tag. The tag shall contain the following information:

1. The year and month that the six-year maintenance was performed;

2. The name of the firm performing the maintenance; and

3. The initials and Certificate of Fitness Number of the person performing the maintenance.

23.4.7.3 When a low-pressure hydrostatic test is performed, a record label consisting of a metallized decal shall be affixed on the exterior of the extinguisher shell. Any test labels previously attached to an extinguisher shall be removed prior to affixing the new label. The record label shall contain the following information:

1. The year and month that the test was performed;

2. The test pressure;

3. The name of the firm performing the test; and

4. The initials and Certificate of Fitness number of the person performing the test.

23.4.7.4 Internal Service Tags - Requirements

23.4.7.4.1 In addition to any other tag required by this Article, an internal service tag shall be affixed each time an extinguisher is opened up for any type of maintenance or for any other purpose. The following types of extinguishers are exempt from this requirement:

1. Carbon Dioxide,

2. Halogenated agents,

3. Dry chemical external cartridge-operated types,

4. Extinguishers containing water or water-type solutions.

23.4.7.4.2 An internal service tag shall be at least 1/2 inch X 3 1/2 inches (12.7 mm X 88.9 mm) on durable material either white or yellow in color with a pressure-sensitive adhesive backing which conforms to the standards of UL 969, Marking and Labeling Systems and indicate: :

1. the Certificate of Fitness number of the person who performed the service and

2. the month and year that the service was performed

23.4.7.4.3 Internal service tags shall be affixed in the following manner:

1. The tag shall be placed within 1 inch (25.4 mm) of the top of the siphon tube below the valve assembly

2. Any tag previously attached shall be removed prior to affixing the new tag

3. The area to which the tag is to be affixed shall be cleaned to remove all residue of any kind,

including old adhesive from a previously attached tag

4. The adhesive side of the center point of the tag shall be tightly adhered against the tube

5. The tag shall be pressed and adhered solidly around the tube and the writing must remain visible at all times. Under no circumstances shall the required information be written directly on the siphon tube.

Section 23.5 Licenses

23.5.1 Application for License

All firms, business entities, or corporations engaging in the sale, leasing or servicing of portable fire extinguishers shall obtain a license from the Fire Marshal in accordance with Article XX of this Ordinance.

Section 23.6 Certificate of Fitness

23.6.1 Each employee of a licensed firm who is engaged in servicing portable fire extinguishers, shall hold a valid Certificate of Fitness in accordance with Article XX of this Ordinance, issued by the Fire Marshal.

23.6.1.1 An applicant for a Certificate of Fitness must take and pass a written qualification examination prepared and administered by the Fire Marshal evidencing competency in the servicing and installation of portable fire extinguishers and automatic fire extinguishing systems. A practical qualification examination prepared and administered by the Fire Marshal may be required.

23.6.1.2 An individual in training and having passed the written portion of the test, accompanied by and working directly with a Certificate of Fitness holder may service portable fire extinguishers.

23.6.2 Requirement to Display Certificate of Fitness

Qualified personnel must have a valid Certificate of Fitness in accordance with Article XX of this Ordinance in their possession while engaging in servicing, and all qualified personnel must be able to produce their Certificate of Fitness upon demand.

Section 23.7 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 23.8 Penalties

Any person or business entity other than a corporation, violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000.00) or, by imprisonment for not more than one (1) year, or both, for each and every violation. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($ 5,000.00) for each and every violation. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate violation.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

ARTICLE XXIV
Design Drawing Requirements

Section 24.0 Scope

This Article pertains to all new or existing construction with specific regard to Sprinkler Systems, Standpipe & Hose Systems, Fire Alarm Systems, Fire Detection Systems, Hood and Duct Systems, Automatic Extinguishing Systems, Alternative Automatic Fire-extinguishing System, Fire Extinguishing & Suppression Systems, Flammable & Combustible Liquids, Liquefied Petroleum Gas, Pyrotechnic and any other fire protection system or area of fire prevention and safety where design drawings are required. The interior of Group R Occupancies (detached one and two family dwellings and town houses) are regulated by the *Residential Code of New York State*

Section 24.1 Adoption of Generally Accepted Standards

24.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 170 Standard for Fire Safety & Emergency Symbols

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

24.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

24.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 24.2 Definitions – Reserved.

Section 24.3 General Design Drawing Submission Requirements

24.3.1 Design drawings, a completed Fire Marshal application form and the appropriate fee set forth in Article XXII of this Ordinance for all construction of all systems specified in Section 24.0 of this Ordinance shall be submitted

to the Fire Marshal. Where applicable, a Copy of the Building Permit for the construction project issued by a Town, City or Village Building Department shall be included in the submission.

24.3.2 Only those symbols contained in NFPA 170 may be used in the preparation of design drawings.

24.3.3 Revised Design drawings, Transmittal Form and the appropriate fee set forth in Article XXII of this Ordinance, shall be included with any design drawings resubmitted to the Fire Marshal. If design drawings have been revised, the revision number, date and revision description shall be noted on the design drawings. Any changes to any system shall require submission of revised design drawings. No hand drawn modifications to design drawings will be accepted.

24.3.4 A minimum of three (3) complete sets of manufacturer's specifications, technical and installation sheets for all components of proposed systems shall be included in a design drawing submission. Photo copies will be accepted. Component parts indicated for installation shall have been approved by a nationally recognized testing laboratory for their intended use. One (1) copy of the design drawings, specification sheets, and manufacturer cut sheets submitted shall be retained on file by the Fire Marshal. A second copy will be stamped and returned as "Fire Marshal's Copy". This copy shall remain on the job site throughout the installation and until such time as the system is tested and approved by the Fire Marshal. The third copy is to be retained by the contractor.

24.3.5 A minimum of three (3) sets of the design drawings shall be submitted for review. A maximum of four (4) sets of the design drawings will be stamped without an additional fee. An additional fee is set forth in Article XXII of this Ordinance for any other additional design drawings to be stamped.

24.3.6 All submitted design drawings shall include the following:

1. Title Block with a plot plan showing locations of buildings and property lines.

2. Location name, full street address and phone number.

3. Licensed installing contractor name, full street address, license number, phone number, email address, and fax number.

4. Property and/or building owner, full street address with nearest intersection, and phone number.

5. Section, block and lot.

6. All design drawings for installations shall be stamped by a New York State Licensed Professional Engineer or New York State Registered Architect as required by the New York State Department of Education Law, Section 7209. A stamped and signed letter from the engineer or architect on their professional letterhead shall accompany design drawings attesting to his/her stamp/signature on design drawings. All stamps shall be legible and readable. All signatures shall be original; facsimile or copied signatures shall not be accepted. There shall be no requirement for the stamp and signature of a Professional Engineer or Registered Architect, on grease hood and duct exhaust system design drawings, kitchen automatic extinguishing system design drawings or liquefied petroleum gas design drawings under 500 gallon water capacity.

7. Standard drawing sizes of, a minimum of sixteen (16) inches by twenty (20) inches for grease hood and duct system, automatic extinguishing system or liquefied petroleum gas design drawings, eighteen (18) inches by twenty-four (24) inches, or twenty-four (24) inches by thirty-six (36) inches, to a maximum of thirty-six (36) inches by fifty-four (54) inches.

8. A floor plan drawn to a measureable scale including all pertinent dimensions, locations of firewalls and partitions, ceiling construction, point of compass and fire safety equipment location.

9. Full height and cross section, noting component locations, ceiling levels and composition, drawn to scale.

10. Grease hood and duct design drawings, automatic extinguishing system design drawings and liquefied petroleum gas design drawings, shall have a forty (40) square inch area for approval stamps. All other design drawings shall have an area of at least eighty (80) square inches available for approval stamps. This area shall be a clearly defined quadrangle with no side less than six (6) inches in length.

11. Compass point relative to building layout.

12. Name, address, telephone number, and where applicable, NICET level III certification (or approved equivalent) identification, of the person drawing the design drawings,

13. A site plot plan. This plan shall show whether occupancy is a “stand-alone” building or is part of a larger structure. For multiple story buildings show the relationship of the occupancy on the floor involved as well as connection to existing building systems.

14. Location and construction of any fire walls, fire separation walls or party walls used to designate building boundaries. Fire wall fire-resistance ratings shall be in accordance with the *Building Code of New York State*. Information shall include the UL listing number for the wall assembly. This information shall be in the form of a signed and stamped letter from the Registered Architect for the project and shall be shown on floor plans and site plot plan.

15. A legend explaining the symbols utilized for identifying devices in accordance with NFPA 170. This legend shall be on all pages of design drawings including riser diagram. Legend shall include symbol, quantity, description, manufacturer and model number. Equipment counts shall be per page, with total count on riser sheet.

24.3.7 Design drawings shall be drawn to an established scale. Care shall be taken to assure that design drawings are reproduced on a 1:1 scale so as to avoid any distortions or variations. No design drawings will be accepted with a scale less than 1/8”=1’0” unless prior, written approval is obtained from the Fire Marshal.

24.3.8 If design drawings have been revised, the revision number, date and revision description shall be noted on the design drawings. Any changes to any system shall require submission of revised design drawings. No hand drawn additions and/or deletions to design drawings will be accepted.

24.3.9 Design drawings shall be on equal sized sheets of unlined paper. Design drawings consisting of multiple sheets shall be collated and stapled together as a set.

24.3.10 All spaces located on design drawings shall be labeled as to their use.

24.3.11 If the proposed work is not approved by the Fire Marshal within twelve (12) months of the design drawing approval, the approval is revoked. New design drawings with fees shall be submitted.

24.3.12 Design drawings will NOT be reviewed immediately upon receipt and shall be reviewed in the order that they are received. Any request to discuss design drawings shall be made in advance with the Fire Marshal responsible for reviewing the design drawings.

24.3.13 No system shall be placed into service until a complete system test is performed in the presence of, and approved by the Fire Marshal.

24.3.14 If component parts from different manufacturers are to be mixed in any system, then a manufacturer's statement of compatibility of said parts shall be included in the submission.

24.3.15 Design drawings submitted for review shall show exclusively the type of installation proposed. Where a proposed system installation is part of a proposed larger construction project, a separate design drawing shall be generated for each proposed system installation and shall not be extracted from other design drawings indicating partial information. (i.e.: architectural, plumbing or electrical drawings.)

24.3.16 New and revised design drawings shall only be hand delivered to the Fire Marshal.

Section 24.4 Flammable & Combustible Liquids Design drawing Submission Requirements

24.4.1 Design drawings for Flammable & Combustible Liquids shall include all items indicated in Section 24.3 of this Ordinance in addition to the items noted below:

24.4.2 Requirements of a Design drawing. The installation of a new tank, or replacement tank installation and/or new or replacement piping associated with storing flammable or combustible liquids is prohibited unless the Fire Marshal has approved installation or replacement design drawings. The owner or operator shall pay the design drawing review fee set forth in Article XXII of this Ordinance.

24.4.3 Automatic Fire Extinguishing Systems. Three (3) copies of design drawings and cut sheets summited by New York State licensed engineer or Fire Marshal licensed AES installer for motor fuel dispensing.

Design drawings must comply with NFPA 17, UL 1254 and manufactures specifications.

24.4.4 The owner or operator shall submit design drawings to the Fire Marshal for review if the design drawings are for the proposed installation, new construction, or modification of existing facilities and one or more of the following criteria is met:

1. An automatic fire suppression system is required, or an existing system is modified.

2. Flammable and/or combustible liquids are stored, handled, dispensed, mixed, transferred or packaged.

3. A full service vehicular refueling station is converted to a self-service facility.

4. Emergency generators using a flammable or combustible liquid as a fuel are installed.

24.4.5 Design drawing content shall include all of the following:

1. The exact street address, and topographical contour of the property;

2. Details of the secondary containment system;

3. The location, type, size, and capacity of all existing tanks and the material stored therein;

4. The location, type, size, and capacity of all proposed tanks and the material proposed to be stored therein;

5. The location, material, and size of all existing or proposed dikes, when required;

6. The location, size, and use of existing buildings on the property involved;

7. The location, size and use of proposed buildings;

8. The location of existing or proposed loading racks, and/or dispensing islands, and storage areas;

9. The description and location of fire extinguishers and/or fire extinguisher being installed and

10. Depth from grade to ground water

Section 24.5 Application of Flammable Finishes Design drawing Submission Requirements

Design drawings for the Application of Flammable Finishes shall include all items indicated in Section 24.3 of this Ordinance, in addition to the items noted below:

Design drawings shall include a statement from a licensed professional engineer or registered architect, certifying that the proposed construction will conform to the regulations of the building department of the municipality wherein the plant is to be located and must comply with NFPA 33.

Section 24.6 Liquefied Petroleum Gas Design drawing Submission Requirements

24.6.1 Design drawings for Liquefied petroleum Gas shall include all items indicated in Section 24.3 of this Ordinance, in addition to the items noted below

24.6.2 Design drawings for all new fixed liquefied petroleum gas installations of one hundred (100) gallon water capacity or greater must be submitted to the Fire Marshal for approval prior to installation.

24.6.3 The design drawing shall include the proposed location of containers, vaporizers, and equipment with the capacities and descriptions thereof.

24.6.4 All underground flammable liquefied petroleum gas tanks and piping are to remain uncovered until the installation is approved by the Fire Marshal.

Design drawings for all new fixed liquefied petroleum gas installations must be submitted to the Fire Marshal for approval prior to installation. Design drawings for new fixed liquefied petroleum gas installations of five hundred (500) gallon water capacity or above shall bear the seal and signature of a Registered Architect or Professional Engineer licensed in the state of New York. The design drawing shall be: A plot plan showing locations of buildings, and property lines, and all pertinent dimensions, and including the proposed location of containers, vaporizers, and equipment with the capacities and descriptions thereof, submitted in triplicate. Acceptance of design drawings for installation does not relieve the applicant from meeting requirements of any other law or ordinances of any other authority having jurisdiction. All underground flammable liquefied petroleum gas tanks and piping are to remain uncovered until the installation is approved by the Fire Marshal.

Section 24.7 Fire Alarm System Design drawing Submission Requirements

24.7.1 Design drawings for fire alarm system and manual fire alarm system shall include all items indicated in Section 24.3 of this Ordinance, in addition to the items noted below.

24.7.2 All fire alarm system installations shall conform to this Ordinance, NFPA 70, NFPA 72 and any and all other codes, laws, rules, regulations or ordinances whether or not specified herein. All systems installed in the County shall provide for total coverage of the premises as defined in NFPA 72.

24.7.3 Design drawings shall be submitted by a company licensed by the State of New York, as per, *GENERAL BUSINESS LAW ARTICLE 6D*

24.7.4 Additional information needed on design drawings:

1. New York State license number, contact person and telephone number.

2. Main entrance of location. (labeled as such)

3. Wire specifications used for installation.

4. Sprinkler system water flow and tamper switches, any automatic extinguishing systems and multiple system interconnections shall be zoned separately in conventional zoned systems.

5. Remote indicating lights for all detectors installed in concealed spaces. Lights shall be mounted on the ceiling directly below the detector or in an area approved by the Fire Marshal.

6. An interior cross-sectional elevation diagram of building showing ceiling heights and spaces above suspended ceilings, ceiling & roof construction, fire wall, fire separation wall or party wall locations, etc. Indicate all conditions which would impact detector spacing and location. Refer to NFPA 72 for criteria.

7. Where applicable, a Copy of the Building Permit for the construction project issued by the Town, City or Village Building Department shall be included in the submission.

8. Where details are required to be shown, they shall be shown as a drawing detail and not as a note indicating compliance. Riser diagrams shall be shown on a separate sheet.

9. A “Sequence of Operations” for all equipment functions shall be included.

10. Provide, on a separate sheet, battery calculations showing twenty-four (24) hour stand-by, five (5) minute alarm time and twenty (20) percent deterioration factor. Show minimum requirements and size, manufacturer, model of batteries to be installed to meet or exceed these requirements.

11. Clean, detailed floor design drawings showing fire alarm system only will be accepted. Electrical, sprinkler, power plan, reflected ceiling plans, etc., showing fire alarm systems are not acceptable. All areas (rooms) shall be labeled as to their use. All doors shall be shown.

12. Location of any automatic extinguishing systems shall be shown on design drawings and riser diagrams. All systems of this type must be tied into the fire alarm system and zoned separately in conventional zoned systems.

13. Fire alarm control panel or remote annunciator shall be installed at the main entrance and be visible and readable from outside the building. Main entrance location shall be clearly identified.

14. If alarm is to be transmitted to a location remote from the protected premises, list where said alarm and trouble signals shall be received. If remote location is a Remote Supervising Station, provide all information of Remote Supervising Station including UL approval.

15. Indicate type and location of alarm transmitting equipment. All transmitting equipment shall have two (2) NFPA 72 approved routes of transmission available and be UL listed for commercial fire applications.

16. Complete and immediate fan shutdown is required upon activation of any part of the installed system. Restart of fans shall be independent of fire alarm reset.

17. All non-coded fire alarm systems installed shall ring a Temporal-3 alarm signal pattern, with an exception to voice evacuation systems.

18. Visual alerting devices shall only be reset by “System Reset” and not by any “Silence” function.

19. Where multiple panels are interconnected within a building, the transmission of a fire alarm signal to Remote Supervising Station shall ONLY occur when the alarm is initiated from within the protected premises and NOT from any outside source.

24.7.5 Any submission that does not comply with Section 24.3 and 24.7 of this Ordinance, will be rejected.

Section 24.8 Fire Sprinkler System Design drawing Submission Requirements

24.8.1 Design drawings for Sprinkler Systems shall include all items indicated in Section 24.3 of this Ordinance, in addition to the items noted below.

24.8.2 Any alteration of an existing system involving the relocation, lowering, or raising of fewer than twenty-six existing sprinkler heads shall not require design drawings to be filed, but shall instead require a Sprinkler Head

Relocation Test Permit issued by the Fire Marshal in accordance with Article XX of this Ordinance.

24.8.3 Additional information needed on design drawings:

1. Occupancy of each area or room
2. Location and size of blind spaces and closets
3. Any questionable small spaces in which no sprinklers are to be installed
4. Size of main in street, pressure and whether dead-end or circulating and if dead-end, direction and distance to nearest circulating main, main test results
5. Other sources of water supply, with pressure or elevation
6. Make, type, orifice size of sprinkler, and SYN.
7. Temperature rating and location of high temperature sprinkler
8. Number of sprinklers on each riser and on each system by floors and total area protected by each system on each floor
9. Number of sprinklers on each riser and total per floor
10. Make, type, model and size of alarm or dry-pipe valve
11. Make, type, model and size of pre-action or deluge valve
12. Kind and location of alarm bells
13. Total number of sprinklers on each dry-pipe system or pre-action deluge system
14. Approximate capacity in gallons of each dry-pipe system
15. Cutting lengths of pipe (or center to center dimensions) (where typical branch lines prevail, it will be necessary to size only one line.)
16. Type of fittings, riser nipple and size, and all welds and bends
17. Type of hangers, inserts and sleeves
18. All control valves, checks, drain pipes and test pipes

19. Small hand hose and hose equipment

20. Underground round pipe size, length, location, weight, material, point of connection to the main; the type of valves, meters and valve pits and the depth that top of the pipe is laid below grade.

21. Provision for flushing.

22. When the equipment to be installed is an addition to an old group of sprinklers without additional feed from the yard system, enough of the old system shall be indicated on the design drawings to show the total number of sprinklers to be supplied and to make all conditions clear.

23. Licensed contractor name, address, license number, contact person and telephone number and fax number.

24. Main entrance location. (labeled as such)

25. An interior cross-sectional elevation diagram of building showing ceiling heights and spaces above suspended ceilings, ceiling & roof construction, fire wall, fire separation wall or party wall locations, etc. Indicate all conditions which would impact sprinkler spacing and location. Refer to NFPA 13, for criteria.

26. Water flow test date shall be a maximum of one (1) calendar year prior to design drawing submission. Information shall include date and time of test, name of the party that conducted test, location of hydrants where flow was taken and where static and residual pressure readings were recorded, the size and configurations of mains supplying the hydrants. Report shall be generated by testing firm and submitted with design drawings.

27. Clean, detailed floor design drawings showing sprinkler system only will be accepted. Electrical, fire alarm, power plan, reflected ceiling plans, etc., showing sprinkler systems are not acceptable. All areas (rooms) shall be labeled as to their use. All doors shall be shown.

28. Where details are required to be shown, they shall be shown as a drawing detail and not as a note indicating compliance.

29. If system utilizes an electric water flow bell, a letter from the fire alarm contractor shall be included with the sprinkler design drawing submittal stating acknowledgement of said device.

24.8.4 Any submission that does not comply with Section 24.3 and 24.8 of this Ordinance, will be rejected.

Section 24.9 Standpipe and Hose System Design drawing Submission Requirements

24.9.1 Design drawings for Standpipe and Hose Systems shall include all items indicated in Section 24.3 of this Ordinance in addition to the items noted below.

24.9.2 Design drawings showing the location, sizes and connections of the fixed portion of the Standpipe System submitted. The design drawings shall include the details necessary to indicate clearly all of the equipment and its arrangement. The design drawings shall be accompanied by specifications covering the character of the material and features relating to the installation in detail.

24.9.3 In combined systems when the building has complete sprinkler system protection, and risers are sized by hydraulic calculations, a complete set of all calculations shall be submitted.

Section 24.10 Grease Hood & Duct System Design drawing Submission Requirements

24.10.1 Design drawings shall include all items indicated in Section 24.3 of this Ordinance, in addition to the items noted below:

24.10.2 A front view and a cross section of the Grease Hood and Duct System showing the interior design of the hood, including make-up air plenums, exhaust filters, duct travel and cooking appliances. The grease duct travel in its entirety should be shown all connected.

24.10.3 A floor plan showing the location of the hood and cooking appliances in the kitchen in the building. The duct travel in its entirety should be shown all connected.

24.10.4 A roof plan shall be submitted noting location details of all exhausts and air intakes, parapets, skylights, adjacent buildings, property lines and the exhaust fan termination points relative to such details.

24.10.5 Design drawing submissions for Ventless Hood Systems shall meet the following additional requirements:

1. The proposed equipment shall be in a fixed location and shall not be mobile.

2. Manufacturer's specification sheets shall be submitted for review.

3. Maximum cooking surface dimensions; width of thirty six (36) inches and depth of twenty four (24) inches.

4. A twenty four (24) inch draft curtain/smoke barrier shall be installed to separate the cooking area from the dining/seating areas

Section 24.11 Automatic Fire Extinguishing System Design drawing Submission Requirements

24.11.1 Design drawings shall include all items indicated in Section 24.3 of this Ordinance, in addition to the items noted below:

1. A front view and cross section showing the cooking equipment type and fuel, hood with full exhaust to the fan, piping from the cylinder to the nozzles, nozzle positions and other components.

2. A floor plan of the entire kitchen noting the Automatic Extinguishing System, gas valve shutoff, tables, exits, portable fire extinguishers, remote pull stations and other components.

3. Full cylinder and piping network all connected, noting changes in pipe sizes and total pipe volume.

4. Gas valve shutoff manufacturer, type, size, location and accessibility.

5. Detection line.

24.11.2 Design drawing submissions for automatic fire extinguishing systems for Ventless Hood Systems shall meet the following additional requirement:

1. The automatic fire extinguishing system shall have the remote pull station located a minimum of ten (10) feet from the ventless cooking equipment and not more than twenty (20) feet from the cooking equipment and be located in the direction of egress.

Section 24.12 Alternative Automatic Fire-extinguishing System Design drawing Submission Requirements

24.12.1 Design drawings for Alternative Automatic Fire-extinguishing System shall include all items indicated in Section 24.3 of this Ordinance, system design requirements in NFPA 2001 and the additional items noted below:

A complete floor plan of each hazard area [rooms] showing all protected equipment, cable trays, beams, partitions, air registers, HVAC units, dampers, purge systems, venting, SCBA and signage in and around the enclosure; cylinder placements, nozzle and piping locations; releasing panels, detectors, horn strobes, remote pull stations and any other pertinent equipment.

1. Description of hazards and occupancies being protected, denote if the enclosure is normally occupied or not.

2. A cross section of the protected equipment, above and below ceilings, below raised floors, all changes in elevation, cable trays, conduits, HVAC equipment, ducts, ceiling type, nozzles and detectors and other pertinent equipment.

3. Agent being used.

4. An equipment schedule showing the manufacturer name, description, part numbers and quantities of all components including the specific design and installation manual and year printed. Such part numbers shall be reference-able between the components and the specification sheets.

5. A full set of flow calculations for engineered and pre-engineered systems noting cylinder size and content, pipe sizes, schedule, lengths, tee orientations, pipe diameter distances and reductions, all fitting sizes and class, all nozzle sizes with orifice codes, running flow and pressures from the cylinders to the last nozzles, with the location and installers d/b/a name and address.

6. Estimates of the maximum positive and the maximum negative pressure, relative to ambient pressure, expected to be developed upon the discharge of agent.

7. A full set of piping isometrics on each system with node references to the flow calculations.

8. A complete Sequence of Operation specifically noting the Operations of Alarm, Pre Discharge and Discharge and the functions that take place during that sequence.

9. A complete set of battery calculations noting all amperage referenced amperage back to the submitted cut sheets including totals in standby and alarm along with a twenty percent (20%) deterioration factor and the battery sizes.

10. A complete electrical riser showing all components and in bold letters ALL WIRING INSTALLED IN CONDUIT.

11. When components are NOT of the same manufacturer as the control panel, a UL Compatibility sheet shall be supplied or equivalent document from an approved testing agency noting compatibility.

Section 24.13 Pyrotechnics Design drawing Submission Requirements

24.13.1 Design drawings shall specify the proposed layout of the display and shall include, but not be limited to, the location of all pyrotechnic devices to be used for a production, the control panel, the storage area and the proximity of the display to the audience, the ceiling height of the occupancy, the location of fire extinguishing equipment, the number of pyrotechnic devices and type of pyrotechnics to be used, and whether the source of ignition will be electrically controlled or open flame.

24.13.2 Any deviation from such design drawings in a performance shall require the permission in writing of the Fire Marshal and the Nassau County Police Department Arson/Bomb Squad and may require the submission of new design drawings for approval. The original "Fire Marshal's Copy" of such approved design drawings shall be on site.

Section 24.14 Special Systems Design drawing Submission Requirements

Design drawings for Special Systems not mentioned anywhere else herein shall include all items indicated in Section 24.3 of this Ordinance and the design drawing requirements prescribed in NFPA, where applicable.

Section 24.15 Site Design drawing Submission Requirements

Site design drawings shall include all items indicated in Section 24.3 of this Ordinance.

Section 24.16 Approvals

24.16.1 Acceptance of design drawings for construction does not relieve the applicant from meeting requirements of any other law or ordinances of any other authority having jurisdiction.

24.16.2 No construction of the type for which the design drawings were submitted (fire prevention or fire safety) shall be started until those design drawings are approved by the Fire Marshal.

24.16.3 The Fire Marshal shall be notified in writing when the construction is started and completed.

Section 24.17 Application

24.17.2 Once revised design drawings for installation, construction or renovation of facilities or equipment, shall be considered part of the original submission, but will not alter or extend the time period given to commence the approved proposed scope of work.

24.17.3 Design drawings revised more than once are subject to the fees set forth in Article XXII of this Ordinance

24.17.4 Accelerated Design drawing Review. Upon request and subject to the availability of personnel, the Fire Marshal may review design drawings on an accelerated basis. Such accelerated design drawing review shall be completed within ten (10) working days from the date such design drawings are received by the Fire Marshal.

24.17.4.1 No design drawings will be reviewed on an accelerated basis until all fees have been paid.

Section 24.18 Reserved

Section 24.19 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 24.20 Penalties

Any person or business entity other than a corporation, violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000.00) or, by imprisonment for not more than one (1) year, or both, for each and every violation. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000.00) for each and every violation. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to

continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate violation.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

Article XXV
MOTION PICTURE, FILM AND TELEVISION PRODUCTION

Section 25.0 Scope

This Article pertains to fire protection, property protection, and life safety in motion picture and television industry soundstages, approved production facilities, and production locations.

Section 25.1 Adoption of Generally Accepted Standards

25.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 10	Portable Fire Extinguishers
NFPA 13	Standards for the Installation of Sprinkler Systems
NFPA 30	Flammable & Combustible Liquids Code
NFPA 58	Liquefied Petroleum Gas Code
NFPA 70	National Electrical Code®
NFPA 101	Life Safety Code
NFPA 140	Motion Picture and Television Production Studio Soundstages, Approved Production Facilities and Production Locations
NFPA 160	Standard for Flame Effects before an Audience
NFPA 1123	Code for Fireworks Display
NFPA 1126	Standard for the Use of Pyrotechnics before a Proximate Audience

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

25.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire*

Prevention and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

25.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

25.1.4 Compliance with other Laws, Ordinances or Standards Except as Otherwise Provided.

Except as otherwise prescribed in this Article, compliance with the New York State Penal Law, New York State Labor Law, *Fire Code of New York State* NFPA 1123, NFPA 1126, NFPA 101, NFPA 10, and NFPA 160, shall constitute compliance with this Article. In the event that such ordinance and other laws or standards contain differing requirements, the regulations that are more restrictive shall apply.

Section 25.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

APPROVED PRODUCTION FACILITY – An existing building, portion of a building, or group of buildings renovated, modified, or reconstructed for use by the entertainment industry and approved by the Fire Marshal for the purposes of motion picture, television, or commercial production.

MOTION PICTURE PRODUCTION STUDIO – A building, a portion of a building, or a group of buildings designed and constructed for use by the entertainment industry for the purpose of motion picture, television, or commercial productions, or broadcasting television programs utilizing a soundstage.

PLATFORM – The raised area within a building used for the presentation of music, plays, or other entertainment.

PRODUCTION LOCATION – Any site other than a soundstage or approved production facility used for the purpose of motion picture, television, or commercial production.

PRODUCTION STUDIO – A building, a portion of a building, or a group of buildings designed and constructed for use by the entertainment industry for

the purpose of motion picture, television, or commercial productions, or broadcasting television programs utilizing a soundstage.

PYROTECHNICS – The use of fireworks for display or effect.

SET – A structure built or assembled for the purpose of motion picture, television, or commercial productions.

SOUNDSTAGE – A building or a portion of a building, usually insulated from outside noise and natural light, used by the entertainment industry for the purpose of motion picture, television, or commercial productions.

TV PRODUCTION STUDIO – A building, a portion of a building, or a group of buildings designed and constructed for use by the entertainment industry for the purpose of motion picture, television, or commercial productions, or broadcasting television programs utilizing a soundstage.

Section 25.3 Soundstages and Approved Production Facilities

This section shall apply to new and existing motion picture and television soundstages and approved production facilities.

25.3.1 Permits and/or Certificates of Fitness required

A permit and/or Certificate of Fitness shall be obtained for any of the following activities:

1. Use of pyrotechnic special effects (Article XXV & XXVI)
2. Use of open flames (Article XXV & XXVI)
3. Welding and/or cutting (Article IX)
4. Use of flammable or combustible liquids or gases (Article VI & VII)
5. Presence of motor vehicles within a building (Article XXV)

25.3.2 Pyrotechnic Special Effects and Open Flames

25.3.2.1 The use of pyrotechnic special effects and open flames shall be subject to the approval of the Fire Marshal.

25.3.2.2 Pyrotechnics will be subject to NFPA 1126 when an audience is present.

25.3.2.3 Flame use will be subject to NFPA 160 when an audience is present.

25.3.3 Standby Fire Personnel

25.3.3.1 Where required by the Fire Marshal, standby Fire Marshal personnel shall be provided for soundstages and approved production facilities where pyrotechnic special effects are used. Fees for standby Fire Marshal personnel can be found in Section 22.25 of this Ordinance.

25.3.3.2 Where required by the Fire Marshal, standby fire personnel, as approved by the Fire Marshal, shall be provided for soundstages and approved production facilities where pyrotechnic special effects are used.

25.3.3.2 Other Hazards

Standby fire personnel, as approved by the Fire Marshal, shall be provided for hazardous operations, other than pyrotechnic special effects, as required by the Fire Marshal on a case-by-case basis.

25.3.4 Decorative Materials

25.3.4.1 Foamed plastic materials used for decorative purposes, scenery, sets, or props shall have a maximum heat release rate of 100 kW where tested in accordance with UL 1975, *Standard for Fire Tests for Foamed Plastics Used for Decorative Purposes.*

25.3.4.2 Combustible drapes, drops, and any other similar combustible hanging or vertically placed material shall be maintained in a flame-retardant condition.

25.3.4.3 Vegetation shall be treated with an approved or listed fire retardant, and the process shall be repeated as often as necessary to maintain its effectiveness.

25.3.5 Smoking

25.3.5.1 Smoking shall be prohibited on soundstages and in approved production facilities unless otherwise provided in Section 25.3.5.2 or 25.3.5.3 of this Ordinance.

25.3.5.2 Smoking shall be permitted when it is a necessary part of a performance, and only when the smoker is a member of the cast.

25.3.5.3 Except where prohibited by the Nassau County Department of Health or any local law or ordinance, smoking is permitted where all of the following conditions are met:

1. The smoking area is outdoors.
2. Hazardous materials are not present.
3. Approved ash trays or receivers are provided.

25.3.6 Electrical Requirements

25.3.7.1 Electrical equipment shall be in accordance with NFPA 70.

25.3.7.2 The electrical distribution equipment used shall comply with UL 1640, *Standard for Portable Power-Distribution Equipment*, and the provisions of Article 530 of NFPA 70.

25.3.7.3 The location of portable, mobile, or stationary power-generating equipment shall be subject to the approval of the Fire Marshal.

25.3.7.4 Exterior penetrations shall be located near the pre-designated location for portable and mobile power-generating equipment.

25.3.7.5 Auxiliary power cables supplied from mobile generators or adjacent buildings shall not be routed through fire-rated windows and doors.

25.3.7.6 Portable feeder cables shall be permitted to temporarily penetrate fire-rated walls, floors, or ceilings provided that all of the following apply:

1. The opening is of noncombustible material.
2. When in use, the penetration is sealed with a temporary seal of a listed fire stop material.
3. When not in use, the opening shall be capped with a material of equivalent fire rating.

25.3.7.7 Where the penetration utilizes a conduit, metal-threaded caps shall be attached to the pipe by means of chain or cable and shall effectively cap the conduit when not in use.

25.3.7.8 The lighting equipment used shall comply with UL 1573, *Standard for Stage and Studio Luminaires and Connector Strips*, and the provisions of Article 530 of NFPA 70.

25.3.8 Fire Department Access

Fire department access shall be maintained as required by the Fire Marshal.

25.3.9 Means of Egress

25.3.9.1 Means of egress shall be in accordance with NFPA *101*, unless otherwise modified by Section 25.3.9.2 through 25.3.9.6 of this Ordinance.

25.3.9.2 The maximum travel distance to an exit within a soundstage shall be 150 feet (45 meter).

25.3.9.3 Soundstages and approved production facilities shall have an aisle along the perimeter of the soundstage or facility as approved by the Fire Marshal unless otherwise provided in Section 25.3.9.3.2.

25.3.9.3.1 A clear unobstructed aisle height of 7 feet (2.1 meter) shall be maintained.

25.3.9.3.2 A soundstage or approved production facility with a gross area not exceeding 1500 square feet (139 square meter) shall be exempt from the perimeter aisle requirement of 25.3.9.3 provided there is a minimum of two means of egress.

25.3.9.4 Emergency lighting shall be provided for the means of egress in accordance with NFPA *101*.

25.3.9.5 Any door in a required means of egress from an area having an occupant load of 100 or more persons equipped with a latch or lock must also be equipped with panic hardware or fire exit hardware.

25.3.9.6 Means of egress shall be kept clear of obstructions and tripping hazards.

25.3.10 Fire Protection

25.3.10.1 Extinguishment Requirements

25.3.10.1.1 Existing soundstages and existing approved production facilities equipped with automatic sprinkler systems shall maintain those systems in accordance Article XXIX of this Ordinance.

25.3.10.1.2 A new soundstage or new approved production facility shall be equipped with an approved, supervised automatic sprinkler system.

25.3.10.1.3 The automatic sprinkler system required by Section 25.3.10.1.2 shall be installed in accordance with Article XXVIII of this Ordinance, unless otherwise provided in Section 25.3.10.1.3.1 or 25.3.10.1.3.2.

25.3.10.1.3.1 The requirements of NFPA 13 prohibiting obstructions to sprinkler discharge shall not be applicable if approved mitigation is employed

25.3.10.1.3.2 The requirements of NFPA 13 prohibiting obstructions to sprinkler discharge shall not be applicable if the building sprinkler system meets the design criteria for Extra Hazard, Group 2.

25.3.10.1.4 The automatic sprinkler system required by Section 25.3.10.1.2 shall be maintained in accordance with Article XXIX.

25.3.10.1.5 Portable fire extinguishers shall be installed and maintained in accordance with NFPA 10.

25.3.10.2 Fire Alarm System

A Fire alarm system within soundstages and approved production facilities shall be permitted to be deactivated during videotaping, filming, or broadcasting of programs provided the Fire Marshal is notified and an approved fire watch is implemented.

25.3.10.2.1 A visual signal, located at the Fire Alarm panel and all building entrances, shall read," When illuminated, Soundstage Fire alarm system notification devices are Deactivated."

Section 25.4 Production Locations

25.4.1 Inspections, Permits and Certificates of Fitness

25.4.1.1 The Fire Marshal may inspect any production location for any potential hazard to life and property

25.4.1.2 A permit and/or Certificate of Fitness shall be obtained for any of the following activities:

1. Use of pyrotechnic special effects
2. Use of open flames
3 Welding and/or cutting
4 Use of flammable or combustible liquids or gases

25.4.2 Pyrotechnic Special Effects and Open Flames.

25.4.2.1 The use of pyrotechnic special effects and open flames shall be subject to the approval of the Fire Marshal.

25.4.2.2 Pyrotechnics will be subject to NFPA 1126 when an audience is present.

25.4.2.3 Flame use will be subject to NFPA 160 when an audience is present.

25.4.3 Standby Fire Personnel

25.4.3.1 Pyrotechnics

25.4.3.1.1 Where required by the Fire Marshal, standby Fire Marshal personnel shall be provided for production locations where pyrotechnic special effects are used. Fees for standby Fire Marshal personnel can be found in Section 22.25 of this Ordinance.

25.4.3.1.2 Where required by the Fire Marshal, standby fire personnel, as approved by the Fire Marshal shall be provided for production locations where pyrotechnic special effects are used, unless otherwise waived by the Fire Marshal.

25.4.3.2 Other Hazards

25.4.3.2.1 Where required by the Fire Marshal, standby Fire Marshal personnel shall be provided for production locations where hazardous operations, other than pyrotechnic special effects, as required by the Fire Marshal on a case-by-case basis. Fees for standby

Fire Marshal personnel can be found in Section 22.25 of this Ordinance.

25.4.3.2.2 Where required by the Fire Marshal, standby fire personnel, as approved by the Fire Marshal, shall be provided for hazardous operations, other than pyrotechnic special effects, as required by the Fire Marshal on a case-by-case basis.

25.4.4 Foamed Plastic Materials

Foamed plastic materials used for decorative purposes, scenery, sets, or props shall have a maximum heat release rate of 100 kW where tested in accordance with UL 1975, *Standard for Fire Tests for Foamed Plastics Used for Decorative Purposes*.

25.4.5 Smoking

25.4.5.1 Smoking is prohibited in production location buildings unless otherwise provided in Section 25.4.5.2 or 25.4.5.3 of this Ordinance.

25.4.5.2 Smoking is permitted when it is a necessary part of a performance, and only when the smoker is a member of the cast.

25.4.5.3 Except where prohibited by the Nassau County Department of Health or any local law or ordinance, smoking shall be permitted where all of the following conditions are met:

1. The smoking area is outdoors.
2. Hazardous materials are not present.
3. Approved ash trays or receivers are provided.

25.4.6 Electrical Requirements

25.4.6.1 Electrical power connections made to the site electrical service shall be made by a licensed and approved electrician.

25.4.6.2 Portable cables shall be positioned to allow for clear emergency egress subject to approval by the Fire Marshal.

25.4.6.3 Auxiliary power cables supplied from mobile generators or adjacent buildings shall be permitted to be routed through fire-rated windows and doors subject to approval by the Fire Marshal.

25.46.4 The electrical distribution equipment used shall comply with UL 1640, *Standard for Portable Power-Distribution Equipment*, and the provisions of Article 530 of NFPA 70.

25.4.6.5 The wiring method to electrical distribution equipment shall comply with the provisions of Article 530 of NFPA 70.

25.4.6.6 The location of portable, mobile, or stationary power-generating equipment shall be subject to approval by the Fire Marshal

25.4.7 Fire Department Access

Fire department access shall be maintained as required by the Fire Marshal.

25.4.8 Means of Egress

The production location shall be provided with means of egress appropriate for the intended use as approved by the Fire Marshal.

25.4.9 Fire Protection

25.4.9.1 Building areas used as production locations shall be designed, constructed, and maintained to protect occupants not familiar with the building layout in order that they may evacuate, relocate, or defend in place.

25.4.9.2 Where an automatic sprinkler system is provided for compliance with Section 25.4.10.1, the automatic sprinkler system shall be installed in accordance with NFPA 13, unless otherwise provided in Section 25.4.10.4 or 25.4.10.5.

25.4.9.3 In any production location building protected by an existing automatic sprinkler system, where solid- or hard-ceiling sets or platforms are introduced and create an obstruction to sprinkler discharge, the provisions of Section 25.4.10.4 or 25.4.10.5 shall be met.

25.4.9.4 The requirements of NFPA 13, prohibiting obstructions to sprinkler discharge shall not be applicable if approved mitigation is employed.

25.4.9.5 The requirements of NFPA 13, prohibiting obstructions to sprinkler discharge shall not be applicable if the building sprinkler system meets the design criteria for Extra Hazard, Group 2.

25.4.9.6 Automatic sprinkler systems, where provided, shall be maintained in accordance with Article XXIX of this Ordinance.

25.4.9.7 Portable fire extinguishers shall be provided as may be required by the Fire Marshal.

Section 25.5 Operating Features

25.5.1 Waste or Refuse

Waste or refuse shall not be allowed to accumulate in any area or in any manner that creates a fire hazard.

25.5.2 Flammable or Combustible Liquids.

25.5.2.1 Use of flammable or combustible liquids shall be in accordance with Article III or Article VI of this Ordinance, unless otherwise permitted by Section 25.5.2.2

25.5.2.2 Flammable or combustible liquids and liquefied petroleum gases used for special effects shall be permitted after an inspection by, and approval of the Fire Marshal.

25.5.3 Welding

Welding shall be in accordance with Article IX of this Ordinance.

25.5.4 Audience Life Safety.

When an audience is present during productions, provisions for life safety and means of egress shall be subject to the approval of the Fire Marshal.

25.5.5 Emergency Services Notification

The production company shall provide a procedure acceptable to the Fire Marshal for notifying the Nassau County Police Department or an appropriate village police department and the appropriate fire department of emergency incidents.

25.6.1 Permits

25.6.1.1 Permits are required as provided for in Article XXVI of this Ordinance.

25.6.1.2 Posting of Permit

A permit issued pursuant to this Ordinance shall be conspicuously posted or be available for inspection at the production site. The owner or manager of such site shall be responsible for ensuring that all permits are obtained and posted or available for inspection.

Section 25.7 Failing to Comply

No person or entity shall fail to comply with any order or regulation made under this Article.

Section 25.8 Penalties

Any person or entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made hereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000) or, by imprisonment for not more than one (1) year, or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made hereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000.00) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

Article XXVI

Pyrotechnic Displays and Open Flame Devices in Assembly Occupancies

Section 26.0 Scope

This Article applies to only the indoor use of pyrotechnics and open flame effects in conjunction with theatrical, musical, sports or similar productions before a proximate audience, performers or support personnel in Assembly Group A occupancies, as defined in § 202 of chapter 2 of the *Fire Code of New York State*. This Article shall not apply to the outdoor use of pyrotechnics and fireworks.

Section 26.1 Adoption of Generally Accepted Standards

26.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 10	Portable Fire Extinguishers
NFPA 101	Life Safety Code
NFPA 160	Standard for Flame Effects before an Audience
NFPA 1123	Code for Fireworks Display
NFPA 1126	Standard for the Use of Pyrotechnics before a Proximate Audience

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

26.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

26.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

26.1.4 Compliance with other Laws, Ordinances or Standards Except as Otherwise Provided. Except as otherwise prescribed in this Article, compliance with the New York State Penal Law, Fire Code of New York State, New York State Labor Law, NFPA 1123, NFPA 1126, NFPA 101, NFPA 10, and NFPA 160, shall constitute compliance with this Article. In the event that such ordinance and other laws or standards contain differing requirements, the regulations that are more restrictive shall apply.

Section 26.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

FLAME EFFECT – Combustion of flammable solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.

PERFORMANCE – Enactment of a musical, dramatic, operatic, or other entertainment production. A performance can include encores.

PRODUCTION – Performances of a musical, dramatic, operatic or other series of shows.

PYROTECHNICS – Controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.

PYROTECHINC DEVICE – Any device containing pyrotechnic materials and capable of producing a special effect.

PYROTECHINC MATERIAL – A chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation. Such a chemical mixture consists predominantly of solids capable of producing a controlled, self-sustaining, and self-contained exothermic chemical reaction that results in heat, gas, sound, light, or a combination of these effects. The chemical reaction functions without external oxygen.

PYROTECHINC OPERATOR – An individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects. The operator is also responsible for storing, setting up, and removing pyrotechnic materials and devices after a performance.

Section 26.3 Pyrotechnic Displays

No person or entity shall be permitted to use pyrotechnics in Nassau County except as provided by this Article and in compliance with all relevant federal, state and local laws; ordinances and NFPA 1126.

26.3.1 Prohibitions

26.3.1.1 Smoking

Smoking is prohibited within 50 feet of a pyrotechnic device. “NO SMOKING PYROTECHNICS” signs in letters at least two inches high shall be conspicuously posted in vicinity of pyrotechnic material or devices.

26.3.1.2 Sources of Ignition

All sources of ignition, including, but not limited to open flames, fire-producing devices, hot surfaces, frictional heat, radiant heat, and electrical and mechanical sparks, are prohibited in the vicinity of pyrotechnics, except where such sources of ignition are required for the firing of pyrotechnics.

26.3.2.3 Liquefied Petroleum Gas

The use of liquefied petroleum gas, propane, butane, methane, etc. in connection with pyrotechnics is prohibited unless such use is specifically approved in writing by the Fire Marshal.

26.3.2.4 Fire Protection Systems Required

The use of pyrotechnics is prohibited in any building not protected throughout with an automatic fire sprinkler system installed in accordance with Article 28 of this Ordinance and a complete fire alarm and smoke and fire detection system installed in accordance with Article 17 of this Ordinance.

26.3.1.5 Minimum Ceiling Height Required

The use of pyrotechnics is prohibited in any building with a ceiling height less than twenty-five (25) feet from the display level, except that the Fire Marshal and the Nassau County Police Department Arson/Bomb Squad may waive this prohibition where there is not a substantial risk to life safety or where alternatives to maintain an equivalent level of safety are prescribed.

26.3.2 Notification

No person or entity shall be permitted to use pyrotechnics in Nassau County without first notifying the Fire Marshal and the Nassau County Police Department Arson/Bomb Squad in writing at least 30 days prior to the use of such pyrotechnics within the County and obtaining a permit pursuant to this Article.

26.3.3 Proof of Qualifications

No person or entity shall be permitted to use pyrotechnics in Nassau County without first demonstrating to the satisfaction of the Fire Marshal and the Nassau County Police Department Arson/Bomb Squad that the pyrotechnic operator is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations to be used in connection with a pyrotechnics display and that such person or entity is physically competent to perform any and all actions necessary or incidental to the use of pyrotechnics.

26.3.4 Permits

26.3.4.1 Permit required

No person or entity shall use pyrotechnics without first having obtained a permit from the Fire Marshal. Only those persons or entities possessing a valid license issued by the New York State Department of Labor to possess, handle, own, transport, display or otherwise use pyrotechnics shall be eligible to obtain a permit issued by the Fire Marshal. Such permit shall be issued solely at the discretion of the Fire Marshal upon submission of pyrotechnic design drawings, proof of qualifications, proof of insurance and a permit application in such form as prescribed by the Fire Marshal, together with a non-refundable fee set forth in Article XXII of this Ordinance. Such permit shall be valid for the duration of a production as long as the permitted use of such pyrotechnics remains the same for each performance of the production; provided, however, that any such permit shall expire no later than six months following the date of issuance by the Fire Marshal.

26.3.4.2 Posting of Permit

A permit issued pursuant to this Article shall be conspicuously posted or be available for inspection at the production site. The owner or manager of such site shall be responsible for ensuring that a permit has been obtained and is posted or available for

inspection in accordance with this section prior to the use of pyrotechnics.

26.3.5 Design drawings

26.3.5.1 Design drawing, Specifications and Approvals Required

No person or entity shall use pyrotechnics without first submitting to the Fire Marshal and the Nassau County Police Department Arson/Bomb Squad, and receiving written approval for, design drawings for the use of pyrotechnics. Such design drawings shall specify the proposed layout of the display and shall include, but not be limited to, the location of all pyrotechnic devices to be used for a production, the control panel, the storage area and the proximity of the display to the audience, the ceiling height of the occupancy, the location of fire extinguishing equipment, the number of pyrotechnic devices and type of pyrotechnics to be used, and whether the source of ignition will be electrically controlled or open flame. The submission of design drawings shall be accompanied by a non-refundable design drawing review fee set forth in Article XXII of this Ordinance. Any deviation from such design drawings in a performance shall require the permission in writing of the Fire Marshal and the Nassau County Police Department Arson/Bomb Squad and may require the submission of new design drawings for approval. The original "Fire Marshal's Copy" of such approved design drawings shall be on site.

26.3.6 Flame-proofing

All props, curtains, displays, and wall and ceiling coverings used in conjunction with pyrotechnics shall be made of flame retardant material in accordance with the *Fire Code of New York State*. A certificate of flame-proofing for any such props, curtains, displays, and wall and ceiling coverings shall be available on the premises for inspection.

26.3.7 Fire Extinguishing Equipment

Portable fire extinguishers or other fire extinguishing appliances shall be readily accessible any place pyrotechnics are stored, set up, displayed or used. In addition, a minimum of one two-and-one-half-gallon pressurized water extinguisher and one twenty-pound class BC dry chemical type fire extinguisher shall be provided on each side of the pyrotechnics display area and one twenty-pound class BC dry chemical type fire extinguisher shall be at the control panel. The permittee shall ensure that a minimum of two (2) persons who have a working knowledge of such fire extinguishers are present

while the pyrotechnics are being handled, used or removed. Such persons shall be provided with the means to communicate with each other and the pyrotechnic operator and to notify the fire department in order that fire hazards may be identified and controlled, early signs of unwanted fire detected, and alarms of fire raised when necessary.

26.3.8 Inspection of Display Site

No person or entity shall use pyrotechnics unless such pyrotechnic materials and pyrotechnic devices have first been inspected and approved by the Fire Marshal and the Nassau County Police Department Arson/Bomb Squad. There shall be a fee for such inspection set forth in Article XXII of this Ordinance. Any deviation from the pyrotechnic design drawings following a final inspection is subject to an additional inspection.

26.3.9 Proof of Insurance required

No person or entity shall be permitted to use pyrotechnics without first submitting a certificate of insurance to the Fire Marshal indicating comprehensive general liability, bodily injury, property damage, product liability, completed operations, and contractual liability coverage in the amount of not less than five million dollars ($5,000,000.00) per occurrence.

26.3.10 Liability

This Article shall not be construed to hold the County of Nassau, its officers or employees, responsible for any damages to persons or property by reason of the inspection or re-inspection authorized herein, or failure to inspect or re-inspect as herein provided, or by reason of the approval or disapproval of any equipment or design drawing authorized herein.

Section 26.4 Open Flame Effects

No person or entity shall kindle, maintain, authorize, permit or condone any open flame, flaming device or other flame effect, except as specifically permitted by the *Fire Code of New York State* and approved in writing by the Fire Marshal, and only after taking all reasonable precautions to prevent injury to occupants and the ignition of combustible materials and in compliance with the provisions of this Article.

26.4.1 Fire Extinguishing Equipment

Portable fire extinguishers or other fire extinguishing appliances shall be readily accessible where open flame effects or flaming devices are used.

Section 26.5 Failing to Comply

No person or entity shall fail to comply with any order or regulation made under this Article.

Section 26.6 Penalties

Any person or entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made hereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000) or, by imprisonment for not more than one (1) year, or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made hereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000.00) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

Article XXVII
Tests and Inspections

Section 27.0 Scope

This Article shall apply to all tests and inspections required by this Ordinance including but not limited to any test and inspection required for fire protection systems, fire detection systems, fire extinguishing systems, flammable or combustible storage tanks or piping systems, or flammable gas systems; provided, however, that this Article shall not apply to Emergency Lighting Tests.

Section 27.1 Approval and Acceptance Tests/Inspections

Any fire protection system, including but not limited to, fire sprinkler system, fire detection system, fire extinguishing system, hood and dust system, flammable or combustible storage tank or piping system or flammable gas system, shall only be placed into service following approval of such system by the Fire Marshal. Request for final approval shall either be faxed, emailed or hand delivered to the Fire Marshal within seventy-two (72) hours after the completion of the installation. The request must be signed by the installer attesting that the system has been pre-tested, and shall include the required Fire Marshal Record of Completion form.

Such approval shall be granted at the discretion of the Fire Marshal upon:

1. The submission by the installer of any such system of a Record of Completion form to the Fire Marshal indicating that the subject system has been installed in accordance with approved design drawings, manufacturer's specifications and nationally recognized standards;

and

2. The completion of a final acceptance test or inspection of the subject system. The test or inspection of any system pursuant to this Article shall be scheduled to be performed by the installer of such system and witnessed by the Fire Marshal as required by this Ordinance. There shall be a test and inspection fee charged as set forth in Article XXII of this Ordinance.

Section 27.2 Accelerated Tests/Inspections

27.2.1 Upon request and subject to the availability of personnel, the Fire Marshal may conduct a test or inspection as required by Section 27.1 of this Article on an accelerated basis. Such accelerated test or inspection shall mean for the

purposes of this section any test or inspection that requires overtime work by Fire Marshal personnel in order to expedite any test and inspection required by Section 27.1 of this Article.

27.2.2 The fee for an accelerated test or inspection as set forth in Article XXII of this Ordinance shall be payable upon application for such accelerated test or inspection, and shall be additional to an amount equal to the hourly overtime rate for each Fire Marshal employee participating in such test or inspection multiplied by a minimum of four hours labor. If such test or inspection shall take longer than four hours, there shall be an additional charge, payable following such test or inspection, equal to the hourly overtime rate for each Fire Marshal conducting such test or inspection multiplied by the number of labor hours additional to the initial four-hour period. No final approval shall be issued by the Fire Marshal pursuant to this Article unless all required fees have been paid.

27.2.3 There shall be a penalty equal to the full fee for any test or inspection required by this Article payable by any person or entity who cancels any test or inspection less than one business day in advance of the date on which such test or inspection has been scheduled to take place or any contractor who fails to appear at the scheduled time to perform such test or inspection.

Section 27.3 Penalties

Any person or entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made hereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000) or, by imprisonment for not more than one (1) year, or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made hereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000.00) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

Article XXVIII
Fire Sprinkler Systems Installation

Section 28.0 Scope

This Article pertains to the general design requirements of Fire Sprinkler Systems.

Section 28.1 Adoption of Generally Accepted Standards

28.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted for the County and incorporated by reference into this Article:

NFPA 13	Standards for the Installation of Sprinkler Systems
NFPA 14	Standard for the Installation of Standpipe and Hose Systems
NFPA 24	Standard for the Installation of Private Fire Service Mains and their Appurtenances

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

28.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

28.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 28.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

NICET – National Institute for the Certification of Engineering Technology

RME – Responsible Managing Employee that is employed by a licensed fire protection company or contractor and shall hold a Certificate of Fitness, Type 1, issued by the Fire Marshal.

SPRINKLER SYSTEM – Any wet pipe fire sprinkler systems, dry pipe fire sprinkler systems, wet pipe standpipe system, dry standpipe system, pre-action fire sprinkler systems, deluge fire sprinkler systems, water spray systems, foam-water fire sprinkler systems. fire pump and/or any combination of these systems

SPRINKLER SYSTEM RELOCATION PERMIT – The alteration, relocations or modification to an existing approved system involving the relocation, lowering, raising, or removal of fewer than twenty-six (26) sprinkler heads.

SPRINKLER SYSTEM ROUGH OUT WORK – The installation of hangers, risers and branch lines which must be performed by a contractor prior to the approval of working design drawings by the Fire Marshal because of construction constraints or deadlines including, but not limited to the need to close walls or ceilings of a structure or building under construction.

Section 28.3 Design drawings, Specifications and Approvals Required

28.3.1 Sprinkler System Design drawings and Specifications

28.3.1.1 Working design drawings shall be submitted to and approved by the Fire Marshal prior to the installation, alteration, relocation or remodeling of any sprinkler system equipment; provided, however, that any alteration of an existing system involving the relocation, lowering, or raising of fewer than twenty-six (26) existing sprinkler heads shall not require design drawings to be filed, but shall instead require a Sprinkler Head Relocation Test Permit issued by the Fire Marshal prior to the commencement of any such work. A Sprinkler Head Relocation Test Permit shall be obtainable by application as prescribed by the Fire Marshal. There shall be a design drawing review fee and a Sprinkler Head Relocation Test Permit fee set forth in Article XXII of this Ordinance. Any deviation from such approved design drawings shall require the permission of the Fire Marshal. The original Fire Marshal's Copy of such approved design drawings or a Sprinkler Head Relocation Permit shall be on site during the installation, alteration, relocation, remodeling and testing of any sprinkler system equipment. Fire Marshal's copy shall remain on site following approval of the system by the Fire Marshal.

28.3.1.2 Sprinkler system rough out work, may be commenced prior to the approval of working design drawings by the Fire Marshal, following the submission to the Fire Marshal of all required working design drawings, fees, and permit applications, including a Sprinkler System Rough Out Work Permit application, which shall be completed in the form provided by the Fire Marshal and submitted by the owner or corporate officer of the licensed fire sprinkler company undertaking the sprinkler system rough out work, along with the permit fee set forth in with Article XXII of this Ordinance.

28.3.1.3 The Fire Marshal shall be notified not less than 48 hours prior to the commencement of any Sprinkler System Rough Out Work.

28.3.1.4 The licensed sprinkler installer shall be responsible for making corrections to any rough out work that may be necessary to conform such work to subsequently approved working design drawings.

Section 28.4 Design Drawing Submittal Requirements

28.4.1 Design drawings for construction of sprinkler systems shall be provided when required by the *New York State Uniform Fire Prevention and Building Code*, when there is a change of occupancy use for a particular building and the new occupancy is required to be protected by a sprinkler; there is an addition, or Alteration Level-2 or Alteration Level-3, to an existing building or system as defined in the *New York State Uniform Fire Prevention and Building Code* or there is any sprinkler system installed, modified, altered, replaced, renovated, or remodeled (with exception of the relocation, lowering, or raising of 25 or less existing sprinkler heads).

28.4.2 It shall be unlawful for any person, firm or business entity to install, modify, alter, replace, renovate or remodel any sprinkler system without first obtaining approval of design drawings or a rough out permit. It shall be unlawful for any person, firm or business entity to install, modify, alter, replace, renovate or remodel any sprinkler system without first obtaining a Sprinkler Installers License issued by the Fire Marshal.

28.4.3 Design drawings shall only be submitted by a company licensed by the Fire Marshal and shall be accompanied by the fee set forth in Article XXII of this Ordinance.

28.4.4 Design drawings shall be submitted in accordance with Article XXIV of this Ordinance.

28.4.5 All sprinkler system installations shall conform to this Ordinance, NFPA and any and all other codes, laws, rules, regulations or ordinances whether or not specified herein. All systems installed in the County shall provide for total coverage of the premises as defined in NFPA.

28.4.6 The intended location and occupancy classification of the structure involved shall be indicated on design drawings application and the design drawings.

28.4.7 Design drawings submitted for review shall only show the proposed sprinkler system installation. Separate design drawings shall be generated for each proposed system installation and shall not be extracted from other design drawings indicating partial information. (i.e.: architectural, plumbing or electrical drawings.)

28.4.8 Beginning in 2020, employees preparing design drawings and documentation shall attain the NICET Level III certification in Water-Based Layout, or approved equivalent certification. Certification identification shall be included on all design drawings.

Section 28.5 Installation, Modification and Alteration Requirements

An RME shall be on site or shall designate in writing a representative to be on site at all times that installation, modification or alteration work is being performed.

Section 28.6 Approval of Sprinkler Systems

Before requesting final approval of a sprinkler equipment by the Fire Marshal, the installing company shall furnish a written statement to the effect that the work covered by its contract has been completed and tested in accordance with the approved specifications and design drawings, including a Record of Completion, which shall be completed in the form provided by the Fire Marshal. There shall be a final inspection fee charged for this section in accordance with the fee set forth in Article XXII of this Ordinance.

28.6.1 Acceptance Tests

28.6.1.1 All tests shall be performed in the presence of the Fire Marshal by the RME of the firm that filed the design drawings or filed the sprinkler relocation permit. A contractor's material/test certificate shall be completed and forwarded to the Fire Marshal prior to final approval being issued. Where hydrostatic testing is required, testing shall be performed by pressurizing the system from the system fire department connection.

28.6.1.2 A Rough Inspection is required for all areas of the sprinkler system subject to being concealed by interior finish materials. The Rough Inspection is a visual inspection of all components of the sprinkler and/or standpipe system, including hangers and their appurtenances, performed prior to concealment by interior finish materials.

Section 28.7 Permit Required - Sprinkler Systems.

28.7.1 All Sprinkler Systems hereinafter installed, constructed or replaced require a permit, issued by the Fire Marshal prior to commencing the installation, construction or replacement of the Sprinkler System. This permit shall expire five (5) years from date of issuance and shall be renewed.

28.7.2 Application and Fee

28.7.2.1 All persons, firms, business entities or corporations installing, constructing or replacing Sprinkler Systems in the County shall submit an application and pay a fee for the permit. The fee to be charged for this section shall be in accordance with the fee set forth in Article XXII of this Ordinance. The application and fee shall accompany the design drawings for the Sprinkler System.

28.7.2.2 The permit shall only be issued after the following:

1. The design drawings and application have been reviewed and approved by the Fire Marshal.

2. The Sprinkler System has been inspected and approved by the Fire Marshal and the sprinkler system has passed all required tests.

3. Receipt of the fee set forth in Article XXII of this Ordinance by the Fire Marshal.

Section 28.8 License Required

28.8.1 License

All persons, firms, business entities or corporations installing, constructing, modifying, altering, replacing improving, or testing any Sprinkler System as defined in this Ordinance, shall obtain a license from the Fire Marshal.

28.8.1.1 Each licensee shall be or employ at least one RME who is engaged in the installation, alteration or modification of Sprinkler

Systems. The RME shall hold a valid Certificate of Fitness in accordance with Article XX of this Ordinance, issued by the Fire Marshal.

28.8.2 Application and Fee

An application for a license pursuant to this Article shall be made on a form supplied by the Fire Marshal. The appropriate fee set forth in Article XXII of this Ordinance, shall accompany the application.

28.8.3 Expiration

All licenses issued pursuant to this Article shall expire three years from the date of issuance unless revoked or suspended by the Fire Marshal.

28.8.4 Revocation or Suspension

A license issued pursuant to this Article is subject to revocation or suspension by the Fire Marshal at any time when the license holder displays evidence of noncompliance with the provisions of this Ordinance.

28.8.5 Proof of Qualifications

Every person, firm, business entity, or corporation applying for a license shall furnish satisfactory proof to the Fire Marshal that he is familiar with materials, techniques, standards, laws, ordinances, recognized good practices safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations he will be involved with and for which the license is issued. A notarized statement attesting to knowledge of the use of materials, techniques, standards, laws and ordinances applicable shall be submitted to the Fire Marshal. The other requirements for the issuance of a license contained in Article XX of this Ordinance shall also be applicable.

28.8.6 Investigation

The Fire Marshal shall investigate every new application for a license.

28.8.7 Approval

After consideration and approval of such application by the Fire Marshal, a license shall be issued on a form provided by the Fire Marshal which shall authorize such installation, construction, replacement, or improvement of a Sprinkler Systems.

28.8.8 Renewal of License

Prior to the expiration date, a license may be renewed for another three years. Applications for renewal of a license shall be filed in the same manner as an application for an original license. The renewal application shall be filed documenting the RME(s) employed by the license holder. Each such application shall be accompanied by applicable fee set forth in Article XXII of this Ordinance.

28.8.9 Refusal of License

When the Fire Marshal determines that a person, firm, business entity or corporation has failed to meet the requirements for a license, he shall refuse to issue the license. An applicant shall not apply again for the license within a four (4) month period following the refusal.

28.8.10 Transferability

Licenses shall not be transferable

28.8.11 Continuing Review

The Fire Marshal may, at any time, require reasonable information from an applicant or a licensee, and may require the production of books and records which relate to the installation, maintenance, construction, replacement or improvement of any Sprinkler System or the qualifications for compliance with this Ordinance by the applicant or licensee.

Section 28.9 Certificate of Fitness

28.9.1 An RME of a licensed firm, who is engaged in the installing, alteration or modification of a sprinkler system, shall hold a valid Certificate of Fitness in accordance with Article XX of this Ordinance, issued by the Fire Marshal.

28.9.2 The RME shall attain the NICET Level II in Water Based System Layout, or approved equivalent certification, by 2019, NICET Level III in Water Based System Layout, or approved equivalent certification, by 2020. Written documentation of ongoing education acceptable to the Fire Marshal shall be presented upon renewal of Certificate of Fitness. Copies of NICET recertification shall satisfy this requirement.

28.9.3 An individual's initial Certificate of Fitness shall be valid for a period of one year from date of issuance. A renewed Certificate of Fitness shall be valid for a period of three years from date of issuance.

28.9.4 A Certificate of Fitness issued pursuant to this Article is subject to revocation or suspension by the Fire Marshal at any time when the holder displays evidence of noncompliance with the provisions of this Ordinance.

Section 28.10 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 28.11 Penalties

Any person or business entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars ($1,000.00) or, by imprisonment for not more than one (1) year, or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars ($5,000.00) for each and every offense. The imposition of the penalty for any violations of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

Article XXIX

Inspection, Testing and Maintenance (ITM) of Fire Sprinkler Systems

Section 29.0 Scope

This Article pertains to the General Inspection, Testing and Maintenance Requirements, and the Inspection, Testing and Maintenance License Required for Fire Sprinkler Systems.

Section 29.1 Adoption of Generally Accepted Standards

29.1.1 The following National Fire Protection Association ("NFPA") Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 25 Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

29.1.2 Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention* and *Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

29.1.3 Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

Section 29.2 Definitions

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

DEFICIENCY – A condition in which a system or a portion thereof is damaged, inoperable, or in need of service, but does not rise to the level of an impairment.

Critical Deficiency – A deficiency that, if not corrected, can have an effect on the performance of the fire protection system.

Non-Critical Deficiency – A deficiency that does not have an effect on the performance of the fire protection system, but correction is needed for the proper inspection, testing, or maintenance of the system(s).

IMPAIRMENT – A condition where a fire protection system or unit or portion thereof is out of order, and the condition can result in the fire protection system or unit not functioning in a fire event.

Emergency Impairment – A condition where a water-based fire protection system or portion thereof is out of order due to an unexpected occurrence, such as a ruptured pipe, an operated sprinkler, or an interruption of the water supply to the system.

Preplanned Impairment – A condition where a water-based fire protection system or a portion thereof is out of service due to work that has been planned in advance, such as revisions to the water supply of sprinkler system piping.

ITM – Inspection, Testing and Maintenance

NICET – National Institute for the Certification of Engineering Technology

RME – Responsible Managing Employee that is employed by a fire protection company or contractor.

SPRINKLER SYSTEM – Any wet pipe fire sprinkler systems, dry pipe fire sprinkler systems, wet pipe standpipe system, dry standpipe system, pre-action fire sprinkler systems, deluge fire sprinkler systems, water spray systems, foam-water fire sprinkler systems. fire pump and/or any combination of these systems

Section 29.3 License Required

29.3.1 All persons, firms, business entities or corporations inspecting, testing, and providing light maintenance, or maintaining any Sprinkler System as defined in this Ordinance, must hold a Type 2 ITM license issued by the Fire Marshal. A person performing ITM under the license of a firm, corporation or other business entity shall be in compliance with this Article.

29.3.2 Application and Fee

An application for a license pursuant to this Article shall be made on a form supplied by the Fire Marshal. The appropriate fee set forth in Article XXII of this Ordinance, shall accompany the application.

29.3.3 Expiration

All licenses issued pursuant to this Article shall expire three years from the date of issuance unless revoked or suspended by the Fire Marshal.

29.3.4 Revocation or Suspension

A license issued pursuant to this Article is subject to revocation or suspension by the Fire Marshal at any time when the license holder displays evidence of noncompliance with the provisions of this Ordinance.

29.3.5 Proof of Qualifications

Every person, firm, business entity, or corporation applying for a license shall furnish satisfactory proof to the Fire Marshal that he is familiar with materials, techniques, standards, laws, ordinances, recognized good practices safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations he will be involved with and for which the license is issued. A notarized statement attesting to knowledge of the use of materials, techniques, standards, laws and ordinances applicable shall be submitted to the Fire Marshal. The other requirements for the issuance of a license contained in Article XX of this Ordinance shall also be applicable.

29.3.6 Investigation

The Fire Marshal shall investigate every new application for a license.

29.3.7 Approval

After consideration and approval of such application by the Fire Marshal, a license shall be issued on a form provided by the Fire Marshal which shall authorize such the maintenance or improvement of Sprinkler Systems.

29.3.8 Renewal of License

Prior to the expiration date, a license may be renewed for another three years. Applications for renewal of a license shall be filed in the same manner as an application for an original license. The renewal application shall be filed documenting the RME(s) employed by the license holder. Each such application shall be accompanied by applicable fee set forth in Article XXII of this Ordinance.

29.3.9 Refusal of License

When the Fire Marshal determines that a person, firm, business entity or corporation has failed to meet the requirements for a license, he shall refuse to issue the license. An applicant shall not apply again for the license within a four (4) month period following the refusal.

29.3.10 Transferability

Licenses are not transferable

29.3.11 Continuing Review

The Fire Marshal may, at any time, require reasonable information from an applicant or a licensee, and may require the production of books and records which relate to the installation, maintenance, construction, replacement or improvement of any Sprinkler System or the qualifications for compliance with this Ordinance by the applicant or licensee.

Section 29.4 Certificate of Fitness

29.4.1 Each employee of a licensed firm, who is engaged in inspecting, testing, or maintenance of an automatic fire sprinkler system, shall hold a valid Type 2 Certificate of Fitness in accordance with Article XX of this Ordinance, issued by the Fire Marshal.

29.4.2 Each employee of a licensed firm, who is engaged as supervisory personnel, or field manager shall hold a valid Type 2 Certificate of Fitness in accordance with Article XX of this Ordinance, issued by the Fire Marshal.

29.4.3 Each Type 2 Certificate of Fitness holder shall attain the NICET Level II certification in Inspection and Testing of Water Based Systems or approved equivalent certification by 2019. Written documentation of ongoing education acceptable to the Fire Marshal shall be presented upon renewal of Certificate of Fitness. Copies of NICET recertification shall satisfy this requirement.

29.4.4 An individual in training and having passed the written portion of the NICET Level I or approved equivalent certification test, accompanied by and working directly with a Type 2 Certificate of Fitness holder may engage in inspecting, testing, or maintenance of sprinkler systems.

29.4.5 An individual's initial Type 2 Certificate of Fitness shall be valid for a period of one year from date of issuance. A renewal Certificate of Fitness shall be valid for a period of three years from date of issuance.

29.4.6 A Certificate of Fitness issued pursuant to this Article is subject to revocation or suspension by the Fire Marshal at any time when the holder displays evidence of noncompliance with the provisions of this Ordinance.

Section 29.5 Sprinkler System Five Year Functionality Test

29.5.1 A sprinkler system, functionality test shall be conducted by licensed contractor at least every five (5) years which maybe witnessed by the Fire Marshal. The functionality test shall have Fire Department Connection components pressurized from the Fire Department Connection. Only Type 2 ITM Licensees are authorized to conduct functionality tests of systems. The building owner or operator shall provide the Fire Marshal with a minimum of fourteen (14) days' notice prior to the test. The ITM licensee shall submit test results in writing to the Fire Marshal no later than ten (10) business days from the date of the test.

29.5.2 Functionality Test Fee Required

The owner or operator shall pay a non-refundable fee for each functionality test of the fire system prior to the test date. In the event the test is canceled less than twenty-four (24) hours before the scheduled test date and time, by any person or persons other than the Fire Marshal or the test cannot be conducted for any reason other than an "Act of God" on the scheduled date and time, the owner is required to reschedule the test and pay an additional fee set forth in Article XXII of this Ordinance.

29.5.3 Functionality Test Failure

In the event that a system fails a functionality test, the ITM licensee shall notify the Fire Marshal via telephone, email or fax immediately and in writing no later than five (5) days after the test date. If a system fails a functionality test, the owner or operator shall place a red tag on the system riser(s) and shall take action to immediately repair it. The licensed contractor repairing the system shall certify to the Fire Marshal that system functionality has been restored and that the system has been places back in service. The Fire Marshal may choose to inspect and verify that system functionality has been restored.

Section 29.6 Inspection, Test and Maintenance

29.6.1 Following a new installation, or a scheduled inspection, testing and maintenance service of a sprinkler system all portions of a service tag must be completed in detail, indicating the service was performed according to the adopted standards, and the tag must be attached to the respective riser of each system.

29.6.2 Immediately after the service person or technician completes the service, the service person or technician shall complete and attach a service tag; and if deficiencies or impairments are observed, the service person or technician shall attach the required yellow or red tag in accordance with the procedures in this subchapter.

29.6.3 A new service tag shall be attached each time an inspection, testing and maintenance service is performed.

29.6.4 A light green tag shall be affixed to a sprinkler system after it has been inspected, installed, maintained, serviced and certified, indicating all work that has been done.

29.6.5 If a sprinkler system has a condition that constitutes a deficiency, as defined in this Article, the service person or technician shall complete and attach a yellow tag to the respective riser of each system to indicate corrective action is necessary. A yellow tag shall not remain on a system for more than sixty (60) days.

29.6.5.1 Immediately after attaching a yellow tag, the service person or technician shall orally notify the building owner or the building owner's representative and the Fire Marshal of all critical deficiencies. The service person or technician shall also provide written notice to the building owner or the building owner's representative, and the Fire Marshal, of all deficiencies; and the written notice shall be, emailed, faxed or hand delivered within twenty four (24) hours of the attachment of the yellow tag.

29.6.5.2 The signature of the service person or technician certifies the condition(s) listed constitute a deficiency.

29.6.5.3 A yellow tag may only be removed by an authorized employee of a licensed contractor or the Fire Marshal after the service person or technician completes and attaches a service tag that indicates the impaired conditions were corrected.

29.6.6 If a sprinkler system has a condition that constitutes an impairment, as defined in this Article, the service person or technician shall complete and attach a red tag to the respective riser of each system to indicate corrective action is necessary.

29.6.6.1 Immediately after attaching a red tag, the service person or technician shall orally notify the building owner or the building owner's representative and the Fire Marshal of all the impairments. The service person or technician shall also provide written notice to the building owner or the building owner's representative, and the Fire Marshal, of all impairments; and the

written notice shall be, emailed, faxed or hand delivered within twenty four (24) hours of the attachment of the red tag.

29.6.6.2 The signature of the service person or technician certifies the condition(s) listed constitute an impairment.

29.6.6.3 A red tag may only be removed by an authorized employee of a licensed contractor or the Fire Marshal after the service person or technician completes and attaches a service tag that indicates the impaired conditions were corrected.

29.6.7 Written notification shall be sent to the Fire Marshal for all inspections, tests, and maintenance of sprinkler systems, private service mains and hydrants, and fire pumps. Notification shall be on inspection/testing/maintenance forms approved by the Fire Marshal. Sample forms are available through the National Fire Protection Association, the National Fire Sprinkler Association, and the American Fire Sprinkler Association.

Section 29.7 Inspection, Test and Maintenance Service tags

29.7.1 Inspection, Test and Maintenance Service tags

All Inspection, Test & Maintenance Service Tags shall be, 7 inches in height, and 3½ inches in width.

29.7.1.1 Service tags may be printed for a multiple period of years

29.7.2 Light Green inspection, test & maintenance tags shall contain the following information in the format of the sample tag:

1. **"DO NOT REMOVE BY ORDER OF THE FIRE MARSHAL"** (all capital letters, at least 10-point boldface type)
2. Licensed firm or contractors name, address, phone number and Fire Marshal license number
3. Printed name and Certificate of Fitness number of service person or contractor
4. Signature of service person or technician.
5. Day, month and year (to be punched)
6. Name and address of owner or occupant
7. Building address

8. Type of Inspection, Testing and Maintenance: monthly, quarterly, annual or five year (to be punched)

9. Static and flowing pressure of the main drain test taken at the time of the inspection, testing and maintenance service that was performed.

29.7.3 Yellow inspection, test & maintenance tags shall contain the following information in the format of the sample tag:

1. **"DO NOT REMOVE BY ORDER OF THE FIRE MARSHAL"** (all capital letters, at least 10-point boldface type)

2. **"EQUIPMENT DEFICIENCY"** (all capital letters, at least 10-point boldface type)

3. Licensed firm or contractors name, address, phone number and Fire Marshal license number

4. Printed name and Certificate of Fitness number of service person or contractor

5. Signature of service person or technician.

6. Day, month and year (to be punched)

7. Name and address of owner or occupant

8. Building address

9. List of deficiencies and classification as critical or non-critical

29.7.4 Red inspection, test & maintenance tags shall contain the following information in the format of the sample tag:

1. **"DO NOT REMOVE BY ORDER OF THE NASSAU COUNTY FIRE MARSHAL"** (all capital letters, at least 10-point boldface type)

2. **"EQUIPMENT IMPAIRED"** (all capital letters, at least 10-point boldface type)

3. Licensed firm or contractors name, address, phone number and Fire Marshal license number

4. Printed name and Certificate of Fitness number of service person or contractor

5. Signature of service person or technician.
6. Day, month and year (to be punched)
7. Name and address of owner or occupant
8. Building address
9. List of deficiencies and classification as critical or non-critical

Section 29.8 Misuse of Sprinkler System

29.8.1 Any activation of a sprinkler system resulting in a response by a fire department or any fire department personnel, that occurs when a sprinkler system is out of service because of maintenance on that system and the ITM licensee had failed to contact the local fire department to take the system out of service during maintenance, is a violation of this Ordinance.

29.8.2 It shall be prohibited for any person or firm to remove, tamper with or otherwise disturb any sprinkler system, or any fire hydrant except for the purpose of making necessary repairs, by a ITM licensee or when approved by the Fire Marshal.

Section 29.9 Sprinkler System Out of Service

Where an approved sprinkler system is out of service the local fire department and the Fire Marshal shall be notified immediately. The building shall either be evacuated or, with the approval of the Fire Marshal, a fire watch as described in Section 14.10 of this Ordinance shall be provided for all occupants left unprotected by shut down, until sprinkler system is restored to normal operating condition by a licensed fire sprinkler contractor. A report of the completed work shall be submitted to the Fire Marshal before the building may be re-occupied or cease the fire watch.

Section 29.10 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 29.11 Penalties

Any person or business entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding

One Thousand Dollars ($1,000.00) or, by imprisonment for not more than one (1) year, or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars ($5,000.00) for each and every offense. The imposition of the penalty for any violations of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 28-2016, Passed April 27, 2016 / Effective June 12, 2016

Article XXX
Referenced Standards

Section 30.0 Scope

This article lists the standards that are referenced in various sections of the Nassau County Fire Prevention Ordinance. Each section of the article contains the standards used but that organization, title of document, and the effective date.

Section 30.1 NFPA- National Fire Protection Association

Standard	Title	Edition
NFPA 10	Standard for Portable Fire Extinguishers	2013
NFPA 11	Standard for Low-, Medium-, and High-Expansion Foam	2010
NFPA 12	Standard on Carbon Dioxide Extinguishing Systems	2011
NFPA 12A	Standard on Halon 1301 Fire Extinguishing Systems	2009
NFPA 13	Standard for the Installation of Sprinkler Systems	2013
NFPA 14	Standard for the Installation of Standpipe and Hose Systems	2013
NFPA 15	Standard for Water Spray Fixed Systems for Fire Protection	2012
NFPA 16	Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems	2015
NFPA 17	Standard for Dry Chemical Extinguishing Systems	2013
NFPA17A	Standard for Wet Chemical Extinguishing Systems	2013
NFPA 20	Standard for the Installation of Stationary Pumps for Fire Protection	2013

NFPA 24	Standard for the Installation of Private Fire Service Mains and Their Appurtenances	2013
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems	2014
NFPA 30	Flammable and Combustible Liquids Code	1984 & 2012
NFPA 30A	Code for Motor Fuel Dispensing Facilities and Repair Garages	2015
NFPA 31	Standard for the Installation of Oil-Burning Equipment	2011
NFPA 33	Standard for Spray Application Using Flammable or Combustible Materials	2015
NFPA 34	Standard for Dipping, Coating, and Printing Processes Using Flammable or Combustible Liquids	2015
NFPA 37	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines	2014
NFPA 51	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes	2013
NFPA 51B	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work	2014
NFPA 55	Compressed Gases and Cryogenic Fluids Code	2013
NFPA 58	Liquefied Petroleum Gas Code	2014
NFPA 70	National Electrical Code®	2014
NFPA 72	National Fire Alarm and Signaling Code	2013
NFPA 96	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations	2014
NFPA 101	Life Safety Code	2015
NFPA 110	Standard for Emergency and Standby Power	2013

NFPA 140	Motion Picture and Television Production Studio Soundstages, Approved Production Facilities and Production Locations	2008
NFPA 160	Standard for the Use of Flame Effects Before an Audience	2011
NFPA 170	Standard for Fire Safety and Emergency Symbols	2015
NFPA 231	Standard for General Storage	1998
NFPA 231C	Standard for Rack Storage of Materials	1998
NFPA 400	Hazardous Materials Code	2013
NFPA 495	Explosive Materials Code	2013
NFPA 701	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films	2010
NFPA 704	Standard System for the Identification of the Hazards of Materials for Emergency Response	2012
NFPA 720	Installation of Carbon Monxide (CO) Detection and Warning Equipment	2015
NFPA 750	Water Mist Fire Protection Systems	2014
NFPA 1123	Code for Fireworks Display	2014
NFPA 1126	Standard for the Use of Pyrotechnics Before a Proximate Audience	2011
NFPA 2001	Clean Agent Fire Extinguishing System	2015

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