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FIRE PREVENTION

§ 50-2

## **Chapter 50**

### **FIRE PREVENTION**

**§ 50-1. Adoption of standards.**

**§ 50-2. Amendment of Article 1.**

**§ 50-3. Addition of Article 18.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 7-21-77 as L.L. No. 2-1977. Amended 7-17-01 by L.L. 2001-07 Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Building Construction – See Ch. 40.**

**§ 50-1. Adoption of standards.**

Be it hereby enacted and adopted by the Board of Trustees of the Village of Cold Spring for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the "Fire Prevention Code" recommended by the American Insurance Association, being particularly the 1970 Abbreviated Edition thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the Village of Cold Spring, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Village of Cold Spring.

**§ 50-2. Amendment of Article 1.**

Article 1 of the Fire Prevention Code recommended by the American Insurance Association, 1970 Abbreviated Edition, is hereby deleted, and a new Article 1 is hereby enacted as follows:

#### **ARTICLE 1**

##### **GENERAL PROVISIONS**

**Section 10.1. Intent of Code.**

It is the intent of this code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Compliance with standards of the American Insurance Association or the National Fire Protection Association or other approved nationally recognized safety standards shall be deemed to be prima facie evidence of compliance with this intent.

### **Section 10.2. Application of Code.**

- a. The provisions of this code shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the determination of the Fire Inspector.
- b. Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the New York State Department of Transportation (DOT), nor as applying to the military forces of the United States.

### **Section 10.3. Supplementary Requirements.**

All matters within the intent of this code not covered in detail by this code shall provide reasonable safety to persons and property. Compliance with the Fire Prevention Code, Full Edition of 1970, recommended by the American Insurance Association, shall be evidence of compliance with this intent.

#### **Section 10.4. Administration of Code.**

- a. The Fire Inspector of the Village of Cold Spring shall have the responsibility and authority to administer and enforce the provisions of this Fire Prevention Code.
- b. The term "Fire Inspector" shall include any Fire Inspector duly appointed by the Village of Cold Spring. The term shall also include any Assistant Fire Inspector duly appointed by the Village of Cold Spring, provided that such Assistant Fire Inspector shall act under the direction of the Fire Inspector or Fire Inspectors. The term shall also include any Acting Fire Inspector.
- c. In the absence or inability of the Fire Inspector to act, the Village is empowered to appoint an Acting Fire Inspector. Such Acting Fire Inspector shall have the full power and authority to act under this code in the absence or inability of the Fire Inspector to act.
- d. Any references in any part of this code to the " Fire Department" or "Chief of the Fire Department" shall be deemed to refer to the Fire Inspector.

#### **Section 10.5. Authority to Enter Premises.**

- a. The Fire Inspector may, at all reasonable hours and after reasonable notice, enter any building or premises, except the interior of a dwelling, as defined in Section 10.10 herein, for the purpose of making any inspection or investigation which, under the provisions of this code, he may deem necessary or advisable to be made.
- b. Said Fire Inspector shall be permitted by the owner, lessee, manager or operator of any building or premises, except the interior of a dwelling, as defined in Section 10.10, to enter and inspect the building or premises for the purpose of such inspection.
- c. The Fire Inspector may enter the interior of a dwelling only upon consent of the owner or other occupant thereof or as may be otherwise provided by law.

#### **Section 10.6. Inspection of Buildings and Premises.**

- a. Fire Inspector's Report.
  - (1) The Fire Inspector may inspect or cause to be inspected all buildings and premises, except the interiors of dwellings, as defined in Section 10.10, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of this code or of

any other laws, rules or regulations affecting the hazards of fire or explosion.

- (2) An Inspector's report for each such inspection shall be made and filed in the Village Office. The report shall include any findings of dangerous or hazardous conditions or materials in any building or premises as set forth in Section 10.7.

### **Section 10.7. Notice of Violation and Order to Correct Violation.**

Whenever the Fire Inspector shall find any of the following dangerous or hazardous conditions or materials in any building or upon any premises, he shall prepare a notice of reported violation and an order to correct violation and shall cause such notice and order to be served upon the owner, occupant or other person responsible for the conditions in the manner specified in Section 10.8.

The order to correct violation shall direct that the dangerous or hazardous condition or material be remedied, corrected or removed, as the case may be, on or before a date to be specified in such order. Such order shall be signed by the Fire Inspector.

The dangerous or hazardous conditions or materials are as follows:

- a. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.
- b. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.
- c. Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly combustible materials.

- d. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors and ducts.
- e. Obstructions to or on fire escapes, designated access openings in exterior walls for Fire Department use, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- f. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.
- g. Any violations of the provisions or intent of this code or of any other laws, rules or regulations affecting the hazards of fire or explosion.

**Section 10.8. Service of Orders.**

- a. Upon Whom Service Is to Be Made.

Service of notices and orders provided for by the provisions of this code shall be made upon an owner of the building, premises or property in question. If there be more than one (1) owner of such building, premises or property, service may be made on any owner.

If such building, premises or property be occupied by or otherwise in charge of a person other than an owner thereof, then service of notices and orders shall be made additionally upon such occupant.

- b. Manner of Service.

Service of notices and/or orders provided for in this code shall be made by any of the following means:

- (1) By delivering the notice and/or order to the person to be served; or
- (2) By delivering the notice and/or order to and leaving it with any person of suitable age and discretion in charge of the building, premises or property and by mailing a copy of such notice and/or order to the person to be served at his last known residence; or
- (3) Where service under Subsections (1) and (2) cannot be made with due diligence, or if the person to be served is absent from the jurisdiction, by affixing a copy of the notice and/or order in a conspicuous place on the door to the entrance of said building or premises and by mailing a copy of

the notice and/or order by registered or certified mail to the person to be served at his last known residence or post office address; or

- (4) In such manner as the court, upon motion without notice, directs, if service is impracticable under Subsections (1), (2) and (3) of this section.

c. Who May Serve Notices and Orders.

Notices and orders shall be served as directed by the Fire Inspector. Any person legally eligible to serve a summons may legally serve such notice or order.

**Section 10.9. Permits.**

Wherever an approval or permit is required under this code, it shall mean a written permit under this section, issued by the Fire Inspector.

- a. A permit shall constitute permission to maintain, store or handle materials or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. Such permit shall not be transferable, and any change in use or occupancy of premises shall require a new permit.
- b. Before a permit may be issued, the Fire Inspector shall make such inspection as he deems necessary to determine the application. In cases where laws or regulations enforceable by departments or boards other than the Fire Inspector are applicable, the proposed use or activity shall not be lawful until approved by all boards, departments and individuals having jurisdiction.
- c. All applications for a permit required by this code shall be in writing and filed with the Fire Inspector in such detail and accompanied by such plans as he shall prescribe. The Board of Trustees may establish fees for each classification of permit application. Any such prescribed fee shall be submitted to the Village Clerk, and a receipt for such fee shall be attached to the application for the permit.
- d. A copy of each permit issued shall be filed in the Village Office.
- e. Each permit issued pursuant to this code shall be valid for one (1) year after issuance. Such permit shall be renewable yearly, upon approval of the Fire Inspector after conducting a renewal inspection.
- f. The Fire Inspector may revoke a permit or approval issued if any violation of this code is found upon inspection or if there has been any false statement or misrepresentation as to a material fact in the application or plans on

which the permit or approval was based. Any such false statement or misrepresentation shall additionally be subject to prosecution under the Penal Law.

- g. Whenever such a permit is revoked, a notice of revocation shall be served as provided in Section 10.8. A copy of such notice of revocation shall be filed in the Village Office.

### **Section 10.10. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section:

APPROVED, as applied to a material, device or mode of construction, means approved by the Fire Inspector in accordance with the provisions of this code, or by other authority designated by law to give written approval in the matter in question.

AUTOMATIC FIRE ALARM SYSTEM, means a system which automatically detects a fire condition and actuates a fire alarm signal device.

BUILDING, in addition to its ordinary meaning, includes any structure, vehicle or watercraft used for overnight lodging of persons or used by persons for carrying on business therein, or an enclosed motortruck or an enclosed motortruck trailer. Where a building consists of two (2) or more units separately secured or occupied, each unit shall be deemed both a separate building in itself and a part of the main building.

CHIEF OF THE FIRE DEPARTMENT - All references in this code to the "Chief of the Fire Department" shall be deemed to refer to the Fire Inspector.

CORPORATION COUNSEL- Cold Spring Village Attorney.

DEPARTMENT OF TRANSPORTATION or DOT- New York State Department of Transportation.

DOT CONTAINER- any container approved by the Department of Transportation for shipping any liquid, gaseous or solid material of a flammable, toxic or other hazardous nature.

DWELLING- a building which is usually occupied by a person lodging therein at night.

FIRE DEPARTMENT - All references in this code to the "Fire Department" or to an officer, member or inspector thereof shall be deemed to refer to the Fire Inspector.

FIRE INSPECTOR- duly appointed Fire Inspector of the Village of Cold Spring. The term "Fire Inspector" includes "Assistant Fire Inspector" and "Acting Fire Inspector" as those terms are defined in Section 10.4.

**FIRE-RESISTANCE RATING-** means the time in hours that the material or construction will withstand the standard fire exposure as determined by a fire test made in conformity with the Standard Methods of Fire Tests of Building Construction and Materials, ASTM E119, UL Inc. 263 or NFPA No. 251.

**MUNICIPALITY-** shall include in its meaning the Village of Cold Spring.

**OWNER-** legal or equitable owner, and includes a duly authorized or legally empowered agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

**PERSON-** includes corporation and copartnership as well as individual.

**PREMISES-** includes the term "building" as defined herein and any real property.

### **Section 10.11. Liability for Damages.**

This code shall not be construed to hold the Village Board of the Village of Cold Spring, the Village of Cold Spring, any officer or employee of the Village of Cold Spring, any Fire Inspector or other officer appointed under this chapter and Fire Prevention Code responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

### **Section 10.12. Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents, Storage of Flammable Liquids in Outside Aboveground Tanks and Bulk Storage of Liquefied Petroleum Gases to Be Restricted.**

The limits referred to in Section 53 b of the code hereby adopted, in which storage of explosives and blasting agents is prohibited; the limits referred to in Section 74 of the code hereby adopted, in which storage of Class I liquids in outside aboveground tanks is prohibited; and the limits referred to in Section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: the entire Village of Cold Spring, unless authorized by the Zoning Law<sup>1</sup> and by a written permit pursuant to Section 10.9.

### **Section 10.13. Establishment of Motor Vehicle Routes for Vehicles Transporting Explosives and Blasting Agents.**

The routes referred to in Section 55 I of this code for vehicles transporting explosives and blasting agents shall be designated in each instance by permit pursuant to Section 10.9.

**Section 10.14. Establishment of Motor Vehicle Routes for Vehicles Transporting Hazardous Chemicals or Other Dangerous Articles.**

The routes referred to in Section 1091b of this code for vehicles transporting hazardous chemicals and other dangerous articles shall be designated in each instance by permit pursuant to Section 10.9.

**Section 10.15. Establishment of Fire Lanes on Private Property, Devoted to Public Use.**

The fire lanes referred to in Section 169.2a of this code shall be established as follows:

Wherever the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department vehicles for the protection of persons and property, such as at shopping centers, bowling lanes, theaters, hospitals, churches and similar locations, the establishment of fire lanes shall be considered, and, if necessary, such fire lanes shall be established.

In all such cases, the Fire Inspector shall study the matter and make appropriate recommendations to the Village Board of Trustees, the Village Planning Board, the Zoning Board of Appeals or other officer or board having jurisdiction over the matter.

**Section 10.16. Amendments.**

This code may be amended by the Village Board pursuant to the procedure required by Municipal Home Rule Law for the adopting of a local law.

**Section 10.17. Modifications.**

The Village Board of Trustees shall have power to modify any of the provisions of this Fire Prevention Code upon application in writing from any owner or his duly authorized agent or from the Fire Inspector, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done.

The particulars of such modifications, when granted or allowed, shall be entered in the records of the Board of Trustees. A copy of such written record, signed on behalf of the Board of Trustees, shall be provided to the Fire Inspector and to the applicant or owner of the building or premises involved.

**Section 10.18. Appeals.**

Whenever an application for a permit or an approval under this code is refused, denied or disapproved, or when it is claimed the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, an applicant may appeal from the decision to the Village Board within thirty (30) days from the date of the decision appealed.

Such appeal shall be in writing to the Board of Trustees.

The Board shall allow such applicant an opportunity to be heard on such appeal. The Board shall also allow the Fire Inspector an opportunity to be heard on such appeal.

Upon such appeal the Board shall have authority to determine all questions of fact, and in addition to the powers granted under Section 10. 17, the Board shall have the power to reverse the refusal, denial or disapproval from which the appeal is made and to direct the issuance of such permit or approval.

### **Section 10.19. Violations and Penalties.**

Words herein have their usual meaning in the Penal Law of the State of New York.

- a. Any person who violates or causes, permits or participates in any violation of the provisions of this code or any part thereof shall, upon conviction thereof, be guilty of a violation and be subject to a fine not exceeding two hundred fifty dollars (\$250) or to imprisonment for not more than fifteen (15) days, or to both such fine and imprisonment.
- b. Such violation shall be prosecuted pursuant to the provisions of the Village Law, the Criminal Procedure Law and the Penal Law.
- c. Whenever any person shall have been served with a notice of violation and/or a notice to correct violation, or is served with an order, an appearance ticket or accusatory instrument charging such violation, each day that he shall continue such violation after such notification or service shall constitute a separate offense, punishable by a like fine or penalty.
- d. Notwithstanding the provisions of Subsection c, the service of such a notice of violation and/or order to correct violation shall not be deemed a condition precedent to prosecution for a violation of this code.
- e. Notwithstanding the penalties herein provided, the Village Board of the Village of Cold Spring may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any provision of this chapter or any provision of the Fire Prevention Code of the Village of Cold Spring as contained in this chapter.
- f. The foregoing provisions for the enforcement of the regulations in the Fire Prevention Code of the Village of Cold Spring, as contained in this chapter, are not exclusive but are in addition to any and all laws applicable thereto.
- g. Imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, nor be held to prevent the enforced removal of prohibited, dangerous or hazardous conditions and/or materials.

### **Section 10.20. Validity.**

The invalidation of any portion of this chapter shall not invalidate any other portion thereof.

**Section 10.21. Conflict.**

If any provision of this chapter shall be found to conflict with or to contravene any provision of any other local law or other ordinance, rule or regulation, then this chapter shall apply unless the other shall be more strict and be enforceable, in which event it shall control.

**Section 10.22. Effective.**

This chapter shall take effect immediately upon its adoption, subject to its certification and filing as required by law.

**§ 50-3. Addition of Article 18.**

The Fire Prevention Code recommended by the American Insurance Association, 1970 Abbreviated Edition, is hereby amended to add another Article thereto, to be designated Article 18, as follows:

**ARTICLE 18**

**EXITWAYS, MAINTENANCE OF**

**Section 18.1. Obstructions to Means of Egress.**

- a. 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.
- b. In other than dwellings, no person shall place, store or keep, or permit to be placed, stored or kept, on or under or at the bottom of any exit stairway (inside or outside), exit hallway, elevator or other means of egress, any materials the presence or the burning of which would obstruct or render hazardous the egress of persons from the building.
- c. No aisle, passageway or stairway in any mercantile occupancy shall be obstructed with tables, showcases or other obstruction so as to reduce its required width as an exitway during hours such occupancy is open to the public.
- d. All doors in or leading to required exitways shall be kept unlocked at all times when the building or floor area served thereby is occupied.

**Section 18.2. Marking of Exitways.**

- a. In rooms accommodating more than one hundred (100) persons, required exit doorways, other than those normally used for entrance, shall be plainly marked by approved exit signs sufficiently illuminated when the floor area is occupied to be readily distinguished.
- b. Where the exit doorways are not visible from all locations in public corridors, directional signs, as required by the Bureau of Fire Prevention, shall be placed on walls or otherwise displayed in conspicuous locations to direct occupants to exit doorways.

### **Section 18.3. Lighting of Exitways.**

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

### **Section 18.4. Stairway Doors to Be Kept Closed.**

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

### **Section 18.5. Turnstiles.**

No turnstile 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 the exit travel or an open passage serving the same general path of travel as the turnstile.

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<sup>1</sup> Editor's Note: See Ch. 134, Zoning.