

**NASSAU COUNTY  
FIRE PREVENTION  
ORDINANCE**

---

***2017***



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# 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

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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 NYCRR Title 19, 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  
Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## 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

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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,

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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

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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.

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- 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. 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.

**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.

**DISCHARGE** – means an intentional or unintentional act or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or



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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.

**MARINE MOTOR FUEL DISPENSING FACILITY** – means that portion of property where flammable 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 watercraft 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.

**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.

**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

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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.

**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.

**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.

### ***Section 3.3      General Provisions***

#### **3.3.1 Reserved**

#### **3.3.2 Classifications**

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

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**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).

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- 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

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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** Brush and Debris

Weeds, grass, brush, trash and other combustible materials shall be kept at least 10 feet from fuel-handling equipment.

## **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

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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      *Reserved***

## **Section 3.5      *Bulk Storage – Special Provisions***

### **3.5.1   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.

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### **3.7.2 Automatic Extinguishing Systems (including Automatic Fire Suppression Systems)**

- 3.7.2.1** New and existing 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 submitted in accordance with Section 3.12.12.2 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.



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- 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 3.6.1 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.

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- 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 15<sup>th</sup> to March 15<sup>th</sup>; 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      *Reserved***

### **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.

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- 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.

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**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.

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**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."

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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 3.3.3.9 of this Ordinance](#). Motor fuel shall not be dispensed into portable tanks or cargo tanks.

**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 switches 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



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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.

**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 3.12.2 of this Ordinance and retain a copy of such documentation in the attendant's station.

**3.9.4.8** Fueling of floating marine craft or berthed marine craft with Class I fuels at other than a marine motor fuel dispensing facility are prohibited.

### **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.

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- 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

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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](#) 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

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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 3.5.1](#) 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.

### ***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 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 Reserved.**

**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;

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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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

***NOTE: Pages 47-52 reserved***





## **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.

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### **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.

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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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## **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. This article shall not apply to the use of aerosol products in containers up to 24-ounce capacity, that are not used continuously and repeatedly in the same location.

#### ***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 13	Standard for the Installation of Sprinkler Systems
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 rated fire partition or fire wall from other portions of the building; or a two (2) hour fire partition or fire wall 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.
- 5.4.2** Quantities in excess of fifty gallons shall be stored as described in NFPA 30 Flammable and Combustible Liquids Code and NFPA 33 Standard for Spray Application Using Flammable or Combustible Materials

## **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 and mixing 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 intakes in finishing rooms shall be located no higher than five (5') feet above the floor and shall discharge directly outside of building. All exhaust 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, where the ductwork must pass through another room, the ductwork shall be enclosed in a one (1) hour fire rated assembly and be so arranged that the discharge or vapor and residue or fire therefrom will not endanger property. Exhaust termination 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. Exhaust stacks and ducts that convey flammable vapors passing through roof ceiling assemblies must follow clearances as per Mechanical Code of New York State. A minimum of six inches (6") clearance to any combustible.

## **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. No combustible materials or refuse are to be within three (3) feet of a spray booth, or mixing room.
- 5.9.2** Buildup of Flammable Finishes, overspray on spray booth or mixing room walls, floors, should be removed before spray operation take place.

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**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 changed as per manufactures recommendations or sooner as required.

### ***Section 5.10      Open Flames and Heating***

**5.10.1** 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.

**5.10.2** All building heating equipment. All open flame or infrared tube heating equipment must be a minimum of 20 feet away from the booth and outside the hazard zones.

### ***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, as per National Electric Code.

### ***Section 5.12      Fire Extinguishing Equipment***

**5.12.1** Portable fire extinguishers shall be provided and maintained in compliance with NFPA 10, with a minimum rating of 40BC.

### ***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



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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 (6) 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. Where the spray room, spray booth or mixing room is closer than three (3) feet to the combustible roof assembly, a minimum of one (1) hour fire rating is required. If the spray room, spray booth or mixing room is greater than three (3) feet then one (1) layer of 5/8 sheet rock is required, to cover the roof assembly.

### ***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.

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**5.17.1.1** The automatic extinguishing system shall be installed by a qualified person, firm, business entity or corporation certified by the manufacturer of the system being installed.

### **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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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

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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.

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**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:***

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

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## **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.

**6.1.3** 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 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

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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, and shall be checked for leaks before turning over/selling to the public. Excluding those with a water capacity of 2 ½ pounds or less.
- 6.5.4.1** Each cylinder shall be weighed and checked for leaks before being deliver to the purchaser to insure that the cylinder is not filled beyond acceptable limits or has any leaks.
- 6.5.4.2** Every LPG cylinder excluding those with a water capacity of 2 ½ pounds or less, shall be checked for leaks before turning over / selling to the public.

### **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** Reserved.
- 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.

### **6.5.6 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.

### **6.5.7 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.

- 6.5.8** 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.

**6.5.9 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, or offering prefilled liquefied petroleum gas cylinders to the public, 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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## **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

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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

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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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## **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 comprising 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..

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**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.

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**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



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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,

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**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

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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.

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**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

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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 provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## **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 51B      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



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with [Article XX](#) of this Ordinance. The fee for certificate of fitness is set forth in [Article XXII](#) of this Ordinance.

### **Section 9.9**      *Failing to Comply*

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

### **Section 9.10**      *Penalties*

Any person or business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## **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

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(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).

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**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 Ordinance.

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**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

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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

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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;

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- 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,

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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

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**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.





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**Table 10.8.1.1**  
**PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	An operational permit is required: 1.To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments. 2.To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.
Corrosive materials	
Gases	200 cubic feet at NTP
Liquids	55 gallons
Solids	1000 pounds
Explosive materials	An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56.  Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.
Flammable materials	
Gases	200 cubic feet at NTP (except cryogenic fluids and liquefied petroleum gases)
Liquids	Flammable and combustible liquids. An operational permit is required:  1.To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems. 2.To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

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	<p>2.1.The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.</p> <p>2.2.The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</p> <p>3.To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil–burning equipment.</p> <p>4.To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel–dispensing facilities or where connected to fuel–burning equipment.</p> <p>Exception: Fuel oil and used motor oil used for space heating or water heating.</p> <p>5.To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on–site pumps normally used for dispensing purposes.</p> <p>6.To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel–dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</p> <p>7.To place temporarily out of service (for more than 90 days) an underground, protected above–ground or above–ground flammable or combustible liquid tank.</p> <p>8.To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.</p> <p>9.To manufacture, process, blend or refine flammable or combustible liquids.</p> <p>10.To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.</p> <p>11.To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.</p>
Solids	100 pounds

### Highly toxic materials

Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount

### Oxidizing materials

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Gases	504 cubic feet at NTP (including Oxygen)
Liquids	
Class 4	Any Amount
Class 3	1 gallon <sup>a</sup>
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds <sup>b</sup>
Class 2	100 pounds
Class 1	500 pounds

### Organic peroxides

Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required

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### Pyrophoric materials

Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount

### Toxic materials

Gases	Any Amount
Liquids	10 gallons
Solids	100 pounds

### Unstable (reactive) materials

Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds

### Water-reactive materials

Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons

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Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.



**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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*





## 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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## 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

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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-



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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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 a penalty for

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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*

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## **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.

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**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** A safe, continuous and unobstructed path of travel shall be provided for any exit, exit access, exit discharge, exit passageway, or means of egress.
- 13.3.2** 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.
- 13.3.3** 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.

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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

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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,



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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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 267-2016, Passed June 30, 2016 / Effective July 1, 2016*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## **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, baling twine, and other non-plastic materials.

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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

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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.

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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.



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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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



**ARTICLE XV**  
**RESERVED**

***NOTE: Pages 137-224 reserved***

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

*Repealed by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## **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 violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, or failing to comply with any order or regulation made thereunder, shall upon conviction

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be 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## **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,

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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;

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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.

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**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 from 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

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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.

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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

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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 contractor or



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person who fails to either place the system on test or by contacting 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 provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## **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

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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 12<sup>th</sup> 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

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*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 State* (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



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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 1<sup>st</sup> 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

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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.

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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 NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation



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made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## **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

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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.

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**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.

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**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, <i>not otherwise specified</i>	Sodium Chlorate
Bromine Pentafluoride	Nitric Acid,	Sodium Chlorite, <i>40% or less</i>
Bromine Trifluoride	<i>70% concentration or less</i>	Sodium Dichloro-s-triazinetriene 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,	<i>not otherwise specified</i>	Sodium Perchlorate Monohydrate
<i>not otherwise specified</i>	Perchloric Acid Solutions,	Sodium Persulfate
Chlorine Dioxide	<i>less than 60% by weight</i>	Strontium Chlorate
Cupric Nitrate	Permanganate,	Strontium Nitrate
Hydrogen Peroxide Solutions	<i>not otherwise specified</i>	Strontium Peroxide
<i>over 8% but not exceeding</i>	Peroxide,	Tetranitromethane
<i>27.5% Concentration by weight</i>	<i>not otherwise specified</i>	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**

Chromium Trioxide ( <i>Chromic acid</i> )
Hydrogen Peroxide, <i>27.5 to 52% concentration by weight</i>
Nitric Acid, <i>more than 70% concentration</i>
Potassium Bromate
Potassium Permanganate
Sodium Chlorite, <i>over 50% by weight</i>
Sodium Peroxide
Sodium Permanganate
Trichloro-s-triazinetriene ( <i>trichloroisocyanuric acid</i> )

**Class 3**

Ammonium Dichromate
Hydrogen Peroxide, <i>52% to not more than 91% concentration by weight</i>
Calcium Hypochlorite
Mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetriene
Perchloric Acid Solutions, <i>60% to 72.5% by weight</i>
Potassium dichloro-s-triazinetriene (potassium dichloroisocyanurate)
Sodium dichloro-s-triazinetriene (sodium dichloroisocyanurate)
Powders and mixtures containing over 39% available chlorine

**Class 4**

Ammonium Perchlorate
Ammonium Permanganate
Guanidine Nitrate
Perchloric Acid Solutions, <i>more than 72.5% by weight</i>
Potassium Superoxide
Hydrogen Peroxide Solutions, <i>more than 91% by weight</i>

## **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 1/8-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



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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**

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**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**

<b><u>Piles</u></b>	<b><u>Non-Sprinklered Building</u></b>	<b><u>Sprinklered Building *</u></b>
Length (feet)	50	No Limit
<b>Width (feet)</b>	<b>50</b>	<b>50</b>
Height (feet)	15	20
<b>Distance to next pile (ft)</b>	<b>6</b>	<b>3</b>
Distance to walls (ft)	4	4
<b>Quantity limit per building (tons)</b>	<b>No Limit</b>	<b>No Limit</b>

\*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.

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- 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 135°F. 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

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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**

	<b>Segregated Storage</b>		<b>Cutoff Storage</b>		<b>Detached Storage</b>		
	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 °F. 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**

<b><u>Piles</u></b>	<b><u>Non-sprinklered Buildings</u></b>	<b><u>Sprinklered Buildings</u></b>
Length (feet)	10	10
<b>Width (feet)</b>	<b>4</b>	<b>4</b>
Height (feet)	4	8
<b>Distance to next pile (feet)</b>	<b>6</b>	<b>8</b>
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 °F. 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**

<b><u>Weight of Class 4 Oxidizer</u></b> <b><u>(pounds)</u></b>	<b><u>Distance</u></b> <b><u>(feet)</u></b>
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:

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Class I 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.

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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 XX](#) of 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**



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### **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 stored 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***

Any person or business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 a penalty for any violation of this Article shall

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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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## **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

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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)

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**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:

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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.

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- 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.



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**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

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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

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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

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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 than the original materials.

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**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.

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**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.



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**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*

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*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.

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**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

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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.

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- 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.



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- 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.

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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,

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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 or business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## **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 Nassau County 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***

<b>22.2.1</b>	Variance Hearing	\$500.00
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#### ***Section 22.3      Article III Fees***

##### **22.3.1   Bulk Storage Facility Fees:**

<b>22.3.1.1</b>	Loading Rack System Test	\$550.00
<b>22.3.1.2</b>	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:**

<b>22.3.2.1</b>	Initial Application	\$320.00
<b>22.3.2.2</b>	Annual Renewal	\$165.00

##### **22.3.3   Storage of Flammable/Combustible Liquid Design Drawings Review Fees:**

<b>22.3.3.1</b>	Base Design Drawing Review	\$215.00
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##### **22.3.3.2   Design Drawings Review Option Fees:**

<b>22.3.3.2.1</b>	New Tank System and Piping (per tank)	\$1,025.00
<b>22.3.3.2.2</b>	New or Modified Island(s)	\$215.00

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<b>22.3.3.2.3</b>	New or Modified Automatic Fire Suppression System	\$550.00
<b>22.3.3.2.4</b>	New or Modified Closed Circuit Television	\$215.00
<b>22.3.3.2.5</b>	New or Modified Self Service Conversion	\$320.00
<b>22.3.3.2.6</b>	Pump System Conversion and Piping	\$320.00
<b>22.3.3.2.7</b>	New or Modified Stationary Engine Installation	\$320.00
<b>22.3.3.2.8</b>	New or Modified Stationary Engine and Generator Installation	\$720.00
<b>22.3.3.2.9</b>	New or Modified Stage II Vapor Recovery	\$720.00
<b>22.3.3.2.10</b>	Building, Kiosk, Structure New or Modified	\$215.00
<b>22.3.3.2.11</b>	New or Modified Flammable/Combustible Liquid Storage/Handling	\$825.00
<b>22.3.3.2.12</b>	Required Retrofitting	\$415.00
<b>22.3.3.2.13</b>	Temporary Tank	\$320.00
<b>22.3.3.2.14</b>	New or Modified Marinas	\$320.00
<b>22.3.3.2.15</b>	New or Modified Product Piping System(s)	\$320.00

### 22.3.4 Inspection Fees:

<b>22.3.4.1</b>	Automatic Fire Suppression System Inspection	\$550.00
<b>22.3.4.2</b>	Self Service Inspection	\$550.00

### 22.3.5 Flammable/Combustible Liquid Truck Permit Fees:

<b>22.3.5.1</b>	Initial Application	\$320.00
<b>22.3.5.2</b>	Annual Renewal	\$165.00



**Section 22.4      *Reserved***

**Section 22.5      *Article V Fees***

**22.5.1    Flammable Finishes Location Fees:**

<b>22.5.1.1</b>	Design Drawings Review	\$550.00
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**22.5.3    Flammable Finish License Fees:**

<b>22.5.3.1</b>	Initial Application	\$320.00
<b>22.5.3.2</b>	Annual Renewal	\$165.00

**22.5.4    Automatic Extinguishing System Fees**

<b>22.5.4.1</b>	Design Drawing Review	\$550.00
<b>22.5.4.2</b>	Inspection	\$550.00
<b>22.5.4.3</b>	Permit	\$215.00

**Section 22.6      *Article VI Fees***

**22.6.1    Liquefied Petroleum Gas Storage Fees:**

<b>22.6.1.1</b>	Storage Permit Initial Application	\$320.00
<b>22.6.1.2</b>	Storage Permit Annual Renewal	\$165.00
<b>22.6.1.3</b>	Truck Permit Initial Application	\$320.00
<b>22.6.1.4</b>	Truck Permit Annual Renewal	\$165.00

**22.6.2    Liquefied Petroleum Gas Certificate of Fitness Fees:**

<b>22.6.2.1</b>	Certificate of Fitness Initial Application	\$330.00
<b>22.6.2.2</b>	Renewal fee for each year valid	\$70.00

**22.6.3    Liquefied Petroleum Gas Design Drawings Review Fees:**

<b>22.6.3.1</b>	Water Capacity 0 to 99 Gallons	\$25.00
<b>22.6.3.2</b>	Water Capacity 100 to 249 Gallons	\$50.00

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<b>22.6.3.3</b>	Water Capacity 250 to 499 Gallons	\$95.00
<b>22.6.3.4</b>	Water Capacity 500 to 999 Gallons	\$185.00
<b>22.6.3.5</b>	Water Capacity 1000 to 1999 Gallons	\$450.00
<b>22.6.3.6</b>	Water Capacity 2000 Gallons or more	\$890.00

### **22.6.4** Liquefied Petroleum Gas Truck Fees:

<b>22.6.4.1</b>	Initial Application	\$320.00
<b>22.6.4.2</b>	Annual Renewal	\$165.00

### **22.6.5** Liquefied Petroleum Gas Transport and Handling Certificate of Fitness Fees:

<b>22.6.5.1</b>	Initial Application	\$330.00
<b>22.6.5.2</b>	Annual Renewal	\$175.00

## **Section 22.7     Article VII Fees**

### **22.7.1** Compressed Gasses Transport and Handling Certificate of Fitness Fees:

<b>22.7.1.1</b>	Initial Application	\$330.00
<b>22.7.1.2</b>	Renewal fee for each year valid	\$175.00

## **Section 22.8     Article VIII Fees**

### **22.8.1** CO Detection Fees:

<b>22.8.1.1</b>	Design Drawings Review	\$550.00
<b>22.8.1.2</b>	Test inspection	\$550.00

## **Section 22.9     Article IX Fees**

### **22.9.1** Welding and Cutting Certificate of Fitness Fees:

<b>22.9.1.1</b>	Initial Application	\$330.00
<b>22.9.1.2</b>	Renewal fee for each year valid	\$175.00

**Section 22.10 Article X Fees**

**22.10.1 Hazardous Materials Fees:**

<b>22.10.1</b>	Permit	\$270.00
<b>22.10.2</b>	Permit Late Renewal	\$100.00

**Section 22.11 Article XI Fees**

**22.11.1 Board-up and Restoration Companies License Fees:**

<b>22.11.1.1</b>	Initial Application	\$320.00
<b>22.11.1.2</b>	Annual Renewal	\$165.00

**22.11.2 Board-up and Restoration Companies Certificate of Fitness Fees:**

<b>22.11.2.1</b>	Initial Application	\$330.00
<b>22.11.2.2</b>	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:**

<b>22.12.1.1</b>	Initial Application	\$320.00
<b>22.12.1.2</b>	Annual Renewal	\$165.00

**22.12.2 Clean Agent Fire Extinguishing & Suppression System Fees:**

<b>22.12.2.1</b>	Design Drawing Review	\$550.00
<b>22.12.2.2</b>	Inspection	\$550.00
<b>22.12.2.3</b>	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.

<b>22.13.1.1</b>	Buildings having a ground floor area not larger than 2,500 square feet (per generator).	\$460.00
<b>22.13.1.2</b>	Buildings having a ground floor area larger than 2,500 but less than 5,000 square feet (per generator).	\$590.00
<b>22.13.1.3</b>	Buildings having a ground floor area that is 5,000 square feet or larger (per generator).	\$720.00
<b>22.13.1.4</b>	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.

<b>22.13.2.1</b>	One to twenty-five emergency light units	\$460.00
<b>22.13.2.2</b>	Twenty-six to fifty emergency light units	\$590.00
<b>22.13.2.3</b>	Fifty-one or more emergency light units	\$720.00
<b>22.13.2.4</b>	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:

<b>22.14.1.1</b>	Tents or membrane structures having an area greater than 200 square feet	\$60.00
<b>22.14.1.2</b>	Tents, membrane structures or canopies having an area greater than 400 square feet	\$110.00
<b>22.14.1.3</b>	Tents, canopies or membrane structures of any size where cooking is performed within the structure	\$150.00

**22.14.2** Annual School Inspections Fees:

<b>22.14.2.1</b>	Each facility less than or equal to 2500 square feet	\$145.00
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<b>22.14.2.2</b>	Each facility greater than 2500 square feet and less than or equal to 10,000 square feet.	\$200.00
<b>22.14.2.3</b>	Each facility greater than 10,000 square feet.	\$485.00

**Section 22.15    *Reserved***

**Section 22.16    *Article XVI Fees***

<b>22.16.1</b>	Site Design Drawings Review	\$550.00
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**Section 22.17    *Article XVII Fees***

**22.17.1 Automatic Fire Alarm System Fees:**

<b>22.17.1.1</b>	Design Drawing Review	\$550.00
<b>22.17.1.2</b>	Final Approval	\$550.00
<b>22.17.1.3</b>	Fire Alarm Rough Permit	\$215.00
<b>22.17.1.4</b>	Fire Alarm Relocations Permit	\$550.00
<b>22.17.1.5</b>	System Permit (Renewable every 3 years)	\$90.00
<b>22.17.1.6</b>	Late Fee	\$20.00

**Section 22.18    *Reserved***

**Section 22.19    *Article XIX Fees***

**22.19.1 Liquid and Solid Oxidizer Truck Fees:**

<b>22.19.1.1</b>	Initial Application	\$320.00
<b>22.19.1.2</b>	Annual Renewal	\$165.00

**22.19.2 Liquid and Solid Oxidizer Permit Fees:**

<b>22.19.2.1</b>	Initial Application	\$320.00
<b>22.19.2.2</b>	Annual Renewal	\$165.00

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### 22.19.3 Liquid and Solid Oxidizer Certificate of Fitness Fees:

<b>22.19.3.1</b>	Initial Application	\$330.00
<b>22.19.3.2</b>	Renewal fee for each year valid	\$70.00

## **Section 22.20    Article XX**

### 22.20.1 License or Permit Fees:

<b>22.20.1</b>	License or Permit Change of Required Information	\$60.00
<b>22.20.2</b>	License or Permit Replacement	\$60.00

### 22.20.2 Certificate of Fitness Fees:

<b>22.20.3</b>	COF Change of Required Information	\$60.00
<b>22.20.4</b>	COF Replacement	\$60.00

## **Section 22.21    Article XXI Fees**

### 22.21.1 Grease Hood and Duct Installers License Fees:

<b>22.21.1.1</b>	Initial Application	\$320.00
<b>22.21.1.2</b>	Annual Renewal	\$165.00

### 22.21.2 Grease Hood and Duct Cleaners License Fees:

<b>22.21.2.1</b>	Initial Application	\$320.00
<b>22.21.2.2</b>	Annual Renewal	\$165.00

### 22.21.3 Grease Hood and Duct Cleaners Certificate of Fitness Fees:

<b>22.21.6</b>	Initial Application	\$330.00
<b>22.21.7</b>	Renewal fee for each year valid	\$175.00

### 22.21.4 Grease Hood & Duct Exhaust System Fees:

<b>22.21.4.1</b>	Design Drawing Review	\$550.00
<b>22.21.4.2</b>	Inspection	\$550.00

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<b>22.21.4.3</b>	Permit	\$215.00
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### **22.21.5** Automatic Fire Extinguishing System Installers Fees:

<b>22.21.5.1</b>	Initial Application	\$320.00
<b>22.21.5.2</b>	Annual Renewal	\$165.00

### **22.21.6** Automatic Fire Extinguishing System Fees:

<b>22.21.13</b>	Design Drawing Review	\$550.00
<b>22.21.14</b>	Inspection	\$550.00
<b>22.21.12</b>	Permit	\$215.00

## **Section 22.22    Reserved**

## **Section 22.23    Article XXIII Fees**

### **22.23.1** Servicing of Portable Fire Extinguishers License Fees:

<b>22.23.1.1</b>	Initial Application	\$320.00
<b>22.23.1.2</b>	Annual Renewal	\$165.00

### **22.23.2** Servicing of Portable Fire Extinguishers Certificate of Fitness:

<b>22.23.2.1</b>	Initial Application	\$330.00
<b>22.23.2.2</b>	Renewal fee for each year valid	\$70.00

## **Section 22.24    Article XXIV Fees**

<b>22.24.1</b>	Stamping of Extra Design drawings (More than four (4) sets), per set	\$25.00
<b>22.27.2</b>	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

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<b>22.27.4</b>	Resubmitted Design Drawings review for any design drawings required by this Ordinance that have been rejected two or more times	\$270.00
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### **Section 22.25    Article XXV Fees**

<b>22.25.1</b>	Pyrotechnic Display Design Drawing Review and Site Inspection	\$450.00
<b>22.25.2</b>	Use of Open Flame Design Drawing Review and Site Inspection	\$450.00
<b>22.25.5</b>	Where Required Stand-by Fire Marshal Personnel Calculated using appropriate personnel overtime rate (Minimum of 4 Hours)	

### **Section 22.26    Article XXVI Fees**

<b>22.26.1</b>	Pyrotechnic Display Permit	\$85.00
<b>22.26.2</b>	Pyrotechnic Display Design Drawings Review and Site Inspection	\$450.00

### **Section 22.27    Article XXVII Fees**

<b>22.27.1</b>	Approval and Acceptance Test	\$550.00
<b>22.27.3</b>	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**

<b>22.28.1.1</b>	Initial Application	\$330.00
<b>22.28.1.2</b>	Renewal fee for each year valid	\$175.00



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### 22.28.2 Sprinkler and Standpipe System Fees

<b>22.28.2.1</b>	Design Drawings Review	\$550.00
<b>22.28.2.2</b>	Inspection	\$550.00
<b>22.28.2.3</b>	Permit – Initial Application	\$215.00
<b>22.28.2.4</b>	Permit – Five Year Renewal	\$125.00
<b>22.28.2.5</b>	Sprinkler System Rough Out Work Permit	\$215.00
<b>22.28.2.6</b>	Sprinkler Head Relocation Test Permit	\$550.00

### 22.28.3 Sprinkler and Standpipe System Installation Certificate of Fitness (Type 1) Fees:

<b>22.28.3.1</b>	Initial Application	\$330.00
<b>22.28.3.2</b>	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:

<b>22.29.1.1</b>	Initial Application	\$320.00
<b>22.29.1.2</b>	Renewal fee for each year valid	\$165.00

### 22.29.2 Sprinkler and Standpipe System Testing Fees:

<b>22.29.2.1</b>	Functionality Test	\$550.00
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### 22.29.3 Inspection, Testing and Maintenance Certificate of Fitness (Type 2) Fees:

<b>22.28.3.1</b>	Initial Application	\$330.00
<b>22.28.3.2</b>	Renewal fee for each year valid	\$70.00

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**Section 22.30    Miscellaneous Fees:**

**22.30.1** Other Fees:

<b>22.30.1.1</b>	Complete copy of the Nassau County Fire Prevention Ordinance.	\$100.00
<b>22.30.1.2</b>	Site Inspection	\$550.00

***Historical notes:***

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

*Amended by Ord. No. 267-2016, Passed June 30, 2016 / Effective July 1, 2016*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## 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.

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**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<sub>2</sub> receiver or cascade system for proper filling of CO<sub>2</sub> 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

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14. Equipment for leak testing of pressurized extinguishers
15. Commercial dry nitrogen supply [-60°F (-51.1°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<sub>2</sub> 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.

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**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;



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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,

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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 NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## **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

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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.

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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.

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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.



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- 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 submitted 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.

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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*

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### **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.

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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

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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

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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.



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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:

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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.

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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.

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- 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 NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 a penalty for any violation of this Article shall not excuse the violation or permit it to

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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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## 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*

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*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



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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.

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- 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.

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**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.

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**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

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**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

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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.

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**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.



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**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

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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 business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## **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.

**COLD SPARK FOUNTAIN** – Any device that emits a shower or fountain of cold sparks.

**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.

**PYROTECHINIC DEVICE** – Any device containing pyrotechnic materials and capable of producing a special effect.

**PYROTECHINIC 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.

**PYROTECHINIC 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.

##### **26.3.1.3   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.

##### **26.3.1.4   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

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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.

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### **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 Cold Spark Fountains**

Cold Spark Fountains shall comply with section 26.3 and 26.4 of this Ordinance.

- 26.5.1** Fire Extinguishing Equipment. Portable fire extinguisher or other fire extinguishing appliances rated for "D" type fires shall be readily accessible any place a cold spark fountain is being stored, set up displayed or used.

**Section 26.6 Failing to Comply**

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

**Section 26.7 Penalties**

Any person or business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*



## **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

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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 business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## **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

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**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 twenty-five (25) or less 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.

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- 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.

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- 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** 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 raised seal or stamp and signed letter from the engineer or architect on their professional letterhead shall accompany design drawings attesting to his/her seal/signature on design drawings attesting that design drawings and the entire submission package were reviewed. All signatures shall be original; facsimile or copied signatures shall not be accepted.

### **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.

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- 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 NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## 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.

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**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.

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- 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

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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

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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

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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 NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR title 19, or failing to comply therewith, or violating or failing to comply with any order regulation

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made thereunder, shall upon conviction be guilty of a misdemeanor 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 violating any provision of this Article, 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 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*

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*

## 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***

<b>Standard</b>	<b>Title</b>	<b>Edition</b>
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

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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	2011
NFPA 34	Standard for Dipping, Coating, and Printing Processes Using Flammable or Combustible Liquids	2011
NFPA 37	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines	2015
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



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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 Monoxide (CO) Detection and Warning Equipment	2015
NFPA 750	Water Mist Fire Protection Systems	2015
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

### ***Historical notes:***

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

*Amended by Ord. No. 115-2017, Passed September 25, 2017 / Effective September 28, 2017*