

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

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(Use this form to file a local law with the Secretary of State.)

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.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

NOV 18 2002

~~XX County~~

~~XX City~~

Town

~~XX Village~~

of SOUTHAMPTON

MISCELLANEOUS
& STATE RECORDS

Local Law No. 47 of the year 2002

A local law AMENDING CHAPTER 164 (FIRE PREVENTION) OF THE CODE
(Insert Title)
OF THE TOWN OF SOUTHAMPTON.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~XX County~~

~~XX City~~

Town

~~XX Village~~

of SOUTHAMPTON

as follows:

SEE ATTACHED

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

LOCAL LAW NO. 47 OF 2002

A LOCAL LAW amending Chapter 164 (Fire Prevention) of the Code of the Town of Southampton.

BE IT ENACTED by the Town Board of the Town of Southampton:

SECTION 1. Amend Chapter 164 (Fire Prevention) by adding two new subsections as follows:

§ 164-5. Permits.

- A. A permit must be obtained from the Fire Marshal to conduct any of the following operations or to store, handle or use materials that are considered to present an extra or unusual fire hazard to life or property, as follows:
- (1) Bonfires. All fires conducted outside of a building, except fires kindled for the instruction of personnel in the methods of fighting fires or small fires kindled in or upon the ground or in a barbecue pit, exterior fireplace, cookout device or other similar out-of-doors eating or cooking device.
 - (2) Combustible dust-producing operations.
 - (3) Compressed and liquefied gases.
 - (a) More than 2,000 gallons' individual water capacity or an aggregate water capacity of 4,000 gallons of flammable compressed gases.
 - (b) More than 10,000 gallons' individual water capacity or an aggregate water capacity of 20,000 gallons of nonflammable compressed gases.
 - (c) For each temporary installation of flammable compressed gases in a place of public assembly.
 - (d) More than 2,000 gallons' individual water capacity or an aggregate water capacity of 4,000 gallons of flammable liquefied gas.
 - (4) Explosive materials. Explosives, blasting agents, water gels (slurries) and detonators, as classified by NFPA 495.
 - (5) Flammable and combustible liquids, in amounts over 55 gallons, excluding paints or paint thinners but including operations involving spraying, flow-coating or dipping utilizing flammable or combustible liquids and operations (including the transportation) of asphalt kettles, except as excluded under §164-3C of this

article. In addition to the provisions of the State Code, all asphalt kettles shall meet the requirements of the NFPA Code with regard to roofing kettles (§§3-6.3.2 and 3-6.3.3).

- (6) Flammable finishing.
 - (7) Fireworks. The use of fireworks to provide audio and visual entertainment to a group of people. Applications for fireworks displays must be made at least 15 days in advance of the date of the display.
 - (8) Pyroxylin plastics (cellulose nitrate).
 - (9) Welding, cutting or other hot work. All cutting, welding and other hot work must be performed in accordance with the provisions of NFPA 51-B.
 - (10) Tents. Applicants for permits to erect a tent will be required to submit a certificate that the tent is made of flame-resistive materials.
 - (11) Installation/alteration of commercial cooking vapor removal system.
 - (12) Installation/alteration of commercial fire extinguishing system.
 - (13) Installation of LPG system (one and two family homes exempt).
 - (14) Fire suppression sprinkler plans review.
 - (15) Smoke/fire detection plans review (one and two family homes exempt).
- B. A permit issued under this section shall continue until revoked or for the period of time designated therein at the time of the issuance of the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit. Permits shall not be transferable or assignable, and any change in activity, operation, location or ownership shall require a new permit.
- C. The Fire Marshal may grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit within the required time period of the permit.
- D. When a temporary hazardous situation is anticipated for conditions not otherwise regulated by this article, the Fire Marshal is authorized to issue a temporary special permit for the duration of the hazard.
- E. Only one permit shall be required for each location of a firm that may be required to obtain more than one permit under permit requirements. Such a consolidated permit shall

list all hazardous materials or operations covered by the permit. Revocation of any portion or portions of such a consolidated permit for specific hazardous materials or operations shall not invalidate any remaining portion of the permit.

- F. Applications for permits shall be made to the Fire Marshal on forms provided by him 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 such fees as may be established by the Town Board.
- G. 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, the applicant shall be advised of the reasons for such rejection.
- H. 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.
- I. Whenever any installation which pursuant to a permit issued under this article is subject to inspection prior to use is covered or concealed without having first been inspected, the Fire Marshal may require by written notice that such work be exposed for inspection. The Fire Marshal shall be notified when the installation is ready for inspection, and the Fire Marshal shall conduct the inspection within a reasonable period of time. When any construction or installation work is being performed in violation of the plans and specifications as approved by the Fire Marshal, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.
- J. Any activity authorized by any permit issued under this article shall be conducted by the permittee, the permittee's agents or employees in compliance with all requirements of this article applicable thereto and in accordance with the approved plans and specifications. No permit issued under this article shall be interpreted to justify a violation of any provision of this article or any other applicable law or regulation. Any addition or alteration of activities conducted under a permit issued under this article or any addition or alteration of approved plans or specifications shall be approved in advance by the Fire Marshal, as evidenced by the issuance of a new or amended permit.
- K. Permits shall be issued by the Fire Marshal and shall bear the name and signature of the Fire Marshal or that of the Fire Marshal's designated representative. In addition, the permit shall show:
- (1) Operation or activities for which the permit is issued.
 - (2) Address or location where the operation or activity is to be conducted.

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- (3) Name and address of the permittee.
 - (4) Permit number and date of issuance.
 - (5) Period of validity of the permit.
 - (6) Inspection requirements.
- L. Any permit issued under this article shall not take the place of any other license or permit required by other applicable codes or laws.
- M. The Fire Marshal shall have the authority to revoke, suspend or deny the granting of any permit, approval or certificate required by this code for noncompliance with the provisions of such permit, approval or certificate or failure to meet the provisions of this code for the issuance of such permit, certificate or approval.
- N. Appeals.
- (1) Any person aggrieved by the determination of the Chief Fire Marshal with respect to a permit, approval or certificate required hereunder may appeal to the Town Board within 15 days of the receipt of the determination by filing a written application with the Town Clerk setting forth the basis for said appeal. A public hearing shall be held by the Town Board within a reasonable time after the filing of the application.
 - (2) The Board shall have the power to affirm, modify or annul the determination of the Chief Fire Marshal; to vary or waive any provision of this code; or to render interpretations of the provisions of this code.
 - (3) In any appeal based upon a request for a variance or waiver of the provisions of this code, the applicant shall have the burden of establishing that the public health, safety and welfare will not be adversely affected.
- O. Permit fees.
- (1) Bonfires \$25.00
 - (2) Combustible dust-producing operations \$100.00
 - (3) Compressed and liquefied gases
 - (a) more than 2,000 gallons \$150.00
 - (b) more than 10,000 \$350.00
 - (c) for each temporary installation \$25.00

(d)	more than 2,000 gallons	\$250.00
(e)	storage of LPG for retail/exchange	\$150.00
(4)	Explosive materials	\$250.00
(5)	Flammable and combustible liquids	
(a)	1,000 gallons or less	\$100.00
(b)	over 1,000 gallons	\$250.00
(6)	Flammable finishing	\$100.00
(7)	Fireworks	\$250.00
(8)	Pyroxylin plastics	\$100.00
(9)	Welding	\$25.00
(10)	Tents	
(a)	Tents erected on one and two family properties for temporary use for public assembly	\$25.00
(b)	Tents/canopies-commercial	\$100.00
(11)	Installation/alteration of cooking vapor removal system	
(a)	New	\$100.00
(b)	Alteration	\$ 50.00
(12)	Installation/alteration of fire extinguishing system	
(a)	Wet system	\$100.00
(b)	Dry system	\$100.00
(13)	Installation of LPG system (one and two	

	family exempt	
(a)	Above ground	\$ 25.00
(b)	Under ground	\$100.00
(14)	Sprinkler plans review	
(a)	New (first 25 devices)	\$ 50.00
	Each additional device	2.00
(b)	Alteration	\$ 50.00
(15)	Smoke/fire detection system plans review	
(a)	New	\$50.00
(b)	Alteration	\$25.00

- P. If any of the above referenced permits and/or fees are part of a special event as defined under Town Code §283, the Town Board shall have the authority to waive the scheduled fee.

SECTION 2. Severability.

If any section or subsection, clause, phrase or provision of this law shall be judged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 3. Effective Date.

This Local Law shall take effect upon the filing of this Local Law with the Secretary of State pursuant to Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 47 of 2002 of the ~~(County)~~(City)(Town)(Village) of SOUTHAMPTON was duly passed by the TOWN BOARD on November 12 2002, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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____, became operative.

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.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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.

Marietta M. Seaman

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

MARILETTA M. SEAMAN, TOWN CLERK

Date: November 13, 2002

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

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.

David J. Gilmartin, Jr.

DAVID J. GILMARTIN, JR., TOWN ATTORNEY
Title

~~County~~
~~City~~ of _____ SOUTHAMPTON _____
Town
~~Village~~

Date: November 13, 2002