

Chapter 92

LIFE SAFETY

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 5-16-1974 by L.L. No. 2-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.

Unsafe buildings — See Ch. 42.

Fire prevention — See Ch. 70.

§ 92-1. Title.

This chapter shall be known as the "Life Safety Code of the Town of Skaneateles, 1974."

§ 92-2. Findings.

Careful regulation of the design, use, occupancy and construction of buildings and structures is declared to be in the public interest in the Town of Skaneateles for the purpose of providing that degree of public safety from fire, smoke, fumes and other hazards which can reasonably be required. It is further determined that such regulation will be of substantial benefit to health, safety and welfare of the inhabitants of the Town.

§ 92-3. Adoption of standards by reference. [Amended 12-7-1981 by L.L. No. 2-1981]

There is hereby adopted by the Town Board of the Town of Skaneateles for the purpose of prescribing and implementing regulations governing conditions hazardous to life from fire and other hazards a certain code known as the "Life Safety Code," adopted by the National Fire Protection Association, Inc., being particularly the 1981 Edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted or modified by this chapter, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Town of Skaneateles outside any incorporated Village located therein.

§ 92-4. Definitions and word usage.

A. Unless otherwise expressly stated, the following terms, for the purpose of this chapter, shall have the meanings indicated in this section.

AUTHORITY — The Life Safety Officer.

AUTHORITY HAVING JURISDICTION — The Life Safety Officer.

CERTIFICATE — Certificate of compliance.

CODE — The life safety code as adopted by this chapter.

LIFE SAFETY OFFICER — Such person as may be designated by the Town Board annually by resolution or, if none is so designated, the Zoning Enforcement Officer for the Town of Skaneateles.

MUNICIPALITY — The Town of Skaneateles.

OWNER — Includes a duly authorized agent or attorney, purchaser, devisee, fiduciary, lessee or occupant of property, including a corporation, partnership, joint venture or firm, as well as an individual.

B. Word usage. "He" shall mean male or female, where applicable; the singular shall mean the plural and vice versa.

§ 92-5. Applicability.

The provisions of this chapter shall apply equally to both public and private property. It shall apply to all new structures and their occupancies, including buildings, structures, equipment, materials and the like and, except as otherwise specified, to existing structures and their occupancies, including buildings, structures, equipment, material, and the like, which constitute a clear and present hazard to life or to property.

§ 92-6. Unlawful acts.

It shall be unlawful for any person to violate this chapter or the code adopted hereby, to permit or maintain such violation, to refuse to obey any provision thereof or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by action of the Life Safety Officer, in writing. Proof of such unlawful act or failure to act shall be deemed prima facie evidence that such act is that of the owner. Prosecution or lack thereof of either the owner or the occupant shall not be deemed to relieve the other.

§ 92-7. Life Safety Officer.

- A. The code shall be enforced by the Life Safety Officer for the Town of Skaneateles, which office is hereby established. The Life Safety Officer shall operate under the supervision of the Town Board of the Town of Skaneateles.
- B. The Life Safety Officer for the Town of Skaneateles shall be appointed by the Town Board of the Town of Skaneateles, to serve at the pleasure of the Town Board.
- C. The Life Safety Officer may recommend to the Town Board of the Town of Skaneateles the employment of technical inspectors when deemed prudent and necessary.
- D. The Life Safety Officer shall annually transmit to the Town Board of the Town of Skaneateles a written report which shall contain all proceedings under this code, with such statistics as the Life Safety Officer deems prudent to include therein; and the Life Safety Officer may recommend any amendment to the code which, in his judgment, he deems prudent and desirable.

§ 92-8. Duties of Life Safety Officer.

- A. The Life Safety Officer is authorized to make such inspections and reinspections as are necessary to determine satisfactory compliance with the code and regulations issued thereunder. The Life Safety Officer, in the performance of his duties, shall have the right to enter buildings, structures, dwellings or facilities to make such inspections. Such entrance and inspection shall be accomplished at reasonable times and in emergencies, whenever necessary to protect the public interest. Owners shall be responsible for providing access to all parts of the premises within their control to the Life Safety Officer acting in accordance with the provisions of this section.
- B. It shall be the duty of the Life Safety Officer to make necessary inspections and reinspections required for issuance or reissuance of certificates of compliance, to investigate all complaints made under this chapter and to note all violations of or deviations or omissions from the provisions of this chapter.
- C. The Life Safety Officer shall issue a certificate of compliance when the construction, design, use and occupancy of buildings, structures, dwellings, facilities and equipment are in conformity with this chapter.

§ 92-9. Certificate of compliance.

- A. A certificate of compliance shall constitute permission to maintain installations, procedures, equipment, materials, designs, construction and the like or to utilize or implement the same in connection with activities or processes which produce or tend to produce conditions hazardous to life or property from fire and like emergencies. Such certificate does not take the place of any license, building permit or any other permit or certificate required by law. It shall not be transferable and any change in use or occupancy of the premises shall require a new permit.
- B. All applications for such certificate required by the code shall be made to the Life Safety Officer in such form and detail as prescribed by him. Applications for certificates shall be accompanied by such plans as required by the Life Safety Officer. Certificate applications may be obtained from the Life Safety Officer or the office of the Town Clerk during normal business hours.
- C. Before such certificate may be issued, the Life Safety Officer shall inspect and approve the installations, procedures, equipment, materials, designs, construction and the like which are or will be utilized or implemented. In cases where laws, regulations, codes, local laws or ordinances enforceable by departments, agencies or officers other than the Life Safety Officer are applicable, joint approval shall be obtained from all departments concerned.
- D. Certificates shall, at all times, be kept on the premises designated therein and shall at all times be subject to inspection by the Life Safety Officer or any officer of the Fire or Police Department.
- E. The Town Board may, by resolution, establish certificate fees required by the provisions of this chapter.

§ 92-10. Revocation of certificate of compliance.

- A. Upon determination by the Life Safety Officer that there has been a violation of any provision of this chapter, he shall serve upon the owner or person in violation an order, in writing, directing that the condition specified therein be corrected or eliminated within the time period specified in the order. If, at the expiration of the period of time so specified, such conditions are not corrected or eliminated, the Life Safety Officer shall serve a notice, in writing, upon the owner or person in violation requiring him to appear before the Town Board of the Town of Skaneateles at a time to be specified in such notice [not less than 24 hours after service of such notice], to show cause why the certificate, if any, shall not be revoked or other action taken. The Town Board may, after a hearing at which witnesses and the holder of the certificate shall be heard, revoke such certificate if the conditions described in the initial order are violative of the code and have not been corrected or direct initiation of enforcement proceedings. Service of any such order or notice upon the owner may be by personal delivery or, if no person of suitable age and discretion is found on the premises, by affixing a copy thereof on the door to the entrance of the premises or by mailing to the address stated in the application for the certificate.
- B. The provisions of this section shall apply with equal force if it is found that there has been a false statement or misrepresentation as to a material fact in the application or plans on which the certificate or permit was based.

§ 92-11. Amendments and deletions. [Amended 12-7-1981 by L.L. No. 2-1981]

- A. The inside of the front cover of the code is hereby deleted.
- B. Pages 101-I to 101-XII are hereby deleted.
- C. The material contained on the inside and outside of the back cover of the code is hereby deleted.

§ 92-12. Exemptions.

The Life Safety Officer shall have the power to grant an exemption of the application of specific requirements of the code or regulations promulgated thereunder upon request, in writing, to do so, when such request shows that the enforcement of the specific requirement will cause unnecessary hardship to the petitioner, provided that the spirit and intent of the code are not violated thereby. The particulars of such exemption, when granted, shall be entered upon the approval granted. A copy thereof shall be retained by the Life Safety Officer and the owner.

§ 92-13. Liability for damages.

This chapter shall not be construed to hold the Town on Skaneateles 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 certificate of compliance issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

§ 92-14. Appeals.

Whenever the Life Safety Officer shall disapprove an application or refuse to grant a certificate applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant, owner or other interested person may appeal the decision of the Life Safety Officer to the Town Board of the Town of Skaneateles within 10 days from the date of service upon the applicant of a copy of the decision appealed.

§ 92-15. Penalties for offenses. [Amended 12-10-1985 by L.L. No. 11-1985]

Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and subject to a fine for the first week's continuation of such violation or for any portion of that week of not more than \$250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person who violates any of the provisions of this chapter or who shall omit, neglect or refuse to do any act required by this chapter shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed \$100 a day for each day of continued violation in excess of the first week. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions prohibited by this chapter. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the aforesaid criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

§ 92-16. Right to amend.

The Town Board reserves the right to change, supplement or amend this chapter from time to time. The right is also reserved to make such additional rules and regulations as to the Town Board seem appropriate to promote the health, welfare, safety and morals of the inhabitants of the Town of Skaneateles.

§ 92-17. Compliance.

- A. Compliance with this chapter shall not relieve any owner from complying with any other ordinance, local law, rule or regulation.
- B. Where separate provisions of this chapter or provisions of this chapter and any other local law, ordinance, rule or regulation dealing with the same items are applicable to a given situation, compliance with the more restrictive of the differing requirements shall be required.