

## Chapter 70

### FIRE PREVENTION

**[HISTORY: Adopted by the Town Board of the Town of Skaneateles 5-16-1974 by L.L. No. 1-1974. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 40.

Unsafe buildings — See Ch. 42.

Life safety — See Ch. 92.

#### § 70-1. Title.

This chapter shall be known as the "Fire Prevention Code of the Town of Skaneateles, 1974."

#### § 70-2. Findings.

Careful regulation of the design, construction and use of structures and of the conduct of certain activities is declared to be in the public interest of the Town of Skaneateles, for the purpose of limiting fire and other safety hazards and the safeguarding of life and property in the event of casualty. It is further determined that such regulation will be of substantial benefit to health, safety and welfare of the inhabitants of the Town.

#### § 70-3. Adoption of standards by reference. [Amended 12-7-1981 by L.L. No. 1-1981]

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 and property from fire or explosion, a certain code known as the "Fire Prevention Code," as recommended by the American Insurance Association, being particularly the 1976 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.

#### § 70-4. 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.

CHIEF OF FIRE DEPARTMENT — The Fire Prevention Officer for the Town of Skaneateles.

CHIEF OF FIRE PREVENTION BUREAU — The Fire Prevention Officer for the Town of Skaneateles

CODE — The Fire Prevention Code as adopted by this chapter.

CORPORATION COUNSEL — The attorney or attorneys as designated by the Town Board of the Town of Skaneateles.

FIRE DEPARTMENT — The Fire Prevention Officer for the Town of Skaneateles.

FIRE PREVENTION 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.

**§ 70-5. 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 Fire Prevention 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.

**§ 70-6. Fire Prevention Officer.**

- A. The code shall be enforced by the Fire Prevention Officer for the Town of Skaneateles, which office is hereby established. The Fire Prevention Officer shall operate under the supervision of the Town Board of the Town of Skaneateles.
- B. The Fire Prevention 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 Fire Prevention Officer may recommend to the Town Board of the Town of Skaneateles the employment of technical inspectors when deemed prudent and necessary.
- D. The Fire Prevention 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 Fire Prevention Officer deems prudent to include therein; and the Fire Prevention Officer may recommend any amendment to the code which, in his judgment, he deems prudent and desirable.

**§ 70-7. Establishment of limits, districts and routes.**

- A. Limits, routes and lanes.
- (1) The limits, referred to in Section 12.5b of the code, in which the storage of explosives and blasting agents is prohibited may be established by the Town Board of the Town of Skaneateles by a resolution.
  - (2) The limits, referred to in Section 16.22a of the code, in which storage of flammable liquids in outside aboveground tanks is prohibited may be established by the Town Board of the Town of Skaneateles by resolution.
  - (3) The limits, referred to in Section 16.61 of the code, in which new bulk plants for flammable or combustible liquids are prohibited may be established by the Town Board of the Town of Skaneateles by resolution.
  - (4) The limits, referred to in Section 21.6a of the code, in which bulk storage of liquefied petroleum gases is restricted may be established by the Town Board of the Town of Skaneateles by resolution.
  - (5) The routes, referred to in Section 12.7o of the code, for vehicles transporting explosives and blasting agents may be established by the Town Board of the Town of Skaneateles by resolution. [Amended 12-7-1981 by L.L. No. 1-1981]
  - (6) The routes, referred to in Section 20.14 of the code, for vehicles transporting hazardous chemicals and other dangerous articles may be established by the Town Board of the Town of Skaneateles by resolution.
  - (7) Fire lanes referred to in Section 28.16 of the code, regarding the establishment of fire lanes on private property devoted to public use, may be established by the Town Board of the Town of Skaneateles by resolution.
- B. Such resolutions, upon adoption by the Town Board of the Town of Skaneateles, shall be deemed to be incorporated by reference into the code. Copies of all such resolutions shall be appended by the Town Clerk to the code and shall be available for inspection by the public during normal business hours at the Town Clerk's office. The Town Clerk shall cause an abstract of such resolution to be published following passage by the Town Board.

**§ 70-8. Permits; fees.**

- A. A permit shall constitute permission to maintain, store or handle materials, to conduct processes or activities which may 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, 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 permits required by the code shall be made to the Fire Prevention Officer in such form and detail as prescribed by him. Applications for permits shall be accompanied by such plans as required by the Fire Prevention Officer. Permit applications may be obtained from the Fire Prevention Officer or the office of the Town Clerk during normal business hours.

- C. Before a permit may be issued or reissued, the Fire Prevention Officer shall inspect and approve the receptacles, vehicles, buildings or storage places to be used. In cases where laws, regulations, codes, local laws or ordinances enforceable by departments, agencies or officers other than the Fire Prevention Officer are applicable, joint approval shall be obtained from all departments concerned.
- D. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the Fire Prevention Officer or any officer of the Fire or Police Department.
- E. One permit only shall be required by establishments dealing in or using two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed in the permit.
- F. The Town Board may, by resolution, establish fees for permits required by the provisions of the code.
- G. Permittees shall be required to renew each permit annually.

**§ 70-9. Revocation of permit.**

- A. Upon determination by the Fire Prevention 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 Fire Prevention 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 permit, 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 permit shall be heard, revoke such permit 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 permit.
- B. The provisions of this section shall apply with equal force if it is found that there has been a false statement of misrepresentation as to a material fact in the application or plans on which the permit was based.

**§ 70-10. Amendments and deletions.**

The provisions of the code are deleted or modified in the following respects:

- A. Section 1.5 of the code, entitled "Orders to Eliminate Dangerous or Hazardous Conditions," is hereby amended by adding the following new subsection:

g. The listing in the foregoing subsections is to be considered as exemplary only and not all-inclusive.

- B. Section 1.9 of the code, entitled "Permits," is hereby deleted, and § 70-8 of this chapter is deemed inserted in its place.
- C. Section 1.10 of the code, entitled "Revocation of Permits" is hereby deleted.
- D. Article 17, entitled "Fruit Ripening Processes," is hereby deleted.
- E. Section 28.1, entitled "Bonfires and Outdoor Rubbish Fires," is hereby deleted.
- F. Appendix A is hereby deleted. [Amended 12-7-1981 by L.L. No. 1-1981]

**§ 70-11. Exemptions.**

The Fire Prevention 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 Fire Prevention Officer and the owner.

**§ 70-12. Appeals.**

Whenever the Fire Prevention Officer shall disapprove an application or refuse to grant a permit 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 Fire Prevention 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.

**§ 70-13. New materials, processes or occupancies which may require permits.**

The Town Board of the Town of Skaneateles and the Fire Prevention Officer shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in said code. The Fire Prevention Officer shall post such a list in a conspicuous place in the Town Clerk's office. Copies thereof shall be available to interested persons at the Town Clerk's office.

**§ 70-14. 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 shall be 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.

**§ 70-15. 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.

**§ 70-16. 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.