

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

Town of Brookhaven

APR 01 2014

Local Law No. 5 of the year 2014

DEPARTMENT OF STATE

A local Law amending Chapter 30 of the Code of the Town Of Brookhaven entitled “FIRE PREVENTION” BY AMENDING ARTICLE III ENTITLED “FIRE PROTECTION EQUIPMENT” AND ARTICLE XXVII ENTITLED “FIRE PROTECTION SYSTEMS” AND AMENDING CHAPTER 29 ENTITLED “FEES” BY AMENDING CHAPTER 29-3 ENTITLED “FIRE PREVENTION”

Be enacted by the Town Board of the Town of Brookhaven as follows:

Section 1. Legislative Intent. This local law will require carbon monoxide detectors in all buildings used for human occupation.

Section 2. Text Amendment. Chapter 30 of the Code of the Town of Brookhaven entitled “Fire Prevention” Article III entitled “Fire Protection Equipment” is hereby amended as follows:

Chapter 30. FIRE PREVENTION

Article III. Fire Protection Equipment and Life Safety Equipment

§ 30-26. Chief Fire Marshal to survey.

The Chief Fire Marshal shall survey or cause to be surveyed each establishment, except the interior of single-family dwellings, and shall specify what fire-detecting devices, carbon monoxide detecting devices or extinguishing appliances shall be provided therein. In special hazardous processes or storage, appliances of more than one type or special systems may be required.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

§ 30-29. Permit required.

A permit shall be obtained from the Chief Fire Marshal prior to the installation or alteration of any fire alarm system, carbon monoxide system and devices, sprinkler or water based fire protection system, fire service main, fire hydrants, or any other special fire-extinguishing or fire-detection system or for any hood and duct system intended for the removal of smoke and grease laden vapors from commercial cooking equipment.

§ 30-31. Maintenance of equipment.

Sprinkler systems, standpipe systems, fire alarm systems, carbon monoxide detection systems and devices, fire service mains, fire hydrants and other fire-protection or -extinguishing systems or appliances which have been installed in compliance with any permit or order or because of any law or local law shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The Division of Fire Prevention shall be notified before such tests, repairs, alterations or additions are started unless the work is to be continuous until completion.

§ 30-32. Smoke and Carbon Monoxide Detection Systems.

A. Buildings or structures or any portion thereof occupied or used by persons for whom sleeping accommodations are provided therein shall be protected by an approved automatic smoke detection and alarm device located in and adjacent to all sleeping quarters or where otherwise specified by the Chief Fire Marshal.

B. All newly constructed buildings or structures intended for human occupancy shall have installed carbon monoxide detecting devices and/or systems as specified by the Chief Fire Marshal.

C. All existing buildings or structures intended for human occupancy shall have installed within 90 days of the effective date of this section carbon monoxide detecting devices and/or systems as specified by the Chief Fire Marshal.

Section 3. Text Amendment. Chapter 30 of the Code of the Town of Brookhaven entitled "Fire Prevention" Article XXVII entitled "Fire Protection Systems" is hereby amended by deleting the words with a strikethrough and adding the words underlined as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Article XXVII. Fire Protection and Life Safety Systems

§ 30-154. Purpose.

The purpose of this article is to provide regulations and standards applicable to the installation and maintenance of fire alarm systems, fire sprinkler systems, and other fire protective systems and carbon monoxide detection systems, that require Fire Department response so as to ensure competent standards of workmanship and thereby lessen the possibility of false alarms resulting from malfunctions of unrecognized installations and lack of maintenance.

§ 30-155. Definitions.

For the purpose of this article, the following terms, phrases and words shall have the meanings given herein:

CARBON MONOXIDE SYSTEM

Any arrangement of carbon monoxide detecting devices, connected together and to a control panel or panels, designed so that the activation of any one device will cause an appropriate signal to operate.

CENTRAL ALARM STATION

Any entity which receives signals from fire alarm systems and relays information pertaining to such fire alarm systems to the appropriate Fire Department headquarters.

CONTACT LIST

A list of names and telephone numbers for five representatives, one of who shall be capable of reporting to the premise within 60 minutes of being contacted. This list shall be provided by the applicant.

EMERGENCY

An unforeseen occurrence or condition that calls for immediate action.

FALSE FIRE ALARM

An alarm of fire, other than a malicious false alarm, which causes the response of the Fire Department when there is no discernible fire, abnormal heat, smoke or other occurrence that constitutes an emergency.

FIRE ALARM DEVICE

Any device, including manually operated ones, which, when activated by fire, smoke or other emergency requiring Fire Department response, transmits a signal to local Fire Department headquarters or to a central alarm station and/or produces any audible or visible signal to which the local Fire Department is expected to respond. Excluded from this definition and from the provisions of this article are devices designed to alert the occupants of a building of an emergency condition therein and which do not produce any audible or visible signal which is perceptible outside of such building.

FIRE ALARM SYSTEM

Any arrangement of fire alarm devices, connected together and to a control panel or panels, designed so that the activation of any one device will cause an appropriate signal to operate.

FIRE ALARM TECHNICIAN

Any person, licensed by the State of New York, who maintains, installs, repairs, tests,

(If additional space is needed, attach pages the same size as this sheet, and number each.)

inspects or otherwise performs work on fire alarm systems.

FIRE PROTECTION AND LIFE SAFETY SYSTEMS

Any fire alarm or any fire sprinkler system, carbon monoxide system, fire mains, and fire hydrants, fixed pipe extinguishing systems. In the case of one premises with more than one fire alarm control panel, each fire alarm control panel shall be considered a separate fire protection system. In the case of multiple sprinkler risers, each group of risers protecting the same tenancy shall be considered one fire protection system. In the case of multiple fixed pipe extinguishing systems in the same tenancy, they shall be considered separate fire protection systems. The fire service main and fire hydrants connected thereto shall be considered one fire protection system. One or more single-station or interconnected smoke detectors or carbon monoxide detectors without central station monitoring or an exterior notification device, shall not be considered a fire protection system.

FIRE SPRINKLER SYSTEM

Any arrangement of sprinkler heads, valves, piping and accessories connected together, installed within a building or structure and intended to discharge water in the event of a fire or abnormal heat condition within the building or structure.

FIXED PIPE EXTINGUISHING SYSTEM

Any arrangement of piping with stored extinguishing agent connected to a control unit installed for the purpose of fire suppression.

MALICIOUS FALSE ALARM

The willful and knowing initiation or transmission of a signal, message or other notification of an event of fire, smoke or other emergency when no such danger exists.

REPORT OF TESTING

A report indicating that a licensed contractor has inspected a fire protection system in accordance with the applicable standard(s) of the NFPA. The report shall contain at least the name and location of the premise, any deficiencies noted and/or corrected, the name and original signature of the inspector, his/her certification that the inspection has been properly conducted and all statements related thereto are true and correct and additional information as may be deemed necessary by the Chief Fire Marshal.

§30-156. Registration.

- A. Every fire protection and life safety systems shall be registered with the Division of Fire Prevention by the owner of the system. With each application the applicant must submit the fees required by Chapter 29 of this Code.
- B. The effective period of a registration shall be three years, unless the registration is revoked for cause.
- C. All applications for registration of a fire protection system shall be made to the Chief Fire Marshal in such form and detail as he shall prescribe. Applications for registrations shall be accompanied by a valid report of testing of the fire protection system and a contact list.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

D. It shall be the responsibility of the registrant to maintain and insure the accuracy of the contact list and to notify the Division of Fire Prevention of any changes within one business day.

E. Registrations shall not be assignable from one system owner to another.

F. Registrations shall not be transferable from one system to another.

G. Failure of the contact list to provide a representative at the premise within 60 minutes of the first call shall result in the revocation of the fire protection system registration.,

H. In the event of a revocation of a registration under this article the applicant must submit a new application in accordance with the terms and condition of this Article XXVII.

§ 30-159. Installation and maintenance.

A. Every fire alarm system and carbon monoxide system shall be thoroughly inspected and tested not less than once every 12 months. Inspection shall be only by a fire alarm technician. A report of testing shall be made on a form specified by the Chief Fire Marshal and shall be submitted to the Division of Fire Prevention.

B. The owner shall be responsible for the maintenance and service of his or its fire alarm

device equipment and shall be responsible for all malfunctions of his or its equipment.

C. Devices which automatically transmit fire alarm and/or carbon monoxide signals to a Fire Department or the dispatching facilities for a Fire Department shall be prohibited unless specific written permission is issued by the Fire Commissioners of said Fire Department or by the dispatching facility. This shall not apply to signals transmitted to commercial central alarm stations.

D. Taped message dialers. The use of taped message dialers to any Fire Department, Police Department, dispatching facility for any Fire Department or central station is hereby prohibited.

Section 4. Text Amendment. Chapter 29 of the Code of the Town of Brookhaven entitled "Fees" Chapter 29-3 entitled "Fire prevention." is hereby amended by deleting the words with a strikethrough and adding the words underlined as follows:

§ 29-3. Fire prevention.

A. Fire prevention fees shall be as follows (article numbers are those articles contained in Chapter 30 of the Code of the Town of Brookhaven):

(1) Plan review fee required by § 30-11H for the construction of building or structures:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

1,000-2,000 sq. Ft.	\$150
2,001 - 10,000 sq.ft.	\$300
10,001 -30,000 sq. ft.	\$500
30,001 - 50,000 sq. ft.	\$750
50,001 -100,000 sq. ft.	\$1,000
100,001 - sq. ft. Plus (2) Registration required by § 30-19, Annual registration of commercial properties: \$50.	\$1,500

(3) Permits required by § 30-29, Installation of systems:

(a) Fee amounts.

[1] Fire detection/alarm systems, carbon monoxide systems and water-based fire protection systems: \$90 for the first 25 devices and \$1.50 per device in excess thereof. A device shall include, but not be limited to, a heat detector, a smoke detector, carbon monoxide detecting device, a pull station, a bell or other sounding device, a speaker, a fire alarm control panel, a remote annunciator, a floor command station, an alarm and check valve, a sprinkler head, a monitor nozzle, a foam proportioner, a foam eductor, a dry pipe valve, a deluge valve, an exhauster, an accelerator, a retard chamber or a Fire Department connection.

[2] Automatic fixed pipe extinguishing systems: \$90.

[3] Exhaust systems for the removal of smoke and/or grease-laden or other vapors: \$90.

(b) Fees required by this subsection shall include the review of requisite plans and not

more than two compliance inspections. If additional inspections are necessary due to inaccurate submissions, improper installation or defective equipment, an additional fee, equal to the original application fee, shall be required, which shall permit not more than two additional inspections.

(4) Permits required by § 30-37, Storage of readily combustible materials: \$55.

(5) Permits required by § 30-39, Chimneys and heating appliances: \$18.

(6) Permits required by § 30-46, Automobile wrecking yards, junkyards and waste material handling plants: \$55.

(7) Permits required by § 30-51, Automobile tire rebuilding plants: \$360.

(8) Permits required by § 30-60, Storage and handling of combustible fibers: \$55.

(9) Permits required by § 30-63, Dry-cleaning plants: \$45.

(10) Permits required by § 30-70, Explosives, ammunition and blasting agents: \$270 for the first 1,000 gallons or pounds and \$0.02 per gallon or pound in excess thereof.

(11) Permits required by § 30-74, Application of flammable finishes: \$85.

(12) Permits required by:

(a) Section 30-79A or 30-79B, Storage of combustible and flammable liquids: \$180 for the first 10,000 gallons and \$0.01 per gallon in excess thereof, with a maximum fee of \$54,000.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(b) Section 30-79C, Installation of tanks for combustible or flammable liquids: \$90 for the first 10,000 gallons and \$0.01 per gallon in excess thereof. Fees required by this subsection shall include the review of requisite plans and not more than two compliance inspections. If additional inspections are necessary due to inaccurate submissions, improper installation or defective equipment, an additional fee, equal to the original application fee, shall be required, which shall permit not more than two additional inspections.

(13) Permits required by § 30-87, Repair garages: \$45.

(14) Permits required by § 30-91, Hazardous chemicals and materials: \$360 for the first 1,000 gallons or pounds and \$0.01 per gallon or pound in excess thereof.

(15) Permits required by § 30-101, Installation of containers for the storage of liquefied petroleum gases: \$90 for the first 10,000 gallons and \$0.01 per gallon in excess thereof. Fees required by this subsection shall include the review of requisite plans and not more than two compliance inspections. If additional inspections are needed due to inaccurate submissions, improper installation or defective equipment, an additional fee, equal to the original application fee, shall be required, which shall permit not more than two additional inspections.

(16) Permits required by § 30-105, Liquefied petroleum gases: \$270 for the first 2,000 gallons' water capacity and \$0.01 per gallon in excess thereof.

(17) Permits required by § 30-106, Transportation of liquefied petroleum gases: \$540.

(18) Fee required by § 30-107, Certificates of fitness: \$54.

(19) Permits required by § 30-111, Lumberyards and woodworking plants: \$54.

(20) Permits required by § 30-117, Oil-burning equipment: \$27.

(21) Permits required by § 30-119, Places of assembly: \$180 for the first 300 occupants and \$1 per occupant in excess thereof.

(22) Permits required by § 30-126, Welding and cutting: \$36.

(23) Permits required by § 30-133B, Fireworks display: \$400.

(24) Permits required by § 30-134, Manufacture, assembly, storage and handling of fireworks: \$270.

(25) Permits required by § 30-140B, Multiple-unit dwellings and multiple-residence facilities: \$90.

(26) Permits required by § 30-144 for the storage of liquefied natural gas: \$90 for the first 10,000 gallons and \$0.01 per gallon in excess thereof. Fees required by this subsection shall include the review of requisite plans and not more than two compliance inspections. If additional inspections are needed due to inaccurate submissions, improper installation or defective equipment, an additional fee, equal to the original application fee, shall be required, which shall permit not more than two additional inspections.

(27) Permits required by § 30-156, Registration of fire protection and life safety systems: \$50.

(28) Permits required by Subsection A(10), (11), (13), (14), (15) and (16) of this section shall, in addition to the specified permit fee, be assessed a surcharge equal to 30% of the permit fee for hazard mitigation functions.

(29) Permits required by § 30-168, Emergency access systems: \$45.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 5. Authority. The Town Board is vested with the authority to make these amendments by local law pursuant to Town Law §64 and §130 and Municipal Home Rule Law §10 and in conformance with Municipal Home Rule Law §20.

Section 6. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2014 of the Town of Brookhaven was duly passed by the Town Board on March 25, 2014, in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the Town of Brookhaven was duly passed by the Town Board on _____, 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.~~

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the Town of Brookhaven was duly passed by the Town Board on _____, 20____, was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20____, in accordance with the applicable provisions of law.~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was~~

~~(If additional space is needed, attach pages the same size as this sheet, and number each.)~~

~~—filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the Town of Brookhaven was duly passed by the Town Board on _____, 20____, and was (approved)(not approved)(repassed after disapproval) by the on _____, 20____. Such local law was subject to permissive referendum with the applicable provisions of law.~~

(If additional space is needed, attach pages the same size as this sheet, and number each.)

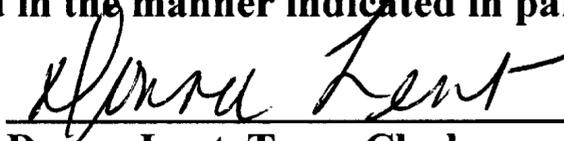
~~5. (City local law concerning Charter revision proposed by petition)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20 _____.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

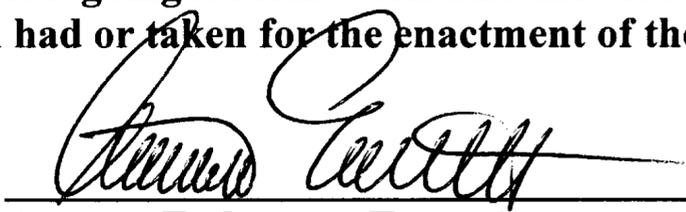


Donna Lent, Town Clerk

Dated: March 25, 2014

STATE OF NEW YORK
COUNTY OF SUFFOLK

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Annette Eaderesto, Town Attorney
Town of Brookhaven

Dated: March 25, 2014

(If additional space is needed, attach pages the same size as this sheet, and number each.)