

NASSAU COUNTY
FIRE PREVENTION
ORDINANCE

Ordinance No. 56-1962

Nassau County Fire Prevention Ordinance

Nassau County Fire Prevention Ordinance

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ORDINANCE NUMBER 56-1962

An Ordinance amending Ordinance No. 60-1950, entitled: "An Ordinance for the prevention of fires by establishing uniform regulations for the control of fire hazards and for the enforcement of such regulations in accordance with the recommendations of the Nassau County Fire Commission and to repeal Ordinance No. 66-1942; pursuant to the County Government Law of Nassau County," as amended by Ordinance No. 47-1959;

NO. 111,	effective	5/4/1964	ARTICLES II, III, IV, VI, and XIV
NO. 208,	effective	8/15/1966	ARTICLES XIV and XVI
NO. 30,	effective	1/23/1967	ARTICLE II
NO. 259,	effective	10/30/1972	ARTICLE III
NO. 90,	effective	3/22/1976	ARTICLE III
NO. 344,	effective	8/27/1979	ARTICLE VI
NO. 393,	effective	10/15/1979	ARTICLE VI
NO. 426,	effective	11/19/1979	ARTICLE III
NO. 427,	effective	11/19/1979	ARTICLE VI
NO. 42,	effective	2/4/1980	ARTICLE III
NO. 140,	effective	3/24/1980	ARTICLE III
NO. 352,	effective	8/11/1980	ARTICLE XVII
NO. 51,	effective	2/23/1981	ARTICLE III
NO. 176,	effective	4/27/1981	ARTICLE III
NO. 371,	effective	8/17/1981	ARTICLE XVII
NO. 138,	effective	5/3/1982	ARTICLE XIX
NO. 414,	effective	11/8/1982	ARTICLE III
NO. 415,	effective	11/8/1982	ARTICLE VI
NO. 295,	effective	8/8/1983	ARTICLE III
NO. 499,	effective	12/19/1983	ARTICLES III, VI, XIV, and XVII
NO. 67,	effective	3/12/1984	ARTICLE XVIII
NO. 70,	effective	3/12/1984	ARTICLE XXI
NO. 11,	effective	1/6/1986	ARTICLE XVI
NO. 407,	effective	9/15/1986	ARTICLE III
NO. 520,	effective	12/15/1986	ARTICLE I
NO. 526,	effective	12/3/1990	ARTICLES III, XIV, XVII, XVIII, XXI and XXII
NO. 299,	effective	9/14/1992	ARTICLES III, V, VII, IX, XIII, XVII, XIX, XXII, XXIII and XXIV
NO. 413,	effective	11/30/1992	ARTICLE XXIV
NO. 473,	effective	12/12/1994	ARTICLES XIII, XIV and XXII
NO. 545,	effective	12/13/1995	ARTICLE II
NO. 241,	effective	7/21/1997	ARTICLE XV
NO. 163,	effective	9/13/1999	ARTICLE XXII
NO. 262,	effective	12/20/1999	ARTICLE II, XVIII, XXI and XXII
NO. 117,	effective	8/10/2001	ARTICLE III, VI, XIII, XVI, XVII, XVIII, XIX, XXI, XXII, XXIII, XXIV, and XXV
NO. 205,	effective	10/29/2001	ARTICLE XXII
NO. 124,	effective	10/31/2002	ARTICLE XVIII and XXII
NO. 24,	effective	5/6/2003	ARTICLE I, XIII, XXII and XXVI
NO. 61,	effective	9/17/2003	ARTICLE XVIII, XXII, XXIV and XXVII
NO. 79,	effective	11/4/2004	ARTICLE XXII
NO. 16,	effective	1/26/2005	ARTICLE XXII
NO. 18,	effective	2/11/2005	ARTICLE II, III, V, XVI, XXI and XXII
NO. 114,	effective	12/12/2005	ARTICLE XXII
NO. 95,	effective	6/20/2007	ARTICLE II and ARTICLE XXII
NO. 2,	effective	1/31/2008	ARTICLE XIII
NO. 3,	effective	1/31/2008	ARTICLE III and ARTICLE XXII
NO. 178,	effective	1/1/2011	ARTICLE XXII (Approved 10/5/2010)
NO. 17,	effective	3/28/2011	ARTICLE IV, VIII, X, XI, and XII (All removed)
NO. 149,	effective	12/1/2011	Article III (Approved 10/17/ 2011)

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NO. 66 effective 2/1/2013 Article XVIII and Article XXII (Approved 6/18/ 2012)
NO. 193 effective 2/1/2013 Article XXII (Approved 8/8/2012)

Pursuant to the County Government Law of Nassau County.

Be it ordained by the Board of Supervisors of Nassau County as follows:

Section1. Ordinance No. 60-1950 entitled "An Ordinance for the prevention of fires by establishing uniform regulations for the control of fire hazards and for the enforcement of such regulations in accordance with the recommendations of the Nassau County Fire Commission and to repeal Ordinance No. 66-1942; pursuant to the County Government Law of Nassau County," adopted by the Board of Supervisors on June 12, 1950 and amended by Ordinance No. 47-1959, adopted by the Board of Supervisors on March 16, 1959, is hereby amended so that the Ordinance shall now read as follows:

An Ordinance for the prevention of fires by establishing uniform regulations for the control of fire hazards and for the enforcement of such regulations in accordance with the recommendations of the Nassau County Fire Commission, pursuant to the County Government Law of Nassau County. Adopted March 26, 1962, amended May 4, 1964, August 15, 1966, January 23, 1967, October 30, 1972, March 22, 1976, August 27, 1979, October 15, 1979, November 19, 1979, February 4, 1980, March 24, 1980, August 11, 1980, February 23, 1981, April 27, 1981, August 17, 1981, May 3, 1982, November 8, 1982, August 8, 1983, December 19, 1983, March 12, 1984, January 6, 1986, September 15, 1986, December 15, 1986, December 3, 1990, September 14, 1992, November 30, 1992, December 12, 1994, December 13, 1995, July 21, 1997, September 13, 1999, December 20, 1999 August 10, 2001, October 29, 2001, October 31, 2002, May 6, 2003, September 17, 2003, November 4, 2004, January 26, 2005, February 11, 2005, December 12, 2005, June 20, 2007, January 31, 2008, October 5, 2010, March 28, 2011, October 17, 2011, June 18, 2012, and August 8, 2012.

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ARTICLE I

General Provisions

Section 1.0 Short Title:

This Ordinance shall be known and may be cited as the "Nassau County Fire Prevention Ordinance."

Section 1.1 Appointment, Power and Duties of Inspectors.

(a) The Fire Commission may appoint one or more inspectors within the appropriations made therefor, to assist the Fire Marshal in enforcing the provisions hereof. Such inspectors shall be appointed from a list certified by the County Civil Service Commission and the number and salary or compensation shall be fixed by the Board of Supervisors and approved by the County Executive. Such inspectors shall report all actions taken hereunder to the Fire Marshal at such times and on such forms as the Commission may prescribe.

(b) On the recommendation of the Chief of any fire department the Fire Commission may appoint one or more Assistant Fire Inspectors in such department to assist and work under the supervision and direction of the Fire Marshal within the district covered by such department, in enforcing the provisions hereof. Such Assistant Fire Inspectors shall be appointed by the Fire Commission only after the establishment of their merit and fitness to the satisfaction of the Commission, determined in so far as practicable by a qualifying examination. No compensation shall be paid to such Assistant Fire Inspectors by the County. Assistant Fire Inspectors shall report all actions taken hereunder pursuant to the regulations of the Commission at such times, to such persons and on such forms as may be prescribed by it. Such Assistant Fire Inspectors shall hold office at the will of the Fire Commission but in no event longer than the terms of office of the Chief recommending the appointment, unless a succeeding Chief shall recommend their reappointment.

Section 1.2 City and Village Fire Prevention Bureau.

(a) Within any city or village where a bureau of fire prevention has been or shall hereafter be duly created by the governing body of such city or village, a certified copy of the resolution or ordinance establishing such bureau shall be filed with the Fire Commission and the Clerk of the Board of Supervisors and such city or village bureau, upon its establishment, shall have full power to enforce this ordinance within such city or village.

(b) No employee of such city or village fire prevention bureau shall be compensated by the County but shall receive such compensation as may be provided therefor by such city or village, not to exceed, however, the compensation paid by the County for like or similar service. Such bureau shall report all action taken hereunder to the Fire Commission upon such forms and at such times as may be prescribed by the Commission.

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Section 1.3 Qualifications of Said Inspectors.

All paid inspectors appointed pursuant to this Ordinance, whether appointed by the Fire Commission or by a city or village bureau of fire prevention, shall be appointed from a civil service list established pursuant to law. No inspector shall be appointed unless he shall have had at least five years of service as a volunteer fireman in the County.

Section 1.4

Municipalities, Special Districts and Political Sub-divisions shall be exempted from fees imposed pursuant to the provisions of this Fire Prevention Ordinance. (Amended by Ord. No. 520, effective 12/15/86.)

Section 1.5 Severability.

(Added by Ord. No. 24, effective 5/6/03.)

If any part or provision of this Ordinance or the application thereof to any person, entity or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to that part, provision or application of this Ordinance directly involved in the controversy for which such judgment was rendered and shall not be deemed to affect or impair the validity of the remainder of this Ordinance to the application thereof to other persons, entities or circumstances.

Historical notes:

<i>Enacted by Ord. No. 66-1942</i>	<i>Effective Jan. 1, 1942</i>
<i>Amended by Ord. No. 60-1950</i>	<i>Effective Sept. 1, 1950 (Repeals Ord. No. 66-1942)</i>
<i>Amended by Ord. No. 47-1959</i>	<i>Effective March 16, 1959</i>
<i>Amended by Ord. No. 56-1962</i>	<i>Effective March 26, 1962</i>
<i>Amended by Ord. No. 520-1986</i>	<i>Effective Dec. 15, 1986</i>
<i>Amended by Ord. No. 24-2003</i>	<i>Effective May 6, 2003</i>

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ARTICLE II

Inspections, Investigations, Orders and Reports.

Section 2.0 Inspection of Certain Hazards and Appliances. The Fire Marshal, Assistant Fire Marshal, or an Inspector or Assistant Inspector appointed by the Fire Commission shall inspect, as often as may be deemed necessary, all hazardous manufacturing processes, storage or installations of gases, chemicals, oils and other flammable materials, all interior fire alarms, standpipes and automatic sprinkler systems, and such other hazards or appliances as may be designated by the Commission, and the Fire Marshal shall issue such orders with respect thereto as may be necessary for the enforcement of laws and ordinances governing the safeguarding of life and property from fire.

Section 2.1 General Inspections of Buildings.

(a) The Fire Marshal, Assistant Fire Marshal, or an Inspector or Assistant Inspector appointed by the Fire Commission as herein provided, shall inspect, as often as may be deemed necessary, all buildings and premises, except the interior of one-family dwellings for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any laws or ordinances affecting the fire hazard or egress of occupants in case of fire.

(b) Wherever such inspection shall disclose in any building or upon any premises combustible or explosive matter or unnecessary accumulations of rubbish, waste paper, boxes, or any other highly flammable materials which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, steps, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire, the Fire Marshal shall order such dangerous conditions to be remedied or removed.

(c) Whenever a building or occupancy, subject to inspection, as provided in this section, is of such a nature that the use of fire appliances, fire extinguishing systems and/or fire detection equipment would be desirable and useful to detect and control incipient fires, the Fire Marshal may order such fire appliances, fire extinguishing systems and/or fire detection equipment to be provided and maintained. In making his determination, the Fire Marshal shall give due regard, among other things, to the following:

1. The nature or construction of the building or occupancy.
2. The nature and extent of the business or operations conducted therein.
3. The character of the neighborhood and adjoining occupancies.
4. The number of employees, occupants, transients or others frequenting the premises.
5. The character and amount of materials, goods and equipment kept or maintained therein.
6. Any unusual or extraordinary features of the building or the operations conducted therein which affect the fire and/or life hazard. (Amended by Ord. No. 30, effective 1/23/67.)

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Section 2.2 Inspection of Buildings.

The County Fire Marshal, Assistant County Fire Marshal, or County Fire Inspector, shall inspect all buildings which, for want of repair, lack of sufficient fire escapes or exits or by reason of age or dilapidated condition, or from any other cause, are liable to fire or to endanger occupants or which are so situated as to endanger other property, or the occupants thereof and whenever such officer shall find in any building combustible or flammable materials or conditions dangerous to the safety of such buildings or the occupants thereof, he shall order such dangerous condition to be remedied or removed. (Amended by Ord. No. 111, effective 5/4/64.)

Section 2.3 Orders

(Amended by Ord. No. 95, effective 6/20/2007)

- (a) Contents of Order. An order issued by the Office of the Fire Marshal shall be in writing and shall
 1. designate the address of the building or premises affected thereby;
 2. state the specific condition to be remedied by the order; and
 3. set forth a reasonable time period for the remediation of the condition.It is unnecessary to designate such owner or owners, lessees or occupants by name in any such order.

- (b) Service of Order. The service of an order issued by the Office of the Fire Marshal may be made by
 1. delivery of the order to the owner or any one of several owners, to a lessee or any one of several lessees, or to any person of suitable age and discretion in charge of or apparently in charge of the premises; or

 2. if no such person be found in the building or on the premises, service may be made by affixing the order to a conspicuous part of the building or premises and sending the order via certified mail to the last known address of the owner or any one of several owners or a lessee or any one of several lessees.

- (c) Appeal. A person or entity subject to an order issued by the Office of the Fire Marshal may appeal to the Fire Commission within five days of receipt of the order if the order is served pursuant to section 2.3(b)(1) of this Article or within eight days of mailing if served pursuant to section 2.3(b)(2) of this Article. Within 30 days of receipt of the appeal, the Fire Commission shall review such order and file its decision thereon in the Office of the Fire Commission and send the decision by regular first class mail to the appellant at the return address provided in the appeal. If the Fire Commission affirms the order, the order shall remain in full force and compliance shall be required on or before the date fixed by the Fire Commission in its decision or, if the decision does not provide a date, within the time period set forth in the original order.

- (d) Article 78 Review. Any order so affirmed by the Fire Commission shall be reviewable pursuant to Article 78 of the Civil Practice Laws and Rules.

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Section 2.4 Investigation of Fires.

(a) Every fire shall be reported by the officer of the fire department, or independent incorporated fire company in charge of such fire to the County Fire Marshal on such forms and at such times as may be prescribed by the County Fire Commission. If the fire is of a suspicious or undetermined origin, he shall promptly notify the County Fire Marshal. (Amended by Ord. No. 111, effective 5/4/64.)

Section 2.5 Emergency Order.

(This Section added by Ord. No 545-1995, effective 12/13/95)

(a) In the event that an inspection and/or investigation conducted pursuant to this Article and this Ordinance reveals a condition imminently perilous to safety, life or property, or that an order to correct such a condition issued by the Office of the Fire Marshal has not been complied with, in relation to a building or premises covered by this Ordinance, the Fire Marshal, or his designated representative, shall certify in writing that an emergency exists, the nature of the condition creating the emergency, and shall issue an order that the building or premises be immediately vacated and that same be sealed, secured and closed. For the purposes of this section, sealed, secured and closed shall mean the use of any means available to render the building or premises inaccessible including but not limited to the use of a padlock.

(b) Any order issued pursuant to this section shall be conspicuously posted upon the building or premises in question. Immediately, upon the posting of an order pursuant to this section, such order shall be delivered to the police department to enforce such order.

(c) Any order issued pursuant to this section, shall be personally served upon the occupant(s) of the building or premises subject to the Order.

Additionally, the record owner of the building or premises and any record mortgagee of the building or premises as established in the files of the County Clerk's Office shall be served with a copy of said Order by overnight mail on the next ensuing business day, which shall be construed for purposes of this section to be Monday to Friday.

A copy of the Order shall also be filed with the Nassau County Clerk. Such filing shall be notice of the order to any subsequent owner and such owner shall be subject to such order.

(d) Any order to seal, secure and close issued pursuant to this Article, shall contain notice of the opportunity for a hearing with respect to the order, to determine, if the order was properly issued in accordance with the provisions of this Ordinance and this Article. Such hearing shall be conducted before the Nassau County Fire Commission. The hearing shall be held within three (3) business days after the receipt of the written request of an owner, lessor, lessee or mortgagee for such a hearing and the Commission shall render a decision within three (3) business days after such hearing is concluded, which shall be construed for purposes of this section to be Monday to Friday.

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(e) An order issued pursuant to this section shall not be rescinded unless the owner, lessor, lessee or mortgagee seeking such recession provides assurance in a form satisfactory to the Fire Marshal or his designated representative that the conditions which caused the issuance of such order have been corrected and will not reoccur. The Fire Marshal or his designated representative shall have the right to inspect the building or premises to insure that the condition which caused the order to be issued have been eliminated and remedied and that the building or premises may be reoccupied.

(f) The expense for the enforcement of an order issued pursuant to this section shall be a charge against the owner(s) of the location and/or lessees and/or occupants of the location to which the order relates.

Any damages that are related to an order issued to seal, secure and close shall be the responsibility of the owner and/or lessee or occupant to which such order relates.

(g) In the event that any person, or business entity other than a corporation violates any provisions of this section, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment for no more than one (1) year, or, both, for each and every offense. A corporation violating any provisions of this section, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00) for each and every offense.
(Amended by Ord. No. 262, effective 12/20/99.)

Historical notes:

<i>Enacted by Ord. No. 66-1942</i>	<i>Effective Jan. 1, 1942</i>
<i>Amended by Ord. No. 60-1950</i>	<i>Effective Sept. 1, 1950 (Repeals Ord. No. 66-1942)</i>
<i>Amended by Ord. No. 47-1959</i>	<i>Effective March 16, 1959</i>
<i>Amended by Ord. No. 56-1962</i>	<i>Effective March 26, 1962</i>
<i>Amended by Ord. No. 111-1964</i>	<i>Effective May 4, 1964</i>
<i>Amended by Ord. No. 30-1967</i>	<i>Effective Jan. 23, 1967</i>
<i>Amended by Ord. No. 545-1995</i>	<i>Effective Dec. 13, 1995</i>
<i>Amended by Ord. No. 262-1999</i>	<i>Effective Dec 20, 1999</i>
<i>Amended by Ord. No. 95-2007</i>	<i>Effective, June 20, 2007</i>

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ARTICLE III

Flammable and Combustible Liquids

Section 3.1 General Provisions

(Amended by Ordinance No. 3, effective 1/31/2008.)

3.1.1 Scope

This Article, which relates to flammable and combustible liquids with a flash point below 200 degrees Fahrenheit (93.3 degrees Celsius), applies within the County of Nassau. In the case of conflict between this Article and the New York State Uniform Fire Prevention and Building Code or any federal, state or County law, the more restrictive provision shall apply.

3.1.2 Adoption of Generally Accepted Standards.

3.1.2.1 The following National Fire Protection Association (“NFPA”) Standards, on file with the Clerk of the Nassau County Legislature and the Nassau County Fire Commission, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 30-2000	Flammable & Combustible Liquids Code
NFPA 30A-2000	Automotive & Marine Service Stations Code
NFPA 31-2001	Oil Burning Equipment
NFPA 37-1998	Stationary Combustion Engines & Gas Turbines
NFPA 11-2002	Low Expansion Foam & Combined Agent Systems
NFPA 13-2002	Sprinkler Systems
NFPA 15-2001	Water Spray Fixed Systems for Fire Protection
NFPA 16-2003	Deluge Foam-Water Sprinkler Systems and Foam Water Spray Systems
NFPA 17-2002	Dry Chemical Extinguishing Systems
NFPA 12-2000	Carbon Dioxide Extinguishing Systems
NFPA 12A-1997	Halon 1301 Fire Extinguishing Systems

3.1.2.2 In the case of conflict between the NFPA Standards listed above and the New York State Uniform Fire Prevention and Building Code the more restrictive provision shall apply.

3.1.2.3 The Fire Marshal may permit deviations from the NFPA Standards listed above or this Ordinance, pursuant to section 3.1.10 “Variances,” only when it has been conclusively proven to the Fire Marshal that such deviations meet the performance requirements of this Ordinance. Such variances granted by the Fire Marshal constitute compliance with this Ordinance.

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3.1.3 Existing, New and Substantially Modified Facilities

3.1.3.1 Operation of existing facilities. The owner or operator of an existing facility registered under this Article shall ensure that the facility complies with the requirements relating to the handling and storage of petroleum provided in this Article.

3.1.3.2 New and substantially modified facilities. The owner or operator shall ensure that the modified portion of a substantially modified existing facility or a new facility that is registered under this Article complies with requirements relating to new and substantially modified facilities set forth in this Article. With respect to existing facilities that have been substantially modified, the unmodified portion is not subject to requirements relating to new and substantially modified facilities set forth in this Article.

3.1.4 Classifications.

For the purposes of this Article, flammable and combustible liquids are classified as follows:

3.1.4.1 A “flammable liquid” is a liquid that has a flash point below 100 degrees Fahrenheit (38 degrees Celsius), and a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at 100 degrees Fahrenheit (38 degrees Celsius). Flammable liquids are classified as follows:

Class I includes liquids that have flash points below 100 degrees Fahrenheit (38 degrees Celsius). Class I liquids are subdivided as follows:

Subclass IA liquids includes liquids that have flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and boiling points below 100 degrees Fahrenheit (38 degrees Celsius).

Subclass IB liquids includes liquids that have flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and boiling points at or above 100 degrees Fahrenheit (38 degrees Celsius).

Subclass IC liquids includes liquids that have flash points at or above 73 degrees Fahrenheit (22.8 degrees Celsius) and below 100 degrees Fahrenheit (38 degrees Celsius).

3.1.4.2 A “combustible liquid” is a liquid that has a flash point at or above 100 degrees Fahrenheit (38 degrees Celsius). Combustible liquids are classified as follows:

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Class II liquids includes liquids that have flash points at or above 100 degrees Fahrenheit (38 degrees Celsius) and below 140 degrees Fahrenheit (60 degrees Celsius).

Subclass IIIA liquids includes liquids that have flash points at or above 140 Fahrenheit (60 degrees Celsius) and below 200 Fahrenheit (93.4 degrees Celsius).

Subclass IIIB liquids includes liquids that have flash points at or above 200 degrees Fahrenheit (93.4 degrees Celsius).

3.1.4.3 This Article does not apply to Subclass IIIB combustible liquids. Where the term "Class III liquids" is used in this Article, it shall mean only Subclass IIIA liquids.

3.1.5 Definitions.

3.1.5.1 For the purposes of this Article the following definitions apply:

- (1) "Aboveground tank" means a stationary tank that is not entirely covered with earth or other material or a tank that can be inspected in a subterranean vault.
- (2) "Automotive service station" means that portion of property where flammable and/or combustible liquids or gases used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles.
- (3) "Bulk plant or terminal" means that portion of property where flammable and/or combustible liquids are received by tank vessel, pipeline, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, and/or tank vehicle.
- (4) "Carrier" means a person who transports and transfers flammable or combustible liquids from one pipe or tank to another.
- (5) "Combined storage capacity" means the sum of the design storage capacity of each tank at a facility that has not been permanently closed.
- (6) "Corrosion resistant" when referring to an underground tank means any tank that meets standards for new underground tanks specified in Section 3.6 of this Article. When referring to a pipe, "corrosion resistant" means any pipe that meets standards for new underground pipe specified in Section 3.6 of this Article.
- (7) "County" means the County of Nassau.

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- (8) "Discharge" means an intentional or unintentional act or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of flammable or combustible liquids into the waters, onto the surface or subsurface of the County, or into the waters outside the County when damage may result to the lands, waters, or natural resources within the County that is not pursuant to and in compliance with the conditions of a valid local, state or federal permit.
- (9) "Existing facility" means a facility that had been constructed and was capable of being operated prior to the effective date of this Article.
- (10) "Facility" or "storage facility" means one or more stationary tanks, including any associated intra-facility pipelines, fixtures, or other equipment. A facility may include aboveground tanks, underground tanks or a combination of both including pipelines.
- (11) "Fire Marshal" means the Fire Marshal of Nassau County.
- (12) "Leak monitoring system" means a leak detection system as required in Section 3.6.3.4 of this Article.
- (13) "Lining" means a coating of a non-corrodible material resistant to the product stored and bonded firmly to the interior surface of the tank.
- (14) "Marine service station" means that portion of property where flammable and/or combustible liquids or gases used as a fuel for watercraft are stored and dispensed from fixed equipment on shore, piers, wharves, floats or barges into the fuel tanks of marine craft and shall include all other facilities used in connection therewith.
- (15) "Must" indicates a mandatory condition.
- (16) "New facility" means a facility that is not an existing facility.
- (17) "Non-stationary tank" means any tank that is mobile in practice and design, including tanks on wheels, trolleys, skids, pallets or rollers.
- (18) "Oil production facility" means all wells, flow lines, separation equipment, storage facilities, gathering lines and auxiliary non-transportation related equipment used for the storage and handling of unrefined petroleum.
- (19) "Operator" means any person who leases, operates, maintains, controls or supervises a facility.
- (20) "Out-of-service" means a facility or portion thereof that is no longer in use.
- (21) "Owner" means any person who has legal or equitable title to a facility.

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(22) "Permanently" closed means an out-of-service storage tank or facility that has been closed in a manner prescribed by Section 3.6.3.7.2

(23) "Person," except as where otherwise provided in the Article, means any individual, public or private corporation, municipality, political subdivision, government agency, industry, partnership, unincorporated association, joint venture, trust, estate or any other legal entity.

(24) "Petroleum" means any petroleum-based oil of any kind that is liquid at 68 degrees Fahrenheit (20 degrees Celsius) under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of being burned as a fuel to produce heat or usable energy or that is suitable for use as a motor fuel or lubricant in the operation or maintenance of an engine. Waste oil that has been reprocessed or re-refined and is being stored for sale or use as fuel or lubricant is considered petroleum for purposes of this Article.

(25) "Secondary containment" means containment that prevents any materials spilled or leaked from reaching the land or water outside the containment area before cleanup occurs.

(26) "Self service station" means that portion of an automotive service station where liquid motor fuels are dispensed from fixed approved dispensing equipment into the fuel tanks of motor vehicles by persons other than the service station attendant.

(27) "Shall" indicates a duty.

(28) "Spill or spillage" means any escape of flammable or combustible liquids from the containers employed in the course of storage, transfer, processing or use.

(29) "Stationary tank" means all underground tanks or any aboveground tank that is non-mobile. Examples of stationary aboveground tanks include tanks that rest on the ground or are fixed in place permanently on foundations, racks, cradles, or stilts.

(30) "Storage facility" see "Facility."

(31) "A substantially modified facility" means any existing facility that has been modified in one or more of the following ways:

- (a) one or more stationary tanks has been added;
- (b) an existing stationary tank has been replaced, reconditioned or permanently closed; or
- (c) a leaking storage tank has been replaced, repaired or permanently closed.

The repair, replacement or installation of a piping system or other equipment does not substantially modify a facility.

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(32) "Tightness test" means a test that is performed in a manner consistent with the criteria set forth in Section 3.10.5.

(33) "Underground tank" means any tank completely covered with earth or other material. Tanks in subterranean vaults accessible for inspections shall be considered aboveground tanks for the purposes of this Article.

(34) "Unprotected tank" means any underground tank that does not meet standards specified in Section 3.6 of this Article. Examples of unprotected tanks include but are not limited to bare steel tanks, steel tanks that have been rehabilitated with an interior lining, steel tanks with exterior coatings of paint, asphaltum or other similar material, steel tanks that have been retrofitted with cathodic protection, and permeable concrete encased bare steel tanks.

(35) "Waters" or "Waters of the County" shall be construed to include lakes, bays, sounds, ponds, impounding reservoir, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the County of Nassau, and all other bodies of surface or underground waters, either natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters) that are wholly or partially within or bordering the County.

(36) "Working capacity" means the total capacity of the tank less an allowance for expansion and freeboard.

3.1.5.2 Words in the singular number include the plural, and in the plural number include the singular.

3.1.6 Prohibitions and Exceptions.

3.1.6.1 Crude oil. When the Fire Marshal deems that it is in the public interest, the storage or processing of crude petroleum is permitted provided that such storage or processing complies with NFPA Standard 30-2000 and the regulations of the Fire Marshal.

3.1.6.2 Untested Appliances. The sale, or offering for sale, or use of any appliance using flammable or combustible liquids for heating or lighting is prohibited unless such appliance has been tested by a nationally recognized testing laboratory and certified that it has been properly safeguarded against fire hazard. The Underwriters Laboratories, Inc. is deemed a nationally recognized testing laboratory.

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3.1.6.3 Smoking. Smoking is prohibited on premises where flammable and combustible liquids are stored, handled, or dispensed. The operator shall conspicuously post on the premises "No Smoking" signs, in letters of at least two (2) inches in height, that are visible upon entering the premises and at all fuel transfer points.

3.1.6.4 Sources of Ignition. All sources of ignition, including, but not limited to open flames, fire-producing devices, hot surfaces, frictional heat, radiant heat, static electricity, electrical and mechanical sparks, chemical reactions evolving heat, and materials or substances subject to spontaneous ignition, are prohibited where flammable and combustible liquids are stored, handled or dispensed.

3.1.6.5 Maintenance and Repair.

3.1.6.5.1 Maintenance or repair work in a flammable or combustible liquid storage or handling area is prohibited unless authorized by the Fire Marshal.

3.1.6.5.2 Hot work, including but not limited to, welding or cutting operations, the use of spark producing power tools, and chipping operations, is prohibited unless (1) all operating procedures comply with the safety requirements promulgated by the Fire Marshal and (2) the Fire Marshal has been notified prior to the commencement of such hot work. The owner or operator shall ensure that hot work complies with the following minimum requirements and conditions:

3.1.6.5.2.1 Welding and cutting is prohibited in flammable (explosive) atmospheres; near large quantities of exposed, readily ignitable materials; and other such areas as may be designated by the Fire Marshal.

3.1.6.5.2.2 No welding or cutting is permitted within two hundred (200) feet of a transfer of flammable liquid or within one hundred (100) feet of a transfer of combustible liquid unless specifically authorized by the Fire Marshal.

3.1.6.5.2.3 The owner or operator shall ensure that charged and operable fire extinguishers of the type required to extinguish flammable or combustible liquid fires are readily available.

3.1.6.5.2.4 The owner or operator shall provide a trained fire watch at the work area to observe the work and the surrounding area for any smoldering fires and to take immediate action to extinguish same.

3.1.6.5.2.5 "Hot Taps" may be performed only by specifically trained and qualified personnel using recognized methods that are specifically approved by the Fire Marshal prior to the commencement of work.

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3.1.6.6 Unvented portable heating equipment. The use of unvented portable heating equipment utilizing solid, liquid or gaseous fuels is prohibited except that such equipment may be used during building construction, alterations or repair. If such equipment is used during building construction, alteration, or repair, the heating equipment must be adequately ventilated and a means of fire extinguishing must be available. Unvented portable heating equipment used for this purpose must be listed by a nationally recognized testing laboratory and operated and maintained in accordance with manufacturer's recommendations. This prohibition shall not apply to the use of a kerosene fueled heater, approved by a nationally recognized testing facility, in a one- or two-family dwelling.

3.1.6.7 Untested Electrical Equipment. The use of electrical equipment installed as part of a Class I liquid handling or monitoring system is prohibited unless it is approved or listed by a nationally recognized testing organization.

3.1.6.8 Unattended Self Service. Unattended self-service dispensing operations are prohibited.

3.1.6.9 Aboveground Gasoline Storage. Aboveground storage of gasoline outside of a Bulk Plant or Terminal is prohibited.

3.1.7 [Reserved.]

3.1.8 Access to Records and Facilities.

3.1.8.1 Upon reasonable notice of the Fire Marshal or his or her designee, the owner, operator, or an employee shall allow any designated officer or employee of the Fire Marshal's Office at all reasonable times to review and to copy any books, papers, documents and records relating to record keeping requirements and compliance with this Article.

3.1.8.2 Any designated officer or employee of the Fire Marshal's Office may, at reasonable times and upon reasonable notice, enter and inspect a facility for compliance with this Article, provided that the officer or employee is accompanied by the owner or operator or his or her designee.

3.1.9 Additional Testing and Inspection Requirements.

When a leak of flammable or combustible liquids is suspected or appears probable, where tests or inspections have not been performed, or where accurate inventory records are not kept and reconciled as required, the Fire Marshal may order the owner or operator to inspect and to test the tanks or equipment for tightness and structural soundness. If the owner or operator fails to conduct such tests and inspections within ten (10) days, the Fire Marshal may conduct inspections or tests for tightness or structural soundness. The owner or operator shall pay the costs of conducting tests that are ordered by the Fire Marshal.

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3.1.10 Variances.

The Fire Marshal may, upon written application from any person subject to this Article, grant a variance from one or more specific provisions of this Article. In granting a variance, the Fire Marshal may impose specific conditions necessary to assure that the variance will have no significant adverse impact on public safety or the environment. An application for a variance must:

3.1.10.1 Identify the specific section or NFPA Standard from which a variance is sought; and

3.1.10.2 Provide the Fire Marshal with evidence including data, plans, specifications and test results that show the new or alternative designs, practices or methods to protect the public safety and environment in a manner equal to or greater than the requirements of this Article.

3.1.11 Discharge of Flammable or Combustible Liquids Prohibited.

3.1.11.1 The discharge of flammable or combustible liquids upon any roadway, on the surface, or into the sub-surface land, aquifer, or waterway is prohibited in the County of Nassau by whatever method such discharge may occur.

3.1.11.2 Any person with knowledge of a spill, leak or discharge of flammable or combustible liquid shall report the incident to the Fire Marshal within two (2) hours of discovery. The owner, operator, or his or her designee shall report the results of any inventory record, test or inspection that indicates a facility is leaking to the Fire Marshal within two (2) hours of the discovery of such facility leak.

The reporting of a spill or discharge under this section does not relieve the spiller of the obligation to report such spill or discharge to the New York State Department of Environmental Conservation as provided by this Ordinance or Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York section 613.8, as such provision may from time to time be amended or renumbered.

3.1.11.3 The person responsible for any such spill or discharge shall immediately clean-up and remove the discharged liquid and shall remediate any contamination that occurs as a result of such spill. The person responsible for the spill or discharge shall pay all costs related to clean up and remediation including the cost of procuring equipment necessary for clean up and remediation.

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Section 3.2 Fuel Oil

(Amended by Ord. No. 18, effective 2/11/2005.)

3.2.1 Fuel Oil Storage Tanks and Containers Connected Exclusively to Oil Burning Heating Equipment.

All fuel oil storage tanks and containers that are connected exclusively to oil burning heating equipment shall conform with the requirements of the Nassau County Public Health Ordinance Article XI entitled "Toxic and Hazardous Materials Storage, Handling, and Control" as such provision may from time to time be amended or renumbered, and shall not otherwise be subject to the provisions of this Ordinance, except as required by this section.

3.2.2 Installation of Oil Burning Equipment.

The owner or operator shall ensure that installation of oil burning equipment and all connections thereto conform with NFPA Standard 31-2001.

3.2.3 Discharge

The owner or other person in possession or control of (1) a fuel oil storage tank or container that is connected exclusively to oil burning heating equipment or (2) the real property upon which a fuel oil storage tank or container that is connected exclusively to oil burning heating equipment is situated, and any other person who has knowledge of a discharge of fuel oil from such fuel oil storage tank or container shall comply with all provisions of the New York State Department of Environmental Conservation Rules and Regulations, Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, this Ordinance, and Article XI of the Nassau County Public Health Ordinance, notwithstanding paragraph 4 of section 7 of such Ordinance, as such provision may from time to time be amended or renumbered.

Section 3.3 Bulk Storage - Special Provisions

3.3.1 Definitions.

3.3.1.1 "Bulk storage facility" means a terminal where flammable or combustible liquids are received by tank vessel, pipe lines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle or container, or for on-site use.

3.3.1.2 For the purpose of this Article, bulk storage facilities, because of conditions associated with their physical locations, shall be known as either Marine or Inland Terminals.

3.3.1.3 "Marine terminal" means a flammable or combustible liquid storage installation located adjacent to or bordering on navigable waters surrounding or within the County of Nassau.

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3.3.1.4 “Inland terminal” means a flammable or combustible liquid storage installation that is not located adjacent to or bordering on navigable waters surrounding or within the County of Nassau.

3.3.2 Filing of Plans.

Prior to the construction of a new bulk storage facility or the replacement or major repair of or addition or alteration to an existing bulk storage facility, the owner or operator shall file plans with the Fire Marshal showing compliance with requirements of this Ordinance. Work shall not commence unless and until such plans are approved by the Fire Marshal. The plans, at a minimum, shall conform with the requirements of Section 3.6.1.5 of this Article. The Fire Marshal may require additional information to be shown on the plans to indicate compliance with this Article. Plans must include a statement from a licensed professional engineer or registered architect, certifying that the proposed construction will conform to the regulations of the building department of the municipality wherein the plant is to be located. The owner or operator shall pay the plan review fee established in Article XXII of this Ordinance prior to approval by the Fire Marshal.

3.3.3 Certification.

Upon completion of the work for which plans have been approved by the Fire Marshal, pursuant to Section 3.3.1 of this Ordinance, the owner or operator shall file with the Fire Marshal a certificate issued by a licensed professional engineer or registered architect stating that the completed work conforms to the plans approved by the Fire Marshal for such project. The owner or operator shall not place the project into service until it is inspected by the Fire Marshal or his or her designee.

3.3.4 Bulk Storage in Flood Plains.

The owner or operator of any facility located in a flood plain shall safeguard the facility against buoyancy and lateral movement by flood waters in accordance with operating standards set forth in NFPA 30-2000, Section 2-5.6, and in accordance with all federal, state, and County flood plain laws and regulations. If such safeguards include ballasting of tanks with water during flood warning periods, tank valves and other openings must be closed and secured in a locked position in advance of the flood. The discharge of ballast water removed from the tank after a flood into waters of the County is prohibited if doing so contravenes federal, state or County law relating to surface or groundwater quality standards.

3.3.5 Aboveground Storage Facilities - Monthly Inspections.

3.3.5.1 The owner or operator of an aboveground storage facility shall be familiar with the operation of and maintenance requirements of an aboveground storage facility and shall inspect or direct the inspection of the facility at least once per month. Inspection shall include:

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3.3.5.1.1 Inspecting exterior surfaces of tanks, dikes, pipes, valves and other equipment for leaks and maintenance deficiencies;

3.3.5.1.2 Identifying cracks, areas of wear, corrosion and thinning, poor maintenance and operating practices, excessive settlement of structures, separation or swelling of tank insulation, malfunctioning equipment and structural and foundation weaknesses; and

3.3.5.1.3 Inspecting and monitoring all leak detection systems, cathodic protection monitoring equipment, or other monitoring or warning systems that may be in place at the facility.

3.3.6 Inspection Reports.

3.3.6.1 The owner or operator shall maintain reports for each monthly inspection for at least ten (10) years from the date of inspection and provide such reports to the Fire Marshal upon request.

3.3.6.2 The owner, operator or designated inspector shall include the following information in the monthly inspection report:

- A. Facility registration number;
- B. Identification number of tank inspected;
- C. Date of inspection;
- D. Results of inspection including a report on the need of repair;
- E. Certification by the inspector that the inspection has been performed in a manner consistent with the requirements of Article III Section 3.3.4;
- F. Address of inspector; and
- G. Signature of inspector.

3.3.7 Repair of Equipment Deficiencies.

If an inspection reveals a leak, a tank or equipment deficiency, a deficiency in monitoring equipment, excessive thinning of the tank shell that would indicate structural weakness when the tank is filled with product, or any other deficiency that could result in failure of the facility to function properly or store and contain the product in storage, the owner or operator shall take remedial measures immediately to eliminate the leak or deficiency.

Section 3.4 Dike Enclosures

3.4.1 Requirement.

Dike enclosures are required for all new and existing aboveground, outside storage tanks unless otherwise determined by the Fire Marshal.

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3.4.2 Individual Dikes.

Individual dike enclosures are required for each new tank that has a storage capacity of five hundred thousand (500,000) gallons or more. Tanks arranged in a group that has a total storage capacity of five hundred thousand (500,000) gallons or less may be enclosed by a single dike.

3.4.3 Construction.

(Amended by Ord. No. 3, effective 1/31/2008.)

The owner of dikes constructed after November 19, 1970, shall ensure that they are constructed of steel, reinforced concrete or masonry. All dikes must be designed to be liquid tight, and to withstand a full hydraulic head and wind pressures. When protection of adjoining property or waterways is by means of impounding by diking around the tanks, the owner shall ensure that such system complies with the following:

3.4.3.1 A slope of not less than one percent (1%) away from the tank must be provided for at least fifty (50) feet or to the dike base, whichever is less;

3.4.3.2 The volumetric capacity of the diked area must not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. To allow for volume occupied by tanks, the capacity of the diked areas enclosing more than one tank must be calculated after deducting the volume of the tanks, other than the largest tank, below the height of the dike.

3.4.3.3 To permit access, if property limitations permit, the outside base of the dike at ground level must be no closer than ten (10) feet to any property line that is or can be built upon.

3.4.3.4 Except as provided in 3.4.3.5 below, the walls of the diked area must be restricted to an average interior height of six (6) feet above interior grade.

3.4.3.5 Dikes may be higher than an average of six (6) feet above interior grade provided that provisions are made for normal access and necessary emergency access to tanks, valves and other equipment, and safe egress from the diked enclosure.

3.4.3.5.1 Where the average height of the dike containing flammable or combustible liquids is over twelve (12) feet high measured from interior grade, or where the distance between any tank and the top inside edge of the dike wall is less than the height of the dike wall, provisions must be made for normal operation of valves and for access to tank roof(s) without entering below the top of the dike. These provisions may be met through the use of remote operated valves, elevated walkways or similar arrangements.

3.4.3.5.2 Piping passing through dike walls must be designed to prevent excessive stress as a result of settlement or fire exposure.

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3.4.3.5.3 The minimum distance between tanks and the toe of the interior dike walls must be five (5) feet. The distance between the tanks may be less than five (5) feet if property and distance restrictions make maintaining that distance impractical.

3.4.3.6 The owner or operator shall ensure that each diked area containing two or more tanks is subdivided, preferably by drainage channels or at least by intermediate curbs within the diked area, pursuant to the following conditions:

3.4.3.6.1 When storing normally stable liquids in vertical cone roof tanks constructed with weak roof-to-shell seam or approved floating roof tanks or when storing crude petroleum in producing areas in any type of tank, one subdivision for each tank in excess of ten thousand (10,000) bbls. and one subdivision for each group of tanks (with no tank exceeding ten thousand (10,000) bbls. capacity) having an aggregate capacity not exceeding fifteen thousand (15,000) bbls.

3.4.3.6.2 When storing normally stable liquids in tanks not covered in Section 3.4.3.6.1, one subdivision is required for each tank in excess of one hundred thousand (100,000) gallons (2,500 bbls.) and one subdivision is required for each group of tanks (no tank exceeding 100,000 gallons capacity) having an aggregate capacity not exceeding one hundred fifty thousand (150,000) gallons (3,750 bbls.).

3.4.3.6.3 When storing unstable liquids in any type of tank, one subdivision is required for each tank, except that tanks installed in accordance with the drainage requirements of the Standard for Water Spray Fixed Systems for Fire Protection NFPA 15-2000 do not require an additional subdivision.

3.4.3.6.4 Whenever two or more tanks storing Class I liquids, any one of which is over one hundred fifty (150) feet in diameter, are located in a common diked area, intermediate dikes must be provided between adjacent tanks to hold at least ten percent (10%) of the capacity of the tank so enclosed, not including the volume displaced by the tank.

3.4.3.6.5 The drainage channels or intermediate curbs must be located between tanks so as to take full advantage of the available space with due regard for the individual tank capacities. Intermediate curbs, where used, must be not less than eighteen (18) inches in height.

3.4.3.7 Where provision is made for draining water from diked areas, the owner or operator shall control the drains in a manner that prevents flammable or combustible liquids from entering natural water courses, public sewers, or public drains, where their presence would constitute a hazard. Control of drainage must be accessible under fire conditions from outside the dike.

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3.4.4 Earthen Dikes.

(Amended by Ord. No. 3, effective 1/31/2008.)

The Fire Marshal may permit an earthen dike in use prior to November 19, 1979, to continue in use. Such earthen dike is deemed to satisfy the requirements of Chapter 2, NFPA Standard 30-2000, provided, however, that such dike is maintained in a manner so as to effectively contain any spillage of the liquid contained in the tank and, provided further, that such dike meets all other applicable requirements of this Ordinance. If the Fire Marshal opines that the dike might fail to effectively contain spillage of some or all of the liquid contained in such tank, the owner or operator shall replace such dike with a new dike that is constructed in accordance with section 3.4.3 of this Ordinance.

3.4.5 Access to Dikes.

The owner or operator shall ensure that all dikes in excess of four (4) feet in height are equipped with adequate noncombustible flights of stairs mounted on each side of the dike, opposite each other. The owner or operator shall provide a means of access to or egress from an area between the tanks and dikes so that accessibility is equal to or greater than that provided by stairs provided for in this section. The Fire Marshal shall determine the number of such flights of stairs taking into consideration the height and diameter of the dike. There must be a minimum of two (2) flights of stairs from any dike area.

3.4.6 Secondary Containment System for Aboveground Tanks.

3.4.6.1 The owner or operator shall install a secondary containment system around any aboveground flammable or combustible liquid storage tank that:

3.4.6.1.1 Could reasonably be expected to discharge flammable or combustible liquids to the land and waters of the County; or

3.4.6.1.2 Has a capacity of ten thousand (10,000) gallons or more.

3.4.6.2 The owner or operator shall ensure that the secondary containment system is constructed so that spills of flammable and combustible liquids will not permeate, drain, infiltrate or otherwise escape to the land, ground or surface waters before cleanup occurs. The secondary containment system may consist of a combination of dikes, liners, pads, ponds, impoundments, curbs, ditches, sumps, receiving tanks or other equipment capable of containing the product stored. Construction of diking and the storage capacity of the diked area must be in accordance with Section 3.4.3.

3.4.6.3 If soil is used for the secondary containment system, the owner or operator shall ensure that it is of such character that any spill onto the soil will be readily recoverable and will result in a minimal amount of soil contamination.

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3.4.6.4 The owner or operator shall control storm water that collects within the secondary containment system by a manually operated pump or siphon, or a gravity drain pipe with two manually controlled dike valves, one on each side of the dike. The owner or operator shall ensure that all pumps, siphons and valves are properly maintained and kept in good condition. If gravity drain pipes are used, the owner or operator shall ensure that all dike valves are locked in a closed position except when the operator is in the process of draining clean water from the diked area.

3.4.6.5 The owner or operator shall ensure that storm water or any other discharge at a facility is uncontaminated and free of sheen prior to discharge. The owner or operator shall ensure that contaminated storm water is treated to reduce flammable or combustible liquid concentration to 15 parts per million or less, as required by the New York State Department of Environmental Conservation, and that any visible sheen is removed prior to discharge. The owner or operator shall comply with requirements that may be imposed by the New York State Department of Environmental Conservation for the protection of the State's waters.

3.4.7 Fire Protection.

(Amended by Ord. No. 3, effective 1/31/2008.)

The owner or operator shall equip dikes in excess of eight (8) feet in height with a built-in fixed foam extinguishing system installed in accordance with NFPA Standard 11-2002. Such dikes must have fixed foam nozzles located in the dike wall that are connected to the required foam extinguishing system.

3.4.8 Maintenance.

The owner or operator shall keep dike enclosures free of all combustible materials, barrels, drums, and any other encumbrances.

Section 3.5 Fire Protection

3.5.1 Emergency and Extinguishing Equipment.

Wherever flammable or combustible liquids are stored, handled, or dispensed, the owner or operator shall provide a sufficient number of approved fire extinguishers, two (2) ten-pound Class BC fire extinguishers or equivalent fire extinguishing systems, devices and materials, as determined by the Fire Marshal. The owner or operator shall provide additional emergency equipment deemed necessary by the Fire Marshal for restraining the possible spread of fire or containing a spill.

3.5.2 Foam Extinguishing Systems and Foam Supplies.

(Amended by Ord. No. 3, effective 1/31/2008.)

3.5.2.1 Fixed Fire Extinguishing Systems. The owner or operator of a bulk storage plant storing Class I or Class II liquids in aboveground, vertical tanks, other than floating roof tanks, shall provide and maintain a fixed foam extinguishing system that complies with the applicable provisions of Standard NFPA 11-2002.

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3.5.2.2 Reserve Supply for Fixed Foam Systems. The owner or operator of a bulk storage plant equipped with a fixed foam system shall provide and maintain a readily available reserve supply of foam-producing materials equal to the amount initially required to meet design requirements, in order to put the system back into service after operation. This supply must be in drums or cans located on the premises.

3.5.2.3 Foam Requirements for Other Bulk Storage Plants. The owner or operator of all other bulk storage plants shall provide and maintain on the premises a quantity of foam-producing materials for fire department use as required by the Fire Marshal, taking into consideration the classification and quantity of liquid stored, the size of tanks, area contained within the dikes, and the nature of operation involved.

3.5.2.4 The owner or operator shall ensure that any loading rack automatic extinguishing system as required by Section 3.7.1.5 is flow tested annually, as per the requirements of the Fire Marshal, and inspected as per the requirements of the applicable NFPA Standard pertaining to the type of system installed. The owner or operator shall submit a copy of the test results to the Fire Marshal's Office.

3.5.2.5 The owner or operator shall ensure that a foam extinguishing system is flow tested every two (2) years and inspected as per the requirements of NFPA 11-2002. The owner or operator shall submit a copy of the test results to the Fire Marshal's Office.

3.5.2.6 The Fire Marshal or his or her designee shall observe the tests mandated by subsections 3.5.2.4 and 3.5.2.5 above. The owner or operator shall provide the Fire Marshal's Office with a minimum of twenty four (24) hours notice prior to said test. The owner or operator shall pay the applicable fee provided in Article XXII of this Ordinance.

3.5.3 Absorbents.

3.5.3.1 The owner or operator of a bulk storage facility, including marine, shall provide and maintain a supply of approved absorbent material in such quantity so as to comply with the requirements of the Fire Marshal.

3.5.3.2 The owner or operator shall ensure that necessary absorbent material is stored in a location readily accessible at all times.

3.5.3.3 The owner or operator shall replace all used absorbent material as soon as reasonably practical under the circumstances as determined by the Fire Marshal.

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3.5.4 Spill Containment Protection.

3.5.4.1 The owner or operator of a marine storage facility shall provide a floating boom of sufficient length to contain the largest boat, barge, or vessel discharging flammable or combustible liquids at such facility and the necessary means available for the immediate deployment thereof.

3.5.4.2 The owner or operator shall ensure that the boom is designed to extend above and below the surface of the water when placed in position for use. When more than one section of boom is required, the boom must be capable of being connected to other sections to provide a positive seal for its full height and depth.

3.5.4.3 The owner or operator shall ensure that the boom, when not in use, is located in close proximity to the marine loading dock and readily accessible. The owner or operator shall maintain and keep the boom in good repair at all times.

3.5.4.4 Prior to discharge of any flammable or combustible liquid from any boat, barge, or vessel, the owner or operator shall position the required booms to contain such boat, barge or vessel, and maintain the boom's position until the discharging operations have been completed, and all transfer lines disconnected. Any spillage of flammable or combustible liquid contained within the area encompassed by the boom must be removed prior to the movement of the boat, barge, or vessel. Exceptions to the positioning of the boom may be made by the Fire Marshal whenever conditions render it impractical or ineffective. Booming is not required from December 15th to March 15th; however, the owner or operator shall continue to locate the boom in close proximity to the discharge point so that it is capable of being deployed if a spill occurs.

3.5.4.5 The owner or operator shall immediately deploy the boom when a flammable or combustible liquid seeps, leaks or spills into adjacent or surrounding waters from a marine facility in order to contain the flammable or combustible liquids and remove all such flammable or combustible liquids as soon as possible.

3.5.5 Surveillance.

3.5.5.1 The owner or operator of all bulk storage facilities where flammable or combustible liquids are received by tank vessel, rail tank car, and/or pipeline, shall:

3.5.5.1.1 Maintain a watchman's clock system to check the movements of a watchman and the regularity and continuity of the watchman's patrol of his route. Where more than one person has storage facilities at a bulk storage facility, a single watchman's clock system is acceptable if operated pursuant to the requirements of this section.

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3.5.5.1.2 Perform surveillance between the hours of 5 p.m. and 8 a.m. daily, and for twenty four (24) hours on Saturdays, Sundays, and holidays whenever the plant is closed. For the purposes of this Ordinance, a plant is deemed to be closed when there is no person on the premises of the plant capable of visually observing the functions and conditions of the plant and equipment at least once every hour. The owner or operator shall post the schedule and assignment of personnel in the main office on the premises.

3.5.5.1.3 Ensure that the number and location of all key stations on each patrol route are designed so that the watchman is able to observe the entire plant at least once each hour.

3.5.5.1.4 Ensure that telephone or radio communications are available and accessible to the watchman at key stations, or along patrol routes for the purpose of reporting emergencies.

3.5.5.1.5 Maintain on file a chart and/or tape records of the watchman for a period of at least three (3) months following the date of patrol and provide such records to the Fire Marshal upon request.

3.5.5.2 Bulk storage facilities where flammable or combustible liquids are received by tank vehicle. The owner or operator of a bulk storage facility shall submit operating procedures relating to surveillance when the facility is closed to the Fire Marshal. The Fire Marshal shall approve such procedures if they are satisfactory and, if rejected, set forth the reason for rejection. When closed for more than one (1) hour, the owner or operator shall secure the facility in accordance with the approved procedures.

3.5.6 Emergency Organization.

3.5.6.1 The owner or operator shall provide a sufficient number of plant personnel at all bulk storage facilities, as determined by the Fire Marshal, to be trained by a member of the Fire Marshal's staff or an officer of the local fire department in the operation of all fixed and portable fire extinguishing equipment located on the premises and the operation of valves and equipment to shut down flow of flammable or combustible liquids in the event of an emergency. The operator shall make daily assignments of trained personnel and provide replacements when necessary.

3.5.6.2 The operator shall file with the Fire Marshal and the local fire department the names, addresses, and home telephone numbers of not less than three (3) persons, in order of preference, to be contacted in case of emergency. The operator shall ensure that persons designated are thoroughly trained and familiar with the layout of the plant, including the location and operation of shutoff valves, switches, pumps, fire extinguishing equipment and supplies. The operator shall timely provide the Fire Marshal with changes or additions to the list.

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Section 3.6 Storage Tanks and Piping

(Amended by Ord. No. 3, effective 1/31/2008.)

3.6.1 General.

3.6.1.1 The owner or operator shall ensure that all tanks that are installed are built in accordance with recognized standards of design. Tanks comply with this Article if they are built in accordance with the applicable standards listed below:

A. "UL No. 58" means Underwriters Laboratories, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, No. 58-1996 with revisions through July 1998, Underwriters Laboratories, 333 Pfingston Rd., Northbrook Illinois, 60062.

B. "UL No. 142" means Underwriters Laboratories, Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, No. 142, January 16, 1985, Underwriters Laboratories, 333 Pfingston Rd., Northbrook, Illinois 60062.

C. "UL No. 1316" means Underwriters Laboratories, Standard for Glass-Fiber Reinforced Plastic-Underground Tanks for Petroleum Products, Alcohols, and Alcohol Gasoline Mixtures, No. 1316, July 1, 1994, Underwriters Laboratories, 333 Pfingston Rd., Northbrook, Illinois 60062.

D. "UL No. 2085" means Underwriters Laboratories, Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids No. 2085, 1997, Underwriters Laboratories, 333 Pfingston Rd., Northbrook, Illinois 60062.

E. "CAN4-S601-M84" means Underwriters Laboratories of Canada, No. CAN4-S601-M84, Standard for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids, 1984, Underwriters Laboratories of Canada, 7 Crouse Rd., Scarborough, Ontario, Canada M1R3A9.

F. "CAN4-S630-M84", means Underwriters Laboratories of Canada, No. CAN4-S630-M84, Standard for Shop Fabricated Steel Aboveground Vertical Tanks for Flammable and Combustible Liquids, 1984, Underwriters Laboratories of Canada, 7 Crouse Rd., Scarborough, Ontario, Canada M1R3A9.

G. "CAN4-S615-M83" means Underwriters Laboratories of Canada, No. CAN4-S615-M83, Standard for Reinforced Plastic Underground Tanks for Petroleum Products, 1983, Underwriters Laboratories of Canada, 7 Crouse Rd., Scarborough, Ontario, Canada M1R3A9.

H. "API Standard No. 620" means American Petroleum Institute, Standard No. 620, Recommended Rules for Design and Construction of Large, Welded, Low Pressure Storage Tanks, April 1990, American Petroleum Institute, 1220 L. St., N.W., Washington, D.C. 20005.

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I. "API Standard No. 650" means American Petroleum Institute, Standard No. 650, Welded Steel Tanks for Oil Storage, 10th Edition, November 1998, American Petroleum Institute, 1220 L. St., N.W., Washington, D.C. 20005.

J. "API Publication No. 1632" means American Petroleum Institute, Publication No. 1632, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, 3rd Edition 1996, American Petroleum Institute, 1220 L. St., N.W., Washington, D.C., 20005. (This standard shall only be applicable to buried piping that is subject to corrosion.)

K. "NACE Standard RP-01-69-2000" means National Association of Corrosion Engineers, Recommended Practice - Control of External Corrosion on Underground or Submerged Metallic Piping Systems, RP-01-69, National Association of Corrosion Engineers, Box 218340, Houston, Texas, 77218.

L. "NFPA 30" means National Fire Protection Association, Flammable and Combustible Liquid Code, No. 30, 2000, NFPA, Batterymarch Park, Quincy Massachusetts, 02269.

3.6.1.2 Tank Test. The owner or operator shall test storage tanks, including valves and piping connected thereto prior to use, and thereafter pursuant to requirements of Section 3.10.6 and 3.10.10 of this Ordinance. The owner or operator shall repair and test tanks, valves, or piping that appear defective or show evidence of leaking prior to subsequent use.

3.6.1.3 Capacity. The maximum capacity of any tank used for the storage of Class I liquids is one million (1,000,000) gallons. The maximum capacity of any tank used for the storage of Class II or III liquids is three million (3,000,000) gallons.

3.6.1.4 Transfer Lines. The owner or operator shall ensure that tanks at bulk facilities have transfer capabilities that allow the contents of such tanks to be transferred in the event of fire or other emergency.

3.6.1.5 Requirements of a Plan. The installation of a new tank, or replacement tank installation and/or new or replacement piping associated with storing flammable or combustible liquids is prohibited unless the Fire Marshal has approved installation or replacement plans. The owner or operator shall pay the plan review fee provided in Article XXII of this Ordinance. In addition to any applicable requirements of Section 3.10.14, the plans must specify the following:

A. The size, location, including the exact street address, and topographical contour of the property;

B. Details of the secondary containment system;

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C. The location, type, size, and capacity of all existing tanks and the material stored therein;

D. The location, type, size, and capacity of all proposed tanks and the material proposed to be stored therein;

E. The location, material, and size of all existing or proposed dikes, when required;

F. The location, size, and use of existing buildings on the property involved;

G. The location, size and use of proposed buildings;

H. The location of existing or proposed loading racks, and/or dispensing islands, and storage areas;

I. The description and location of fire extinguishers and/or fire extinguishing system to be installed; and

J. Depth from grade to groundwater.

3.6.2 Aboveground Tanks.

3.6.2.1 Distinctive Markings.

3.6.2.1.1 The owner or operator shall ensure that the technical name of the liquid contained in an aboveground tank is conspicuously lettered on the exterior surface of the tank. Such lettering must be of sufficient size to be discernible from grade level. The date of construction of the tank and the date of most recent internal inspection must be stenciled on or near the manhole cover in the tank wall.

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3.6.2.1.2 The owner or operator shall mark permanently all fill ports to identify the product inside the tank. These markings must be consistent with the color and symbol code of the American Petroleum Institute ("API") listed below.

3.6.2.1.2.1 The applicable API colors are:

High Gasoline	Red
Middle Gasoline	Blue
Lower Gasoline	White
Higher Unleaded Gasoline	Red w/White Cross
Middle Unleaded Gasoline	Blue w/White Cross
Lower Unleaded Gasoline	White w/Black Cross
Vapor Recovery	Orange
Diesel	Yellow
#1 Fuel Oil	Purple w/Yellow Bar
#2 Fuel Oil	Green
Kerosene	Brown

3.6.2.1.2.2 The applicable API symbols are:

A circle for gasoline products and vapor recovery lines,

a hexagon for other distillates; and

a border for fuel products containing extenders such as alcohol.

A black border must surround a white symbol and white border must surround around all other colors.

3.6.2.1.2.3 The owner or operator shall permanently mark and identify a monitoring well as a "monitoring well."

3.6.2.1.2.4 The owner or operator shall permanently identify all fill ports for materials not listed in Section 3.6.2.1.2.1 by a permanently affixed plate or label indicating the chemical name of the material. Such labeling must be suitably resistant to damage from the conditions to which it is exposed.

3.6.2.2 Closure of tanks temporarily out-of-service.

3.6.2.2.1 The owner or operator shall close a storage tank or facility that is temporarily out-of-service for thirty (30) or more days as follows:

3.6.2.2.1.1 The owner or operator shall remove all product from the tank and piping system to the lowest draw off point and dispose waste product pursuant to state and federal law. Tanks must be protected from floatation in accordance with good and accepted engineering practices;

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3.6.2.2.1.2 The owner or operator shall lock or bolt the tank securely and cap or plug all fill lines, gauge openings or pump lines to prevent unauthorized use or tampering;

3.6.2.2.1.3 The owner or operator shall ensure that all pressure relief vents operate normally and all fire extinguishing systems remain functional;

3.6.2.2.2 All storage tanks or facilities that are temporarily out-of-service are subject to all the requirements of this Article including, but not limited to, periodic tightness testing, inspection, registration, and reporting requirements.

3.6.2.2.3 All tanks that are out of service for a continuous period of ninety (90) days or more are considered abandoned for the purposes of the requirements of section 3.6.2.3 of this Article.

3.6.2.3 Closure of Tanks Permanently Out-Of-Service or Abandoned in Place.

3.6.2.3.1 The owner or operator of a tank that is no longer used for the storage of flammable or combustible liquids or that is temporarily out of service for a continuous period of ninety (90) days or more shall comply with the following requirements:

3.6.2.3.1.1 All liquid and sludge must be removed from the tank and connecting lines. Any waste products must be disposed of in accordance with all applicable state and federal requirements;

3.6.2.3.1.2 Each tank must be rendered free of flammable or combustible vapors. The owner or operator shall submit to the Fire Marshal a notarized certificate, from a testing laboratory stating that the tank is free of residual flammable or combustible vapors. Provisions must be made for natural breathing of the tank to insure that the tank remains vapor free.

3.6.2.3.1.3 All connecting lines must be disconnected and removed or securely capped or plugged. Man ways must be securely fastened in place. The fire extinguishing system must remain functional;

3.6.2.3.1.4 All aboveground tanks must be stenciled with the date of permanent closure;

3.6.2.3.1.5 All aboveground tanks must be protected from floatation in accordance with good and accepted engineering practice.

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3.6.2.3.2 All storage tanks or facilities that have not been closed pursuant to above are subject to all the requirements of this article including, but not limited to, periodic tightness testing, inspection, registration, and reporting requirements.

3.6.2.3.3 Within thirty (30) days of permanent closure, the owner or operator shall submit a written notarized notification of abandonment to the Fire Marshal. The notification must include information relating to the tank's size, location, and date of abandonment or date taken permanently out of service.

3.6.2.4 Tank Removal.

3.6.2.4.1 The owner or operator shall completely remove and purge all flammable and combustible liquid and vapor from the tank and connecting lines prior to dismantling and/or removal of any tank.

3.6.2.5 Used Tanks.

3.6.2.5.1 The installation or reinstallation of tanks that are removed and do not meet the standards set forth in this Article for the purpose of flammable or combustible liquid storage is prohibited.

3.6.2.5.2 If a tank meets the standards for new tanks, the owner or operator may reinstall it for the storage of flammable or combustible liquid if, after thorough internal and external cleaning and inspection, it is found to be structurally sound and free of pin holes, cracks, structural damage or excessive corrosion or wear. The owner or operator shall reinstall and test such tanks in accordance with this Article. The tank manufacturer shall submit a written statement that the tanks are certified acceptable for reinstallation.

3.6.2.5.3 If a tank is to be disposed of as junk, the owner or operator shall retest such tank for flammable or combustible vapors, render it vapor free if necessary, and punch it with holes to make it unfit for the storage of liquids.

3.6.2.6 Financial Assurances.

The Fire Marshal may require and set the amount of surety or other financial assurances to insure the proper closure of facilities and protect the public interest. When surety or other financial assurances are required, the Fire Marshal shall set forth the reasons for requiring such financial assurances and specify the nature of the public interest to be protected.

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3.6.2.7 New Aboveground Tanks.

3.6.2.7.1 Design and construction standards. The owner or operator shall ensure that new aboveground flammable and combustible liquid storage tanks are constructed of steel and meet or exceed one of the following design and manufacturing standards:

- (1) UL No. 142;
- (2) UL No. 58;
- (3) API Standard No. 650;
- (4) API Standard No. 620;
- (5) CAN4-S601-M84; or
- (6) CAN4-S630-M84

3.6.2.7.2 New Facilities - Summary of Requirements. The owner or operator of new aboveground flammable and combustible liquid storage facilities must ensure that the facilities meet the following requirements:

3.6.2.7.2.1 Tanks must be made of steel and otherwise be installed and constructed in accordance with Section 3.6.2.7.1, 3.6.2.8 and 3.6.2.9;

3.6.2.7.2.2 Tanks must be underlain by impermeable barriers as further specified in Section 3.6.2.10;

3.6.2.7.2.3 A leak monitoring system must be used as specified in Section 3.6.2.11; and

3.6.2.7.2.4 Facilities must be installed in accordance with Section 3.6.2.17, 3.6.2.18 and 3.6.2.19.

3.6.2.8 Cathodic Protection for Tank Bottoms.

3.6.2.8.1 The owner or operator shall ensure that bottoms of new tanks that rest on or in the ground are cathodically protected with sacrificial anodes or an impressed current system that is designed, fabricated, and installed in accordance with recognized engineering practices.

3.6.2.8.2 The owner or operator must ensure that a cathodic protection system is designed to provide a minimum of thirty (30) years of protection.

3.6.2.8.3 The owner or operator shall employ a qualified engineer or corrosion specialist to supervise the installation of the cathodic protection system when necessary to assure that the system has been installed as designed.

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3.6.2.8.4 The owner or operator shall ensure that each cathodic protection system is equipped with a monitor that enables persons to check on the adequacy of cathodic protection.

3.6.2.9 Painting of exterior tank surfaces.

The owner or operator shall ensure that exterior surfaces of all new aboveground storage tanks are protected by a primer coat, a bond coat and two or more final coats of paint or have an equivalent surface coating system designed to prevent corrosion and deterioration.

3.6.2.10 Impermeable barriers under tank bottoms.

The owner or operator shall ensure that any new stationary tank designed to rest on the ground is constructed with a double bottom or underlain by an impervious barrier such as a concrete pad or a cutoff barrier. If a barrier is used, it must have a permeability rate to water equal to or less than 1×10^{-6} cm/sec and must not deteriorate in an underground environment or in the presence of flammable or combustible liquids.

3.6.2.11 Monitoring systems for new aboveground tanks.

The owner or operator shall ensure that all new aboveground tanks must have equipment for monitoring between the tank bottom and the impermeable barrier required above. This includes, but is not limited to, perforated gravity collection pipes or channels in a concrete foundation pad that can be monitored for the presence of flammable or combustible liquids visually, electronically or by other satisfactory methods. Observation wells or other systems that monitor the soil or groundwater beneath the impermeable barrier do not satisfy the leak detection requirements of this section.

3.6.2.12 Repairing and reconditioning of aboveground storage tanks.

3.6.2.12.1 Permanent repairs. The owner or operator shall ensure that all repairs are permanent in nature and equal to or better than the standards of original construction. Such repairs must:

3.6.2.12.1.1 Consist of steel welds or steel patches that are welded in place in accordance with accepted practices; or

3.6.2.12.1.2 Be repaired by installation of an interior coating (lining) under the direction of the lining manufacturer or a certified representative. The tanks must be certified by the manufacturer or his representative that they will not leak the product specified for a period of ten (10) years. The system proposed must be approved by the Fire Marshal prior to use.

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3.6.2.12.1.3 The owner or operator shall ensure that all welds associated with the repair of a tank are inspected and tested for tightness before the tank is returned to service.

3.6.2.12.1.4 Linings, coatings, grouts and other sealing materials that are chemically compatible with the flammable or combustible liquid being stored may be used in conjunction with a permanent steel tank repair as outlined above, but by themselves are not acceptable permanent repairs.

3.6.2.13 Cleaning of tank prior to repair.

3.6.2.13.1 Prior to repair, the owner or operator shall clean a tank in accordance with generally accepted practices. The discharge of water from the tank into waters of the County is prohibited if doing so contravenes federal, state or County law relating to surface or groundwater quality standards.

3.6.2.13.2 The owner or operator shall ensure that sludge that has accumulated on the bottom of the tank is removed, transported and disposed of in a manner consistent with all applicable state and federal requirements for solid waste disposal.

3.6.2.14 Coating (lining) specifications.

3.6.2.14.1 Any non-corrodible epoxy-based resins, isophthalic polyester-based resins or equivalent coating that is bonded firmly to the interior surfaces may be used as a coating to protect a tank from future corrosion.

3.6.2.14.2 The owner or operator shall apply coating must as soon as possible, but not later than eight (8) hours after sandblasting and cleaning of the internal surface. Visible rust, moisture or foreign matter must not be present.

3.6.2.14.3 The owner or operator shall ensure that the coating is of sufficient thickness, density and strength to form a hard impermeable shell that will not crack, soften or separate from the interior surface of the tank. The coating when applied to properly prepared steel must maintain a permanent bond to the tank.

3.6.2.14.4 The owner or operator shall ensure that the coating's coefficient of thermal expansion is compatible with steel so that stress due to temperature changes will not be detrimental to the soundness of the coating.

3.6.2.14.5 The owner or operator shall ensure that the coating is chemically compatible with flammable or combustible liquids and/or additives.

3.6.2.14.6 The owner or operator shall ensure that coating material is applied and cured in strict accord with manufacturer's specifications.

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3.6.2.14.7 The owner or operator shall ensure that coatings used to protect the bottom of a tank extend up the side of the tank a minimum of eighteen (18) inches.

3.6.2.15 Inspection of coating.

After application, the owner or operator shall check the coating for blisters and air pockets and electrically test the coating for pinholes. The coating thickness must be checked with an Elcometer Thickness Gauge or equivalent and the hardness checked with a Barcol Hardness Tester or equivalent to assure compliance with manufacturers specifications. The owner or operator shall repair all defects.

3.6.2.16 Manufacturer's guarantee.

The owner or operator shall ensure that an interior coating is installed under the direction of the lining manufacturer or a certified representative. The owner or operator shall obtain from the manufacturer or representative a written guarantee that the coating will not leak the specified product in storage and that the lining will not deteriorate in any way for a period of ten (10) years. The owner or operator shall keep a copy of the guarantee for the life of the tank.

3.6.2.17 Foundation design.

The owner or operator shall ensure that new aboveground tanks are supported on a well drained stable foundation that prevents movement, rolling or settling of the tank and is designed to minimize corrosion of the tank bottom.

3.6.2.18 Avoiding traffic hazards.

The owner or operator shall ensure that new aboveground tanks, pipes and distribution equipment is not located along highway curves or otherwise exposed to traffic hazards.

3.6.2.19 Testing of new tanks.

Before being placed in service, the owner or operator shall test all new tanks for tightness and inspect all new tanks in accordance with requirements provided in API Standard 650. If a pneumatic test is used, all fittings, welds and joints must be coated with a soap solution and inspected for air leaks.

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3.6.3 Underground Tanks.

(Amended by Ord. No. 3, effective 1/31/2008.)

3.6.3.1 General requirements:

3.6.3.1.1 New or substantially modified facilities. The owner or operator shall ensure that all new or substantially modified underground storage facilities meet the following requirements:

3.6.3.1.1.1 All new or replacement underground storage tanks must be made of double wall fiberglass, reinforced plastic or double wall steel clad with fiberglass.

3.6.3.1.1.2 Secondary containment systems must be installed as specified in Section 3.6.3.3 of this Article.

3.6.3.1.1.3 A leak monitoring system must be installed as specified in Section 3.6.3.4 of this Article.

3.6.3.1.1.4 All underground pipes must be made of fiberglass reinforced plastic, or iron or steel suitably protected against corrosion.

3.6.3.1.2 Tank replacement. The owner or operator shall abandon or remove all single wall tanks permanently pursuant to section 3.6.3.7.2 of this Ordinance according to the following schedule:

Single wall tanks in service prior to January 1, 1979, must be permanently abandoned or removed no later than January 1, 2010.

Single wall tanks installed on January 1, 1979, or later must be permanently abandoned or removed no later than (1) year after the thirtieth (30th) anniversary of its installation.

The Fire Marshal may modify the replacement schedule of existing non-conforming tanks if conditions conducive to corrosion of conforming installations are indicated.

3.6.3.1.3 Existing tanks. The continued use of existing tanks, contained within the confines of a bulk storage plant, as defined under Section 3.3 of Article III, for the storage of fuel oil, kerosene or diesel fuel, in excess of ten thousand (10,000) gallons, that do not meet the requirements of Section 3.6.3.1 is permitted only if the owner or operator meets the following conditions:

3.6.3.1.3.1 The interior surface of each such tank must be lined with a permanently bonded epoxy, fiberglass or other approved material. The minimum thickness of coating is one hundred twenty five thousandths of an inch (.125 inch) or 3.2 mm metric.

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3.6.3.1.3.2 No part of the tank to be interior lined is permitted in underground water. The mean high water level as determined by the United States Geological Survey data is a minimum of five (5) feet below the bottom of the tank.

3.6.3.1.3.3 All such interior lined tanks and associated piping must be pursuant to the procedure provided in section 3.10.5 by a person possessing an approved certificate of fitness.

3.6.3.1.4 Prior to the commencement of the interior lining of existing, nonconforming tanks, the owner or operator shall submit detailed and specific plans to the Fire Marshal for his or her approval. The owner or operator shall pay a plan review fee pursuant to Article XXII of this Ordinance.

3.6.3.2 New Underground Tanks.

3.6.3.2.1 Label requirements. The owner or operator shall ensure that all new underground tanks used in Nassau County bear a permanent stencil, label or plate as required by Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York section 614.3(a), as such provision may from time to time be amended or renumbered.

3.6.3.2.2 Wear plates. The owner or operator shall ensure that all tanks have a ten (10) gauge or thicker steel wear plate under each tank opening and that each plate covers an area of at least one hundred and forty-four (144) square inches and is installed in a manner that avoids crevice corrosion.

3.6.3.2.3 Pressure testing of new tanks. The owner or operator shall ensure that all new tanks, their welds, seams and connecting fittings are factory tested for tightness using standard engineering practices. Only those tanks that are guaranteed by the manufacturer to be tight may be sold for use in Nassau County.

3.6.3.2.4 Manufacturer's instructions. The owner or operator shall ensure that all tanks are installed in strict accordance with manufacturer's instructions, including repair of any damage to the tank coatings prior to backfilling.

3.6.3.2.5 Fiberglass reinforced plastic tanks.

3.6.3.2.5.1 The owner or operator shall ensure that all fiberglass reinforced plastic underground petroleum storage tanks are designed and manufactured in accordance with either UL No. 1316 or ULC No. CAN4-S615-M83.

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3.6.3.2.5.2 The owner or operator shall ensure that all fiberglass reinforced plastic tanks are of sufficient structural strength to withstand normal handling and underground use and are chemically compatible with flammable or combustible liquids, product additives and corrosive soils. Materials must be of sufficient density and strength to form a hard impermeable shell which will not crack, wick, wear, soften or separate under normal service conditions.

3.6.3.2.6 Steel tanks clad with fiberglass reinforced plastic.

3.6.3.2.6.1 The owner or operator shall ensure that such underground flammable or combustible liquid storage tanks constructed of steel clad with fiberglass reinforced plastic meet or exceed design and manufacturing standards set forth in either ULC-S603 or UL No. 58.

3.6.3.2.6.2 The owner or operator shall ensure that all steel tanks clad with fiberglass reinforced plastic are electrically insulated from the piping system with di-electric fittings, bushings, washers, sleeves or gaskets that are chemically stable when exposed to flammable or combustible liquids or corrosive soils.

3.6.3.2.6.3 The owner or operator shall ensure that tanks have an exterior fiberglass reinforced plastic shell bonded firmly to the steel that consists of a base coat of resin ten (10) to twelve (12) mils (0.010 or 0.012 inches) in thickness overlaid by two layers of resin with fiberglass reinforcement with a thickness of a least one hundred (100) mils (0.100 inches) after rolling. A final coat of resin must be applied to a thickness of fifteen (15) to twenty (20) mils (0.015 to 0.020 inches). The thickness of the completed coating must be a minimum of one hundred twenty-five (125) mils (0.125 inches) after curing. The coating's coefficient of thermal expansion must be compatible with steel so that stress due to temperature changes will not be detrimental to the soundness of the coating and a permanent bond between coating and steel is maintained. The coating must be of sufficient density and strength to form a hard impermeable shell that will not crack, wick, wear, soften or separate and capable of containing the product under normal service conditions in the event the steel wall is perforated. The coating must be non-corrodible under adverse underground electrolytic conditions and chemically compatible with the flammable or combustible liquids stored in the tanks.

3.6.3.2.6.4 The Fire Marshal's Office shall test the thickness of the coating prior to the installation of any steel tank clad with fiberglass reinforced plastic. The installation of a tank not meeting the minimum one hundred twenty-five (125) mils thickness is prohibited. The owner or operator shall pay a test fee pursuant to Article XXII of this Ordinance.

3.6.3.2.6.5 The owner or operator shall ensure that the tank manufacturer or fabricator attests to conformance with the following requirements:

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3.6.3.2.6.5.1 The coating must be factory inspected for air pockets, cracks, blisters, pinholes and electrically tested at ten thousand (10,000) volts for coating short circuits or coating faults. Any defects must be repaired. The coating must be factory checked with a Barcol Hardness Tester or equivalent to assure compliance with the manufacturer's minimum specified hardness standard for cured resin.

3.6.3.2.6.5.2 The owner or operator shall provide spark test results to the inspector at the time of inspection, as required by Section 3.6.3.2.6.5.1 of this Article.

3.6.3.2.7 Double-walled tanks.

3.6.3.2.7.1 Any of the tanks allowed in the Article may be fabricated in double-walled construction in accordance with acceptable engineering practices.

3.6.3.2.7.2 A double-walled tank designed and manufactured in accordance with all of the following standards satisfies the requirements for secondary containment and leaking monitoring set forth in Section 3.6.3.3.2 and 3.6.3.4:

3.6.3.2.7.2.1 The interstitial space of the double-walled tank can be monitored for tightness;

3.6.3.2.7.2.2 Outer jackets made of steel have a minimum thickness of ten (10) gauge and be coated as prescribed in Section 3.6.3.2.6.3.

3.6.3.2.7.2.3 There are no penetrations of any kind through the jacket to the tank except top entry manholes and fittings required for filling the tank, venting the tank, or monitoring the interstitial space;

3.6.3.2.7.2.4 The outer jacket covers at least the bottom eighty percent (80%) of the tank; and

3.6.3.2.7.2.5 The jacket is designed to contain an inert gas or liquid at a pressure greater than the maximum internal pressure or be able to contain a vacuum for a period of one (1) month.

3.6.3.3 Minimum standards for secondary containment for underground storage tanks.

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3.6.3.3.1 General requirements. The owner or operator shall ensure that all new underground petroleum storage tanks have a secondary containment system that collects and contains a leak consisting of a double-walled tank or a vault.

3.6.3.3.2 Standards for secondary containment.

3.6.3.3.2.1 Double-walled tanks. If the secondary containment system consists of a double-walled tank, the owner or operator shall ensure that the tank is constructed in accordance with Section 3.6.3.2.7 and has a monitoring system in accordance with Section 3.6.3.4.2.

3.6.3.3.2.2 Vaults. If a vault is used for secondary containment, the owner or operator shall ensure that the vault is water tight, impervious to leakage of flammable and combustible liquid, and able to withstand chemical deterioration and structural stresses from internal and external causes. The vault must be a continuous structure with a chemical resistant water stop used at any joint. There must be no drain connections or other entries through the vault except that there may be top entry manholes and other top openings for filling and emptying the tank, venting and for monitoring and pumping of flammable or combustible liquid that may leak into the vault. The tank or tanks within the vault must be encased or bedded in a manner consistent with acceptable engineering practices. Electronic monitoring in the vault is required if the installation of the vault precludes visual inspections of the tank.

3.6.3.4 Monitoring at new underground storage tanks.

3.6.3.4.1 The owner or operator shall ensure that all new tanks have one of the following leak monitoring systems:

3.6.3.4.1.1 A double-walled tank with monitoring of the interstitial (annular) space; and

3.6.3.4.1.2 An observation well when grade to groundwater distance is thirty-five feet (35') or less.

3.6.3.4.2 Monitoring of double-walled tanks. If a double-walled tank is used, the interstitial space must be monitored for tightness using pressure monitoring, vacuum monitoring, electronic monitoring, manual sampling once per week or an equivalent method.

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3.6.3.4.3 Observation wells.

3.6.3.4.3.1 If an observation well is required pursuant to section 3.6.3.4.1.2 of this Ordinance, the owner or operator shall ensure that the observation well consists of a slotted or screened well at least four (4) inches in diameter. The observation well must be installed down-gradient in the groundwater or at a sump within the secondary containment system and to an elevation at least twenty-four (24) inches below the bottom of the tank. The well must be installed within the backfill surrounding the tank. At least one well is required at each facility. The owner or operator shall monitor the well for traces of petroleum at least once per week.

3.6.3.4.3.2 The owner or operator shall ensure that observation wells are protected from physical damage at grade.

3.6.3.4.3.3 The owner or operator shall ensure that wells are sealed or capped so as to preclude liquid from entering the well from the surface and clearly marked as monitoring wells to prevent accidental delivery of product.

3.6.3.5 Requirements for new underground piping systems. The owner or operator shall ensure that all new underground piping systems including fittings and connections are listed, double walled, and made of steel or iron that is cathodically protected, fiberglass reinforced plastic or other equivalent non-corrodible material.

3.6.3.5.1 Cathodic protection for steel/iron pipe. If piping systems are made of steel or iron, the owner or operator shall ensure that they meet all of the following requirements for cathodic protection:

3.6.3.5.1.1 The cathodic protection system must be designed by a NACE certified professional engineer, fabricated, and installed in accordance with recognized standards and engineering practices;

3.6.3.5.1.2 The cathodic protection system must provide a minimum of thirty (30) years of protection in highly corrosive soils;

3.6.3.5.1.3 Cathodic protection must be provided by the use of one or more of the following: galvanic coatings, sacrificial anodes, or impressed current;

3.6.3.5.1.4 Where sacrificial anodes or impressed current systems are used, monitors to check on the adequacy of the system must be installed and kept in proper working condition. If at any time the monitor shows that the electrical current necessary to prevent corrosion is not being maintained, the system must be restored or the piping system will be considered unprotected and must be tested for tightness in accordance with Section 3.10.5 of this Article; and

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3.6.3.5.1.5 Except where cathodic protection is provided by impressed current, underground piping systems must have di-electric bushings, washers, sleeves or gaskets installed at the end to electrically isolate the piping system from the tank and the dispenser. These di-electric connectors must be chemically compatible when exposed to flammable and combustible liquids and corrosive soils.

3.6.3.5.2 Fiberglass reinforced plastic pipe. If fiberglass reinforced plastic pipes are used, the owner or operator shall ensure that the materials, joints and joint adhesives are chemically compatible with the flammable or combustible liquid being stored and soil environments.

3.6.3.5.3 Fabrication and material standards. The owner or operator shall ensure that pipes, fittings and adhesives are designed, fabricated, and factory tested in accordance with generally accepted structural, material and performance standards for pressurized underground piping systems.

3.6.3.5.4 Access ports. The owner or operator shall ensure that all new underground piping systems are designed, constructed and installed with access ports to permit tightness testing without the need for extensive excavation.

3.6.3.5.5 Installation.

3.6.3.5.5.1 The owner or operator shall ensure that all underground piping systems are installed in accordance with recognized engineering practices and that all joints are liquid and air tight.

3.6.3.5.5.2 The owner or operator shall test all piping systems for tightness before being covered, enclosed or placed in use.

3.6.3.5.6 Other system requirements.

3.6.3.5.6.1 The owner or operator shall ensure that overfill prevention equipment is used on all new underground storage tank fill systems.

3.6.3.5.6.2 The owner or operator shall ensure that systems with a float vent valve are installed with an extractable tee and used only on tanks that are limited to gravity fill.

3.6.3.5.6.3 The owner or operator shall ensure that any new underground piping systems employing a remote pumping system for dispensing motor fuel are equipped with a leak detector (leak monitoring system) capable of detecting pressure loss or product loss on the discharge side of the pump. A remote pump is any pump that is separated from the dispenser and has the discharge line(s) operating under pressure.

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3.6.3.5.6.4 The owner or operator shall ensure that new underground piping systems employing a suction pump are not being equipped with more than one check valve.

3.6.3.6 Product Storage Identification.

3.6.3.6.1 Product storage identification. The owner or operator shall ensure that fill connection for any flammable or combustible liquid storage tank or vessel is permanently, plainly and visibly marked to state the product contained. When the device is marked by means of a color code, the owner or operator shall conspicuously display the code key at the place of business, and visible to the operator of the vehicle supplying product to the storage tank or vessel. The owner or operator shall ensure that the name of the product (e.g., KERO, FUEL OIL, GASOLINE) also appears in the vicinity of all fill connections.

3.6.3.6.2 The owner or operator shall permanently mark all fill ports to identify the product inside the tank. These markings must be consistent with the color and symbol code of the API as follows.

3.6.3.6.2.1 The applicable API colors are:

High Gasoline	Red
Middle Gasoline	Blue
Lower Gasoline	White
Higher Unleaded Gasoline	Red w/White Cross
Middle Unleaded Gasoline	Blue w/White Cross
Lower Unleaded Gasoline	White w/Black Cross
Vapor Recovery	Orange
Diesel	Yellow
#1 Fuel Oil	Purple w/Yellow Bar
#2 Fuel Oil	Green
Kerosene	Brown

3.6.3.6.2.2 The applicable API symbols are:

A circle for gasoline products and vapor recovery lines,

a hexagon for other distillates; and

a border for fuel products containing extenders such as alcohol.

A black border must surround a white symbol and white border must surround around all other colors.

3.6.3.6.2.3 The owner or operator shall mark and identify permanently a monitoring well as a "monitoring well."

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3.6.3.6.2.4 The owner or operator shall clearly identify all fill ports for materials not listed in Section 3.6.2.1.2.1 by a permanently affixed plate or label indicating the chemical name of the material. Such labeling must be suitably resistant to damage from the conditions to which it is exposed.

3.6.3.6.3 It is unlawful to fill a flammable or combustible liquid storage tank or vessel with any product other than the product it is marked to contain. In the event a tank or vessel is fully or partially filled with any product other than that which it is marked to contain, the Fire Marshal's Office shall be notified immediately.

3.6.3.7 Closure of Tanks Out of Service, Abandoning Underground Tanks in Place and Removing Underground Tanks.

3.6.3.7.1 Closure of tanks temporarily out of service. The owner or operator shall render a tank temporarily out of service only when it is intended that the tank will be returned to active service within a reasonable period of time. The maximum time a tank is permitted to remain out of service is one (1) year. The owner or operator of any tank that is out of service for a period of thirty (30) days or more shall comply with the following:

3.6.3.7.1.1 The owner or operator shall remove all flammable or combustible liquids from the tank and piping system. The owner or operator shall ensure that any waste product removed from the tank is disposed of in accordance with all applicable federal, state, and County laws. The owner or operator shall ensure that all tanks are protected from floatation in accordance with good and accepted engineering practices.

3.6.3.7.1.2 The owner or operator shall ensure that all man ways are locked or bolted securely and fill lines, gauge openings or pump lines are capped or plugged to prevent unauthorized use or tampering. The owner or operator shall ensure that all vent lines remain open.

3.6.3.7.1.3 All storage tanks or facilities that are temporarily out of service are subject to all the requirements of this Article including, but not limited to, periodic tightness testing, inspection, registration and reporting requirements.

3.6.3.7.1.4 The owner or operator shall submit to the Fire Marshal a written, notarized statement detailing tank size, location, date, and the name(s) of the person(s) placing each tank temporarily out of service.

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3.6.3.7.2 Abandoning underground tanks in place. The owner or operator shall abandon or remove a tank if the tank is either out of service for a period of one (1) year or more or when there is no intention to use the tank in the future. Any tank or facility that is permanently out of service must comply with the following:

3.6.3.7.2.1 The owner or operator shall remove all flammable or combustible liquid from the tank and connecting lines and dispose of any waste products in accordance with all applicable federal, state, and County laws.

3.6.3.7.2.2 The owner or operator shall render the tank free of flammable or combustible vapors and make provisions for natural breathing of the tank to ensure that the tank remains vapor free.

3.6.3.7.2.3 The use of cutting torch or other flame or spark producing equipment is prohibited unless the tank has been completely purged or otherwise rendered safe.

3.6.3.7.2.4 The owner or operator shall ensure that all connecting lines are disconnected and removed or securely capped or plugged and that man ways are securely fastened in place.

3.6.3.7.2.5 The owner or operator shall fill all abandoned underground tank(s) to capacity with a solid inert material such as sand or concrete slurry. If an inert material is used, all voids within the tank must be filled.

3.6.3.7.2.6 The owner or operator shall submit a written, notarized notification to the Fire Marshal, on forms supplied by the Fire Marshal, detailing the tank size, location, date of abandonment, and the method used for placing the abandoned tank(s) in a safe condition.

3.6.3.7.2.7 Storage tanks or facilities that have not been closed as required above are subject to all requirements of this Article, including, but not limited to, periodic tightness testing, inspection, registration and reporting requirements.

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3.6.3.7.3 The owner or operator shall remove or abandon a tank if the tank is either out of service for a period of one (1) year or more or when there is no intention to use the tank in the future. Any tank or that is so removed must comply with the following:

3.6.3.7.3.1 The owner or operator shall remove all flammable or combustible liquid from the tank and connecting lines.

3.6.3.7.3.2 The owner or operator shall disconnect all suction, discharge, inlet, gauge, and vent lines; remove all sections of connecting lines that are not to be used in the future and cap or plug inlets, outlets, and leaks if any. After removal, the tank may be gas freed on the premises if it can be done safely at that location or it may be transported to an area inaccessible to the public and gas freed at that location.

3.6.3.7.3.3 The owner or operator shall submit a written, notarized notification of removal to the Fire Marshal, on forms supplied by the Fire Marshal, detailing the tank size, location and date of removal.

3.6.3.8 Used Tanks.

3.6.3.8.1 The reinstallation of tanks that are removed and do not meet the standards for new tanks set forth in Section 3.6.3.2 for the purpose of flammable or combustible liquid storage is prohibited.

3.6.3.8.2 If a tank meets the standards for new tanks, the owner or operator may reinstall it for flammable or combustible liquid storage if, after thorough cleaning and inspection internally and externally, it is found to be structurally sound and free of pin holes, cracks, structural damage or excessive corrosion or wear. The owner or operator shall ensure that installation of such tanks is in accordance with the provisions of this Article relating to reinstallation and testing.

3.6.3.8.3 If a tank is to be disposed of as junk, the owner or operator shall retest it for flammable or combustible vapor, render it vapor free, and punch it with holes to make it unfit for storage of liquids.

3.6.3.9 Financial Assurances. The Fire Marshal may require and set the amount of surety or other financial assurances to ensure the proper closure of facilities and protect the public interest. When surety or other financial assurances are required, the Fire Marshal shall set forth the reasons for requiring such financial assurances and specify the nature of the public interest to be protected.

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Section 3.7 Dispensing Units

3.7.1 Loading Racks at Bulk Storage Plants.

3.7.1.1 The owner or operator shall ensure that loading racks at bulk storage plants are surrounded by reinforced concrete curbing or suitable concrete-filled stanchions to prevent vehicles from damaging any part of the loading mechanism, or any platform, support, or piping used in conjunction therewith.

3.7.1.2 The owner or operator of a bulk storage plant shall make provisions to prevent flammable or combustible liquids that may be spilled at loading or unloading points from entering public sewers and drainage systems, or natural waterways. All connections to such sewers, drains, or waterways, by which flammable or combustible liquids might enter, must be provided with separator boxes or other approved means to preclude such entry.

3.7.1.3 Loading Procedures.

3.7.1.3.1 The owner or operator shall ensure that motors and lights of any vehicle to be loaded are shut off when the vehicle is in position at the fill stand for loading.

3.7.1.3.2 The owner or operator shall ensure that bond connection is made fast to the vehicle or tank before dome covers are raised, and remain in place until filling is completed and all dome covers have been closed and secured.

3.7.1.3.3 The owner or operator shall ensure that compartments, lines, manifold, meters, and pump are empty or contain the same product to be loaded.

3.7.1.3.4 The owner or operator shall ensure that tank discharge valves are properly closed.

3.7.1.3.5 The owner or operator shall ensure that valves used for the final control for filling tank vehicles are of the self-closing type and held open manually, except where automatic means are provided for shutting off the flow when the vehicle is full or filled to a preset amount.

3.7.1.3.6 Only one compartment per vehicle may be filled at a time.

3.7.1.3.7 The owner or operator shall ensure that the dome cover on each compartment is closed and secured immediately as each compartment is filled.

3.7.1.4 Dispensing Nozzles. The owner or operator shall ensure that dispensing nozzles are of a self-closing type, listed by a nationally recognized laboratory.

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3.7.1.5 Loading Racks.

(Amended by Ord. No. 3, effective 1/31/2008.)

3.7.1.5.1 The owner or operator shall protect the loading rack area by an automatic fixed extinguishing system. Such system must be capable of being operated manually from the loading rack area and at a location sufficiently remote from the loading rack so as not to be endangered by a fire at the loading rack.

3.7.1.5.1.1 Depending upon the fire extinguishing medium used, compliance with the Standard for Foam Extinguishing System, Standard NFPA No. 11-2002, or the Standard for the Installation of Sprinkler Systems, Standard NFPA No. 13-2002, or the Standard for Water Spray Fixed Systems for Fire Protection Standard NFPA No. 15-2001, or the Standard for the Installation of Foam, Water Sprinkler Systems and Foam Water Spray Systems, Standard NFPA No. 16-2003, or the Standard for Dry Chemical Extinguishing Systems, Standard NFPA No. 17-2002, constitutes compliance with Section 3.7.1.5.1 of this Article. These Standards are adopted in Nassau County and are incorporated by reference into this Article. Copies of said Standards are on file with the Clerk of the Nassau County Legislature and the Nassau County Fire Commission.

3.7.1.5.2 An automatic fixed fire extinguishing system is not required at an existing bulk storage facility that meets all of the following criteria:

3.7.1.5.2.1 The facility is permitted to store and dispense only those liquids having a flash point above 100 degrees Fahrenheit (38 degrees Celsius), as determined in accordance with the standard method of testing for flash point, known as the Tag Closed Cup Test.

3.7.1.5.2.2 The facility is permitted to contain a truck loading rack of not more than two positions or loading positions for not more than two tank vehicles or tank trailers to fill simultaneously.

3.7.1.5.2.3 The dispensing of liquid into a tank vehicle or container that contains a flammable liquid with a flash point of less than 100 degrees Fahrenheit (38 degrees Celsius) or the fumes or residue of such flammable liquid is prohibited.

3.7.1.5.3 Any major alteration, replacement, or addition to an existing loading rack at a bulk storage facility that does not require a fixed fire extinguishing system is considered a new installation for the purposes of this Article and must meet all the requirements of section 3.7.1.5.1 of this Article.

3.7.1.5.4 At bulk storage plants, the owner or operator shall install an automatically operated remote control valve in each supply line to the loading rack. Such valves must be installed and the controls protected at a remote distance from the loading rack. All such valves must close automatically upon operation of the automatic fixed extinguishing system located at the loading rack.

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3.7.1.5.5 The installation of pumps used for dispensing Class I flammable liquids is prohibited on, at, under or adjacent to loading racks. The owner or operator shall ensure that such pumps are located at a remote distance from all loading racks, remain accessible for repair and maintenance and are protected against mechanical injury. Metering devices from such pumps are permitted on the loading rack.

3.7.1.6 The owner or operator shall provide functional portable fire extinguishing equipment.

3.7.1.7 The owner or operator shall ensure that a fire alarm box or other communicating device is located on the premises in close proximity to the loading rack for the purpose of reporting a fire or emergency in the vicinity.

3.7.2 Indoor Class I Liquid Dispensing.

Indoor Class I liquid dispensing is permitted if, and only if, it the following requirements are met:

3.7.2.1 Class I dispensing areas are separated from motor vehicle repairs, boiler room, and mechanical equipment rooms by fire resistive construction.

3.7.2.2 The Class I dispensing unit is mounted on a concrete island to protect such unit and its piping from physical damage. If the unit is located where it could be subject to damage from a vehicle ascending or descending a ramp or slope, further protection must be afforded.

3.7.2.3 The area where the Class I dispensing unit is located has a mechanical ventilation system capable of providing an air change of not less than two (2) cubic feet per minute per square foot of floor area.

3.7.2.4 An approved emergency switch, clearly marked and readily accessible, is provided to cut off the power to the Class I dispensing unit in the event of an emergency.

3.7.2.5 An oil separator is provided for the purpose of preventing flammable liquids from flowing into the main drainage system and shall be attached to the house drain.

3.7.2.6 Class I dispensing units are prohibited below grade level.

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3.7.3 Automatic Dispensing Units.

The installation and use of coin operated Class I dispensing devices are prohibited.

3.7.4 Self-Service Gasoline Dispensing.

3.7.4.1 Gasoline, self-service dispensing units are permitted at outdoor, above-grade locations only.

3.7.4.2 The owner or operator shall ensure that a trained attendant is on duty at the control panel whenever the station is open for business to observe, supervise, and control dispensing operations.

3.7.4.3 Smoking is prohibited in the dispensing area. The owner or operator shall post signs in conspicuous locations that read "NO SMOKING-STOP YOUR MOTOR", in letters a minimum of two (2) inches in height at the dispensing island, in clear view of all motorists.

3.7.4.4 The dispensing of gasoline into a motor vehicle while its engine is running is prohibited.

3.7.4.5 The use of gasoline dispensing units to fill a portable container that is not listed by a nationally recognized testing laboratory is prohibited.

3.7.4.6 The owner or operator shall ensure that emergency power control switches are clearly identified and capable of disconnecting power to all dispensing units. Such switches must be located at least twenty (20) feet from the nearest dispenser and not more than fifty (50) feet from the most remote dispenser. The attendant must be in a location whereby all dispensing units are clearly visible, or the necessary additional equipment or devices are installed so that the attendant is able to clearly observe all the dispensing units.

3.7.4.7 Only dispensing nozzles of the self-closing type are permitted for self-service dispensing devices. Latch-open devices on self-service dispensing nozzles are prohibited.

3.7.4.8 The owner or operator shall submit plans for the installation of self-service gasoline dispensing to the Fire Marshal, and the plans must be approved by the Fire Marshal, prior to commencement of installation. The owner or operator shall pay a plan review fee pursuant to Article XXII of this Ordinance.

3.7.4.9 Dispensing devices that are in compliance with standards set by the Underwriters Laboratories, Inc., or Factory Mutual Engineering Division, are deemed acceptable.

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3.7.4.10 The owner or operator shall provide the number and type of all fire extinguishers indicated on the plans submitted to the Fire Marshal as required by Section 3.7.4.8 above retain such documentation near the emergency controls.

3.7.4.11 The owner or operator shall equip the facility with an approved audible intercommunication system between the attendant and the dispensing area. The owner or operator shall maintain such system in proper operating condition.

3.7.5 Protection of Structures.

3.7.5.1 The owner or operator shall ensure that, at any location where there is a kiosk, transaction booth, or structure that is occupied by employees or open to the public, and the island has flammable or combustible liquid dispensers mounted on the island, the entire structure is constructed of non-combustible materials and protected by an automatic fire suppression system.

Section 3.8 Tank Vehicles

3.8.1 Operations.

3.8.1.1 Operators of motor vehicles used on private property for the transportation of flammable or combustible liquids shall comply with the provisions of the New York State Vehicle and Traffic Law relating to their operation on Public Highways.

3.8.1.2 The operation of motor vehicles used for the transportation of flammable or combustible liquids is permitted if, and only if, the operator is currently licensed to drive the vehicle by the New York State Department of Motor Vehicles or other state licensing entity.

3.8.2 Parking.

3.8.2.1 No person shall leave a vehicle used for the transportation of flammable or combustible liquids unattended on any public street, road or highway, unless the brakes on such vehicle have been set. Parking is limited to one hour. During actual loading or discharging operations, the driver shall remain at the vehicle and observe the actual loading or discharging operations. The driver shall protect the vehicle, hose, fittings, adapters, and connections by the use of barricades, traffic cones, or other reasonable means to restrict passage of persons and vehicles in the immediate area. When delivering fuel oil to storage tanks for oil heating equipment, the driver may remain at the fill location. After sunset, drivers shall turn on the parking lights of such vehicles temporarily parked on public thoroughfares and, to the extent practicable, park such vehicles in an area where street lighting illuminates the vehicle.

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3.8.2.2 Parking of vehicles used for the transportation of flammable or combustible liquids out of doors on private property is prohibited within twenty-five (25) feet of any building used for public assembly, educational purposes, institutional purposes, or residential occupancy.

3.8.2.3 The parking or garaging of a vehicle used for the transportation of flammable or combustible liquids is prohibited in any building or structure other than those specifically approved by the Fire Marshal for such use and is subject to the fire safety conditions of the New York State Uniform Fire Prevention and Building Code.

3.8.3 Transfer Operations.

3.8.3.1 Discharge and/or transfer of flammable or combustible liquids from a tank vehicle to a storage tank and piping must be by means of hoses, fittings, and adapters that make a liquid-tight connection between tanks.

3.8.3.2 Responsibility for Transfer. The operator, when on the premises or when in control of a flammable or combustible liquid transfer, is responsible for transfer activities. If the operator is not on the premises or not in control of a flammable or combustible liquid transfer, the carrier is responsible for transfer activities. The operator or carrier shall employ practices for preventing transfer spills and accidental discharges. Prior to the transfer, the operator or carrier shall determine that the receiving tank has available capacity to receive the volume of flammable or combustible liquid to be transferred. The operator or carrier shall monitor all phases of the product delivery and shall take immediate action to stop the flow of product when the working capacity of the tank has been reached or should an equipment failure or emergency occur.

Section 3.9 Garages and Similar Occupancies

3.9.1 Washing Parts with Flammable Liquids.

The use of Class I flammable liquids in any garage or similar facility for washing parts to remove grime, grease, or dirt is permitted if, and only if, the operation is performed in a machine used for such purposes, or in a separate, well-ventilated room enclosed by walls having a fire resistance rating of not less than two (2) hours, with openings therein protected by approved fire doors or fire windows, and with no opening from such room to any upper or lower story, and where all heating, lighting, and electrical equipment is suitable for a flammable liquid atmosphere.

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Section 3.10 Maintenance, Inventory, Records, Inspections, Testing, Registration and Plan Requirements.

3.10.1 Maintenance.

The owner or operator shall ensure that all bulk storage installations, tanks, piping, vehicles, structures, equipment, applications, and/or devices for the transportation, storage, sale, or use of flammable or combustible liquids, including, but not limited to, fire protection equipment, watchman's clock system, plant emergency organizations, and electrical equipment, are properly maintained and kept in operating order.

3.10.2 Inventories.

3.10.2.1 Where Dispensing Is Performed Through Units Where Volume Meters Are an Integral Component of the Unit.

The person having control of the flammable or combustible liquid stored in a storage tank (hereinafter "the tank operator") shall maintain and reconcile accurate daily inventory records on all underground flammable and combustible liquid storage tanks for indication of possible leakage from tanks or piping. The tank operator shall keep the inventory records at the premises and make such records available for inspection by the Fire Marshal or his or her designee. The inventory records must include, at a minimum, records showing by-product, bottom water levels, daily reconciliation between sales, use, receipts, and inventory on hand. Both the owner of the storage tanks and the owner of the property shall insure that daily inventory requirements are conducted by the tank operator using any suitable means including provisions of normal contractual arrangements and other agreements with the operator and by reporting to the Fire Marshal any evidence of failure of the tank operator to properly perform the required inventory. If there is more than one system consisting of a tank serving a separate pump or dispenser for any product, the tank operator shall maintain separate reconciliations for each tank system.

3.10.2.2 Direct Product Dispensing Or Transfer From A Supply Tank To An End Use Point.

At installations where flammable or combustible liquids are transferred from a bulk storage facility to an end use point, other than a motor fuel style dispenser equipped with a built in metering device, the owner or operator shall comply with the following requirements:

3.10.2.2.1 A flow meter capable of recording flow in gallons is installed in each product line, between the supply tank and any mixing valve, manifold or end use point.

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3.10.2.2.2 All flow meters are constructed of materials that are not affected by the material whose flow it is monitoring.

3.10.2.2.3 Systems used daily or four (4) or more days a week record daily beginning and end flow meter readings and opening and closing stick line readings.

3.10.2.2.4 Systems used less than four (4) times a week record beginning and end flow meter readings and opening and closing stick line readings no less than twice (2) per week.

3.10.2.2.5 Systems which may only be operated monthly or on a bi-monthly basis shall record beginning and end flow meter readings and opening and closing stick line readings at least once per week.

3.10.2.2.6 A permanent record of all readings (flow meter and stick line) and the inventory of the product are reconciled at the time of each required reading. The inventory record is maintained on the premises and be available for inspection by the Fire Marshal or his or her representative.

3.10.2.2.7 The procedures followed for unusual inventory variation and the action taken in those instances complies with the requirements of Section 3.10.2.2.9.

3.10.2.2.8 Maintenance of Inventory Records. Inventory monitoring records are maintained and made available for inspection by the Fire Marshal for a period of not less than five (5) years.

3.10.2.2.9 Reporting of Inventory Losses.

If inventory monitoring required shows:

an inventory loss;

a recurring accumulation of water in the bottom of the tank during any ten day period;

apparent product losses or gains exceed three-quarters (3/4) of one (1) percent of the tank volume; or

apparent losses or gains exceeding seven and one half (7.5) gallons per one thousand (1,000) gallons delivered;

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the operator shall notify the owner and the Fire Marshal within two (2) hours of the discovery and shall take the tank out of service until such time that inspection and/or tightness tests are performed, the cause is determined, and necessary repairs or replacements made. When an unusual inventory variation occurs, the owner of the tank shall perform a verification of the operator's inventory control records within twenty-four (24) hours. If a loss of product is indicated, the owner shall perform the test for tightness on the underground tank immediately. The test must meet the requirements of Section 3.10.5 of this Article.

3.10.3 Records.

3.10.3.1 The owner or operator shall maintain records required by the Fire Marshal relating to surveillance, inventories, product loss, inspecting and testing, on the premises for inspection by the Fire Marshal.

3.10.3.2 Any person doing business in Nassau County who supplies flammable and/or combustible liquids to any flammable or combustible liquid storage location, shall, on request of the Fire Marshal, Assistant Fire Marshal, or Fire Inspector, submit a list of addresses where such products are delivered in Nassau County.

3.10.4 Tank Registration.

3.10.4.1 The owner of a storage tank used to contain flammable or combustible liquids, including any out of service facility that has not been permanently closed as set forth in Section 3.6.3.7, shall register the storage tank with the Fire Marshal. Registration is not required if the tank is connected exclusively to oil burning heating equipment.

3.10.4.2 The owner shall renew tank registration every five (5) years from the date of the last valid registration until the Fire Marshal receives written notification that the tank has been permanently abandoned or removed or when ownership of the facility has been transferred.

3.10.4.3 If ownership of the tank changes, the new owner shall re-register in a new application the facility with the Fire Marshal within thirty (30) days of the transfer of title. The registration of the tank is not transferable.

3.10.4.4 The owner shall use forms provided by the Fire Marshal for registration. Required registration information includes the ownership of the tank, material of construction of tank, date of installation of tank, age of tank, age of other tanks in the installation, date of most recent test, type of liquid contained in the tank, and the name of the operator of the tank if different from the owner.

3.10.4.5 The use of a tank for the storage of flammable or combustible liquids is permitted if, and only if, it is duly registered with the Fire Marshal and a Certificate of Registration has been obtained.

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3.10.4.6 The owner shall provide proof of age of the tank(s) to the Fire Marshal. Proof of age of a tank may consist of, but is not limited to, building department records or purchase/installation invoices. For the purposes of this Article, in the absence of such proof of age, a tank is deemed to have been in service for more than 30 years and the owner shall immediately remove or permanently abandon such tank.

3.10.4.7 Applications for registration submitted by a corporation must be signed by a principal of the corporation or a duly authorized representative of the corporation. An application submitted by a partnership or a sole proprietorship must be signed by a general partner or proprietor. An application submitted by a municipal, state, or other public facility, must be signed by either a principal executive officer, ranking elected official, or other duly authorized employee.

3.10.4.8 The owner shall submit with each application for registration or registration renewal, a five (5) year registration fee, pursuant to Article XXII of this Ordinance, for the following:

3.10.4.8.1 Each existing flammable or combustible liquid storage tank or tank complex of less than five thousand (5,000) gallons.

3.10.4.8.2 Each existing flammable or combustible liquid storage tank or tank complex with a combined storage capacity of five thousand (5,000) to ten thousand (10,000) gallons.

3.10.4.8.3 Each existing flammable or combustible liquid storage tank or tank complex with a combined storage capacity of over ten thousand (10,000) gallons.

3.10.4.8.4 New or Replacement Tank Registration.

3.10.4.8.4.1 The owner shall pay a registration fee, based on cumulative gallonage at a new facility or complete retankage of a facility as required by Section 3.10.4 of this Article, pursuant to Article XXII of this Ordinance.

3.10.4.8.4.2 The owner shall pay a registration fee for each new or replacement tank at a facility where all or some of the existing tanks are to remain and is registered in accordance with Section 3.10.4, pursuant to Article XXII of this Ordinance. This registration shall be valid only until the existing tanks at the facility are required to be re-registered as required by this Article.

3.10.4.9 Upon submittal of a complete registration application, and payment of the fee, the Fire Marshal shall issue a registration certificate. The operator shall display a current and valid registration certificate on the premises of the facility at all times.

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3.10.5 Criteria for Tightness Test.

(Amended by Ord. No. 149-2011, effective 12/1/2011.)

A tightness test for an underground tank system is a test that is acceptable to the Fire Marshal and will determine if a tank and connected piping are tight or not tight. For the purposes of this section, a "tank system" means a tank and all piping connected thereto. The test must be capable of detecting a system leak as small as one tenth (0.10) of a gallon in one hour accounting for variables such as vapor pockets, thermal expansion of product, temperature stratification, groundwater level, evaporation, pressure, and tank deflection. Any test that requires a tank to be filled beyond its capacity (overfill test) is prohibited. Prior to any system being used in Nassau County, it must be approved for use by the New York State Department of Environmental Conservation, and submitted to the Fire Marshal together with all documentation proving the effectiveness of the system, and approved by the Fire Marshal.

3.10.6 Periodic Tightness Testing Schedule.

The owner or operator of an underground tank storage system shall test the tank system periodically for tightness as follows:

3.10.6.1 All existing underground unprotected tank(s) and connected piping must be retested at intervals not exceeding two (2) years from the last test until permanently abandoned or removed.

3.10.6.2 All corrosion resistant single wall tank(s) and connected piping must be tested at installation and every five (5) years thereafter until permanently abandoned or removed.

3.10.6.3 All double wall corrosion resistant tank(s) and connected piping must be tested at installation and every ten (10) years thereafter until permanently abandoned or removed.

3.10.6.4 If for any reason, testing or inspection is not performed as required in this Article, the tank or piping system, the owner shall replace it in accordance with Section 3.6.3.1.1.1, 3.6.3.1.1.2, and 3.6.3.1.1.3 of this Article or take it out of service, pursuant to Section 3.6.3.7.

3.10.7 Notification of Test.

3.10.7.1 The owner or operator shall test new, replacement, or repaired tank(s) and/or piping used for the storage and dispensing of flammable and combustible liquids prior to putting them into active service. The Fire Marshal or his or her designee shall prepare and issue a test report detailing the results of the test. At least twenty-four (24) hours before the test, the owner or operator shall notify the Nassau County Fire Marshal's Office of the test.

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3.10.7.2 The owner or operator of any tank required to be tested under the periodic tightness testing schedule, shall scheduled the test and notify the Fire Marshal a minimum of twenty-four (24) hours prior to the test. The Fire Marshal or his representative shall prepare and issue a test report detailing the results of the test.

3.10.8 Tank Test Fee Required.

The owner or operator shall pay a non-refundable fee for each scheduled tank system test prior to the test date. In the event the test is canceled less than twenty four (24) hours before the scheduled test date and time, by any person, or persons, other than the Fire Marshal, or the test cannot be conducted for any reason, other than an "Act of God", on the scheduled date and time, the owner or operator shall reschedule the test and pay an additional fee, pursuant to Article XXII of this Ordinance.

3.10.9 Tank Test Failure.

In the event that an underground storage tank used to store flammable or combustible liquids and any and all associated piping fails any test procedure, the person performing the test shall notify the Nassau County Fire Marshal's Office via telephone immediately and in writing no later than five (5) days after the test date. The owner or operator shall promptly empty, replace, repair or take out of service any part of the storage facility that is not tight in accordance with the applicable provisions of this Article.

3.10.10 Aboveground Storage Tanks-Five Year Inspection.

After the initial acceptance test and inspection, the owner or operator shall provide a five (5) year inspection on every aboveground storage tank, except those tanks that are entirely aboveground such as tanks on racks, cradles, or stilts. Reinspection of all tanks is required no later than five (5) years from the date of the previous inspection. The five (5) year inspection shall consist of a tightness test of the tank and connected piping or an inspection consisting of the following:

3.10.10.1 Cleaning the tank and difficult to reach areas within the tank in accordance with generally accepted practices;

3.10.10.2 Removal, transportation and disposal of sludge in a manner consistent with all applicable state and federal laws;

3.10.10.3 Inspecting the tank shell for soundness and testing all welds and seams on the tank bottom for porosity and tightness. The test must be consistent with generally accepted industry testing and inspection practices. This may include one or more of the following: a tightness test, and air pressure, hydrostatic or vacuum test, a penetrant dye test, a non-destructive test to detect thinning of the tank or hammering to detect weak areas;

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3.10.10.4 Visual inspection of the internal surfaces of the tank and difficult to reach areas for corrosion or failure;

3.10.10.5 Inspection of internal coatings for any signs of failure of the coating system such as cracks, bubbles, blisters, peeling, curling or separation; and

3.10.10.6 A tightness test of any connecting pipes.

3.10.11 Inspection Report.

The owner or operator shall file a written report of the results of the five (5) year inspection with the Fire Marshal's Office within ten (10) days of the completion of the inspection. The report must include information relating to the tank inspected, date of inspection, results of inspection including a report on the need for any repair, name and address of the inspector, certificate of fitness number if applicable, and a notarized statement attesting that the inspection was performed in a manner consistent with the requirements of Section 3.10.10.

3.10.12 Repair of Equipment Deficiencies.

If an inspection reveals a leak, a tank or equipment deficiency, a deficiency in monitoring equipment, excessive thinning of the tank shell that would indicate structural weakness when the tank is filled with petroleum, or any other deficiency that might result in failure of the facility to function properly or store and contain the product in storage, the owner or operator shall take remedial measures immediately to remove the leak or deficiency.

3.10.13 Uninspected Facilities.

If any portion of a facility is not inspected as required, the owner or operator shall take the facility out of service pursuant to Section 3.6.2.2.

3.10.14 Plan Submission Required.

3.10.14.1 In addition to the submission of plans required pursuant to Sections 3.3.1 and 3.6.1.5 of this Article, the owner or operator shall submit plans to the Fire Marshal for review and pay the applicable fee pursuant to Article XXII of this Ordinance if the plans are for the proposed installation, new construction, or modification of existing facilities and one or more of the following criteria is met:

A. An automatic fire suppression system is required, or an existing system is modified.

B. Flammable and/or combustible liquids are stored, handled, dispensed, mixed, transferred or packaged.

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C. A full service vehicular refueling station is converted to a self-service facility.

D. Emergency generators using a flammable or combustible liquid as a fuel are installed.

3.10.14.2 The plans, at a minimum, must conform to the requirements of Section 3.6.1.5 of this Article. The Fire Marshal may require additional information on the plans to indicate compliance with this Article.

3.10.14.3 If any proposed installation, construction, or renovation does not commence within twelve (12) months of the date the plans were approved by the Fire Marshal, the plan is deemed void and the owner must submit new plans for review and pay the plan review fee.

3.10.14.4 Review Fee. The owner or operator shall pay a one-time, non-refundable fee for the review and process of each plan submitted to the Fire Marshal's Office at the time of plan submission, pursuant to Article XXII of this Ordinance. Such fee is in addition to any other fee required by this Ordinance. Revised plans for installation, construction or renovation of facilities or equipment that have not exceeded the requirements of Section 3.10.14.3 above, are considered part of the original submission, but do not alter or extend the time period given to commence the approved proposed scope of work.

3.10.15 Functionality Test

(Added by Ord. No. 3, effective 1/31/2008.)

3.10.15.1 The owner or operator shall conduct a functionality test of the leak detection and in-tank monitoring system to assess proper operation of any and all leak detection equipment and systems.

3.10.15.2 Commencing January 1, 2008, all motor fuel dispensing equipment must be tested at least once every two years.

3.10.15.3 Only those contractors approved by the Fire Marshal are authorized to conduct functionality tests of leak detection equipment and systems.

3.10.15.4 The Fire Marshal or his or her designee shall observe the functionality test. The owner or operator shall provide the Fire Marshal's Office with a minimum of twenty-four hours (24) notice prior to the test.

3.10.15.5 The owner or operator shall submit test results in writing to the Fire Marshal no later than ten (10) business days from the date of the test.

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3.10.15.6 Functionality Test Fee Required. The owner or operator shall pay a non-refundable fee for each functionality test of the leak detection and in tank monitoring system prior to the test date. In the event the test is canceled less than twenty-four (24) hours before the scheduled test date and time, by any person or persons other than the Fire Marshall or his or her designee or the test cannot be conducted for any reason other than an "Act of God" on the scheduled date and time, the owner is required to reschedule the test and pay an additional fee, pursuant to Article XXII of this Ordinance.

3.10.15.7 Functionality Test Failure. In the event that a leak detection system and/or in tank monitoring system fails a functionality test, the test administrator shall notify the Fire Marshal's Office via telephone immediately and in writing no later than five (5) days after the test date. If a leak detection or in-tank monitoring system fails a functionality test, the owner or operator shall place the tank system out of service, immediately repair it, or replace and retest it pursuant to this section. The approval of the Fire Marshal is required prior to placing a tank or tanks back into service.

Section 3.11 License, Permits and Certificates of Fitness

(Amended by Ord. No. 299, effective 9/14/92.)

3.11.1 License and Permits Required.

3.11.1.1 Any person performing the following work shall secure the applicable license from the Fire Marshal:

1. Removing or abandoning underground flammable and/or combustible liquid storage tanks or;
2. Installing flammable or combustible liquid storage tanks or piping, excluding those connected exclusively to oil burning heating equipment or;
3. Installing, testing, inspecting or maintaining any automatic fire suppression system.

3.11.1.2 No person shall use or cause to be used, any motor vehicle, tank truck, tank semi-trailer, or tank truck trailer for the transportation of more than 110 gallons of Combustible Liquids, unless after complying with these regulations, a permit to operate any such vehicle has first been secured from the Fire Marshal. No permit is required when used in permanently installed containers on the vehicle as motor fuel. This section shall not apply to any motor vehicle, tank truck, tank semi-trailer or tank truck trailer traveling through Nassau County and making no deliveries of Combustible Liquids within the County.

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3.11.1.2.1 Vehicle Requirements.

3.11.1.2.1.1 The owner or drive of any vehicle having a valid permit under this article shall ensure that the vehicle has:

1. A valid state registration;
2. A valid state inspection, where required by the state of registration;
3. A fire extinguisher, dry chemical, having a minimum rating of 2A20BC, mounted with an approved bracket and properly maintained;
4. A minimum of three (3) emergency reflectors;
5. A minimum of two (2) wheel chocks;
6. A minimum of four Department of Transportation approved placards to be used only when transporting product in accordance with this Article. The vehicle shall be placarded in accordance with Title 49, Code of Federal Regulations; and
7. An exhaust system that is tight and clear of the cargo area.

In addition to the requirements listed above, bulk transport vehicles manufactured in accordance with D.O.T. MC306, MC307 and MC312 specifications, shall have as a minimum:

- (a) A data plate affixed;
- (b) The tank and all surfaces maintained in good condition;
- (c) A working remote controlled shutoff valve;
- (d) The delivery hose in good condition.

3.11.1.2.1.2 Smoking Prohibited.

3.11.1.2.1.2.1 Smoking is prohibited within 25 feet of any vehicle transporting a cargo containing a flammable and/or combustible liquid.

3.11.1.3 Application for License and Permits.

3.11.1.3.1 Application for licenses and permits may be made to the Fire Marshal. The Fire Marshal shall provide application forms. The applicant shall fully answer all application questions on such forms. Applications for license and permits shall be accompanied by such information as may be required by the Fire Marshal and fees as prescribed in Article XXII of this Ordinance.

3.11.1.4 Review and Issuance.

3.11.1.4.1 The Fire Marshal shall review all applications submitted to determine compliance with applicable provisions of the Nassau County Fire Prevention Ordinance and other applicable rules and regulations and issue license and permits. If an application for a license or permit is rejected by the Fire Marshal, he or she shall advise the applicant of the reason for such rejection.

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3.11.1.5 Display of License and Permits.

3.11.1.5.1 A license holder shall post a copy of the license or maintain it otherwise so that it is readily accessible at each place of operation or carry the license in a manner specified by the Fire Marshal.

3.11.1.5.2 The licensee shall affix a vehicle permit to the exterior of the vehicle as required by the Fire Marshal and the copy shall be carried inside the vehicle.

3.11.1.6 Force and Effect.

3.11.1.6.1 The license and permit shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the Fire Marshal revokes or suspends the license or permit. The licensee shall not display a permit on any vehicle for a period of more than thirty (30) days after it has expired or been revoked.

3.11.1.7 Revocation and Suspension.

3.11.1.7.1 The license or permit is subject to revocation or suspension by the Fire Marshal at any time when the vehicle or the license or the permit holder displays evidence of non-compliance with the provisions of the Nassau County Fire Prevention Ordinance. The Fire Marshal may seal, lock or confiscate any equipment to ensure that Flammable or Combustible Liquid is not dispensed and or transported without a valid license or permit.

3.11.1.8 Transferability.

3.11.1.8.1 Licenses and permits are not transferable to another holder or vehicle.

3.11.1.9 Renewal of License and Permits.

3.11.1.9.1 Prior to the expiration date, a license or permit required pursuant to this Ordinance may be renewed for a subsequent year and shall continue in effect unless the Fire Marshal revokes or suspends such license or permit. A licensee shall file an application for renewal of a license or permit in the same manner as an application for an original license or permit. Each such application shall be accompanied by the applicable fee provided in Article XXII of this Ordinance. The Fire Marshal shall grant, renew, or reject a license or permit renewal application in the same manner as for an original license or permit.

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3.11.1.10 Change of Required information.

3.11.1.10.1 Each person holding a license or permit shall notify the Fire Marshal in writing of any change in name, in business, residential or other notification address, or any other required information within ten (10) days after such change. Failure on the part of a person, firm, business entity, or corporation to give such notification constitutes grounds for revocation of said license or permit. This notification shall be accompanied with the appropriate fee as prescribed in Article XXII of this Ordinance.

3.11.1.11 Replacement of License or Permit.

3.11.1.11.1 If a license or permit is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement license or permit. The licensee shall pay the fee required pursuant to Article XXII of this Ordinance.

3.11.2 Certificate of Fitness.

3.11.2.1 Certificate of Fitness Required.

3.11.2.1.1 Any person performing a test to determine the tightness of underground or aboveground flammable and combustible liquid handling equipment including storage tanks and piping is required to hold a valid Certificate of Fitness issued by the Fire Marshal. Such certificate is subject to revocation by the Fire Marshal at any time where the certificate holder displays evidence of non-compliance with the provisions of this Ordinance.

3.11.2.1.2 Any person dispensing flammable and/or combustible liquids at locations where flammable and/or combustible liquids are sold and/or transferred from one containment entity into another is required to hold a valid Certificate of Fitness issued by the Fire Marshal. Such certificate is subject to revocation by the Fire Marshal at any time where the certificate holder displays evidence of non-compliance with the provisions of this Ordinance.

3.11.2.1.3 Any person transporting flammable and/or combustible liquids in or on a vehicle displaying a permit or requiring a permit from the Nassau County Office of Fire Marshal shall be required to have a Certificate of Fitness.

3.11.2.2 Application.

3.11.2.2.1 Applicants shall file applications for a Certificate of Fitness with the Fire Marshal on forms provided by the Fire Marshal and pay the applicable fee pursuant to Article XXII of this Ordinance.

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3.11.2.3 Proof of Qualifications.

3.11.2.3.1 Every person applying for a Certificate of Fitness shall furnish proof to the Fire Marshal that he or she is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations involved with and for which the Certificate of Fitness is issued, by passing a written examination. The applicant shall further prove that he or she is physically competent to perform any and all actions necessary or incidental to the operation for which the Certificate of Fitness is issued, by passing a practical examination.

3.11.2.4 Investigation and Examination.

3.11.2.4.1 The Fire Marshal shall investigate every new application for a Certificate of Fitness. The investigation shall include a written examination regarding the use, makeup and handling of flammable and/or combustible liquids and such examination shall include a practical test. When the Fire Marshal determines that the applicant conforms to all the requirements of this Ordinance, he or she shall issue the Certificate of Fitness.

3.11.2.5 Force and Effect.

3.11.2.5.1 The Certificate of Fitness shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal.

3.11.2.6 Refusal of Certificate of Fitness.

3.11.2.6.1 When the Fire Marshal determines that a candidate has failed an examination for a Certificate of Fitness, he or she shall refuse to issue the Certificate of Fitness. An applicant may not apply again for the Certificate of Fitness within ten days following the examination.

3.11.2.7 Transferability.

3.11.2.7.1 The Certificate of Fitness is not transferable.

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3.11.2.8 Renewal of Certificate of Fitness.

3.11.2.8.1 An applicant shall file an application for renewal of a Certificate of Fitness in the same manner as an application for an original certificate. Each such application shall be accompanied by the fee provided in Article XXII of this Ordinance. The granting of a renewal of a Certificate of Fitness shall be accomplished in the same manner as for an original certification of fitness, except that any person continuously engaged in any activity for which a certificate of fitness is required, shall not, upon renewal, be required to take a written examination. However, a written and practical examination is required for re-certification at intervals not to exceed five years (5) from the last certification date.

3.11.2.9 Change of Address.

3.11.2.9.1 Each person holding a Certificate of Fitness shall notify the Fire Marshal in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of said Certificate of Fitness. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

3.11.2.10 Replacement of Certificate of Fitness.

3.11.2.10.1 If a Certificate of Fitness is lost, mutilated or otherwise rendered unusable, the licensee shall submit a written request within ten (10) days to the Fire Marshal for a replacement certificate of fitness. This request shall be accompanied with the appropriate fee as prescribed in Article XXII of this Ordinance.

3.11.2.11 Certificates of Fitness Issued.

3.11.2.11.1 A Certificate of Fitness shall be required of any person performing the following activities:

1. Type 1, Testing of tanks containing flammable and/or combustible liquids;
2. Type 2, Dispensing flammable and/or combustible liquids;
3. Type 3, Transporting flammable and/or combustible liquids in vehicles requiring a permit under this Article.

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3.11.2.12 Contents of Certificate of Fitness.

3.11.2.12.1 A Certificate of Fitness issued by the Fire Marshal is in the form of an identification card containing following:

1. The purpose for which the Certificate of Fitness has been issued,
2. The date the Certificate of Fitness is issued and the date of expiration;
3. Other information as may be necessary to properly identify the person to whom the Certificate of Fitness is issued;
4. The signature of the person to whom the Certificate of Fitness is issued;
5. The name and signature of the Fire Marshal who issued the Certificate of Fitness, or the Fire Marshal's name and countersignature of his designated representative;
6. Printed thereon in bold type the following:

"THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

3.11.2.13 Requirement to Display Certificate of Fitness.

3.11.2.13.1 Any person to whom a Certificate of Fitness has been granted in conformance with this Ordinance shall upon request produce and show proper identification and his Certificate of Fitness to anyone to whom he or she seeks to render his services or to the Fire Marshal or his or her representative.

3.11.2.14 Employees in Training.

3.11.2.14.1 Upon successful completion of the Certificate of Fitness written examination, an individual shall gain practical experience as required by this Ordinance, by working with an individual who holds a valid Certificate of Fitness as described under this Article. After a training period not to exceed thirty (30) days the practical section of the Certificate of Fitness shall be taken. In the event that a Certificate of Fitness is not obtained within the thirty (30) day period the applicant is required to file for a new certificate of fitness as described in this Article.

Section 3.12 Severability

If any of the provisions of this Article or its application to any person or circumstance is held to be invalid, the remainder of this Article and the application of that provision to other persons or circumstances will not be affected.

Section 3.13 Compliance

(Amended by Ord. No. 117, effective 8/10/01.)

All persons shall comply with any order or regulation duly made pursuant this Article.

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Section 3.14 Penalties

3.14.1 Any person or business entity other than a corporation convicted for violating any provision of this Article, or for failing to comply therewith, or for violating or failing to comply with any order or regulation made there under, is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand (\$1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation convicted for violating any provision of this Article, or for failing to comply therewith, or for violating or failing to comply with any order or regulation made there under is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

§ 2. This Ordinance shall take effect immediately.

Historical notes:

Enacted by Ord. No. 60-1950 Effective September 1, 1950
Amended by Ord. No. 47-1959 Effective March 16, 1959
Amended by Ord. No. 56-1962 Effective March 26, 1962
Amended by Ord. No. 111-1964 Effective May 4, 1964.
Amended by Ord. No. 259-1972 Effective Oct. 30, 1972 (Repeals Ord. No. 111-1964)
Amended by Ord. No. 90-1976 Effective March 22, 1976
Amended by Ord. No. 426-1979 Effective Nov. 19, 1979
Amended by Ord. No. 42-1980 Effective Feb. 4, 1980
Amended by Ord. No. 140-1980 Effective March 24, 1980
Amended by Ord. No. 51-1981 Effective Feb. 23, 1981
Amended by Ord. No. 176-1981 Effective April 27, 1981
Amended by Ord. No. 414-1982 Effective Nov. 8, 1982
Amended by Ord. No. 295-1983 Effective Oct. 8, 1983
Amended by Ord. No. 499-1983 Effective Dec. 19, 1983
Amended by Ord. No. 407-1986 Effective Sept. 15, 1986
Amended by Ord. No. 526-1990 Effective Dec. 3, 1990
Amended by Ord. No. 299-1992 Effective Sept. 14, 1992
Amended by Ord. No. 117-2001 Effective Aug. 10, 2001
Amended by Ord. No. 3-2008 Effective Jan. 31, 2008

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ARTICLE IV

Formerly Dry Cleaning and Dry Dyeing Plants

Article Removed 3/28/2011

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ARTICLE V

Application of Flammable Finishes.

Section 5.0 Definition.

The term "finishing shop" shall mean a building or part thereof used for the application of flammable finishes by means of spraying or dipping.

Section 5.1 Safeguards in Connection with Other Occupancies.

Finishing shops in buildings containing other occupancy shall be cut off by fire partitions or fire walls from other portions of the building, and shall be equipped with an automatic sprinkler system.

Section 5.2 Storage of Flammable Finishes in Finishing Shops.

The storage of flammable finishes inside of finishing shops shall be restricted as follows:

(a) Quantities not exceeding, in the aggregate, twenty gallons with no container exceeding one gallon in capacity, may be stored on a substantial shelf at least four feet above the floor and with suitable guard strips to prevent containers from falling.

(b) Quantities not exceeding, in the aggregate, fifty gallons with no container exceeding five gallons capacity may be stored in a cabinet entirely enclosed and made of stiffened sheet iron of at least 18 U. S. gauge in thickness and double walled with one and one-half inch air space or equivalent construction. Doors shall be of construction equivalent to the walls of the cabinets, be provided with three-point lock, fit closely and kept closed when not in use. Door sills shall be raised at least two inches above the bottom of the cabinet.

(c) Quantities in excess of those given under (a) and (b) shall be in storage rooms as described in Article III, Section 3.4 of the Ordinance.

Section 5.3 Mixing.

(a) Mixing operations shall be carried on only in storage rooms as described in Article III, Section 3.4 of this Ordinance, provided that containers of a total capacity not exceeding two gallons may be opened and their contents mixed in the finishing room.

(b) Receptacles containing flammable finishers shall be kept tightly covered.

Section 5.4 Containers.

(a) All containers of flammable finishers shall be of metal, constructed to prevent leakage; Interstate Commerce Commission containers shall be acceptable for storage.

(b) Containers used as part of the spraying outfit shall be of metal, except that glass containers not exceeding one pint capacity, also containers with glass inner linings of not more than one gallon capacity (protected with a metal holder or guard permanently fixed around the container) may be used.

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Section 5.5 Ventilation.

(a) Unless ventilated spray booths are used for all finishing operations, finishing rooms shall be continuously ventilated during operation. Ventilation shall be such as to effect at least one complete change of air every three minutes.

(b) Exhaust outlets in finishing rooms shall be located not over five feet above the floor and shall discharge directly outside of building. Stacks and ducts shall be of substantial construction with joints riveted and soldered or otherwise made tight. They shall extend as directly as possible to the outside air and not through other rooms and be so arranged that the discharge or vapor and residue or fire therefrom will not endanger property. They shall not be connected to other ventilating or collecting systems.

Section 5.6 Lighting and Electrical Equipment.

(a) Artificial lighting shall be by electricity only. All electrical wiring equipment in finishing shops shall be in accordance with generally accepted good practice for such hazardous locations and compliance with the National Electrical Code rules for hazardous locations shall be deemed to be in accordance with generally accepted good practice.

(b) Where spraying is done in spray booths, portions of the rooms more than twenty feet from the booth need not be considered hazardous locations for the purpose of this section. In the area within twenty feet of spray booths, generally accepted good practice shall be deemed to permit the use of motors of the totally enclosed type or of the open induction type having no brushes, make or break contacts, collectors or other arcing or sparking parts and to allow lamps of the enclosed vapor type.

Section 5.7 Housekeeping.

(a) Finishing shops shall be kept free from all unnecessary combustible materials and refuse.

(b) Floors of finishing shops, drain boards and the interior of spray booths shall be thoroughly cleaned at least once a day. In cleaning, care shall be taken to use implements which will not create sparks. Sweepings or deposits from spray booths or rooms, ducts or stacks shall be immediately removed from the building.

(c) Metal waste cans with self-closing covers shall be provided for all waste and rags.

Section 5.8 Open Flames and Heating.

No open flame shall be permitted in storage or mixing rooms, storage cabinets, finishing rooms or spray booths. For heating purposes indirect systems only shall be used.

Section 5.9 Grounding.

All metal spray booths, dip tanks, bake ovens, mixers, filters, pumps, motors and shafting shall be electrically grounded.

Section 5.10 Fire Extinguishing Equipment.

Adequate portable fire extinguishers or other fire extinguishing appliances shall be installed in finishing rooms and near storage cabinets and spray booths.

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Section 5.11 Smoking.

Smoking shall be prohibited in any room used for storage of flammable finishes and in any finishing room. Suitable "No Smoking" signs shall be prominently displayed.

Section 5.12 Spraying.

All spraying shall be performed in a spray room or spray booth constructed and maintained in accordance with the following, except that an equivalent construction shall be acceptable if such construction shall afford the same or greater safeguard against fire:

(a) If spraying is performed in a room not provided with spray booths as herein provided, such spray room shall be separated from the remainder of the building by partitions of fire resistive construction equivalent to incombustible wallboard on wooden studding, cement or gypsum plaster on metal lath on wooden studding or wooden studding covered on both sides with sheet iron. Doors in openings in spray room partition shall be equal in fire resistance to partition and shall be of the self-closing type or so installed as to close automatically in case of fire.

(b) Spray booths shall be metal or other noncombustible material and of ample size to accommodate the object to be sprayed.

(c) Spray booths shall be provided with exhaust systems of sufficient capacity to adequately remove vapors or residue. Supply of air entering the room where the spray booths are located shall be substantially equivalent to the exhaust capacity provided. Each spray booth shall have an independent stack or vent, except that not more than three booths each with less than six square feet frontal area may connect to one stack. They shall be properly supported and shall have at least a six inch clearance where passing through wooden floors, roofs, partitions or in close proximity to them or other combustible material.

(d) Ventilating fans in spray rooms and booths shall be kept in continuous operation while spraying is being carried on and shall not be stopped until all flammable vapors have been removed.

(e) Pails or receptacles shall not exceed ten gallons capacity for gravity feed to spray guns and shall be kept covered with tight fitting noncombustible covers. Only wire cable or those containing stranded wire cores shall be used to suspend gravity feed pails.

(f) Pails or receptacles containing flammable finishes shall be returned to the storage cabinet or storage room at the close of each day.

(g) No portable lamps shall be used inside spray rooms or booths. Lamps shall be prohibited inside spray booths and ducts and in any location where there is a possibility of the spray coming into direct contact with the lamp or fixture.

(h) Electric motors shall not be placed inside booths or ducts.

(i) Motor vehicles shall not be moved by their own power while in the finishing room. Electric storage batteries shall be removed.

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Section 5.13 Dip Tanks.

Dip tanks having an area in excess of ten square feet shall be provided with covers arranged to close automatically in case of fire and also arranged so that they can be closed manually. Smaller dip tanks shall be provided with covers or with asbestos blankets which can be placed over the tanks. If dip tanks are protected by an automatic fire extinguishing system employing a fire retardant chemical or gas or water spray, the covers specified above may be omitted.

Section 5.14 Japanning and Enameling.

Japanning and enameling drying ovens shall not be placed in contact with wood floors or other combustible material. Heating of ovens shall be done by steam coils, indirect hot air circulation through oven to outside, indirect hot oil circulating pipes, indirect gas burners or electricity. Open flames or fires shall not be in communication with the compartments where goods are being treated.

Section 5.15 Spray Booths and Finishing Shops. (Amended by Ord. No. 299, effective 9/14/92.)

5.15.1 Filing of Plans.

5.15.1.1 No spray booth and/or finishing shop shall be constructed, nor shall any replacements, additions, alterations, or major repairs be made to existing spray booths and finishing shops unless plans have been filed with the Fire Marshal showing compliance with requirements of this Ordinance. No work shall commence until such plans are approved by the Fire Marshal. The Fire Marshal may require additional information to be shown on the plans to indicate compliance with this Article. Plans shall include a statement from a licensed professional engineer or registered architect, certifying that the proposed construction will conform to the regulations of the building department of the municipality wherein the plant is to be located.

5.15.2 Certification.

5.15.2.1 Upon completion of the work for which plans have been approved by the Fire Marshal, pursuant to Section 5.15.1 of this Ordinance, a certificate issued by a licensed professional engineer or registered architect shall be filed with the Fire Marshal, stating that the completed work conforms with the plans approved by the Fire Marshal for such project. The project shall not be placed into service until inspected by the Fire Marshal.

5.15.3 Plan Submission Required.

5.15.3.1 In addition to the plans required to be submitted to the Fire Marshal in Sections 5.15.1 and 5.15.2 of this Article, plans shall be submitted to the Fire Marshal for review where the plans are for the proposed installation, new construction, or modification of existing facilities where:

1. An automatic fire suppression system is required, or an existing system is modified.
2. Where flammable and/or combustible liquids are stored, handled, dispensed, mixed, transferred or packaged.

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5.15.3.2 The plans, as a minimum, shall include but not be limited to the requirements of Section 5.15.1 of this Article. The Fire Marshal may require additional information to be shown on the plans to indicate compliance with this Article.

5.15.3.3 If any proposed installation, construction, or renovation does not commence within twelve (12) months of the date the plans were approved by the Fire Marshal, the plan approval shall be considered void and new plans shall be submitted for review and shall be considered for the requirement of a plan review fee, a new submission.

5.15.3.4 Review Fee.

5.15.3.4.1 There shall be a fee imposed for the review and process of any plans submitted to the Fire Marshal's Office. The fee shall be submitted at the time of plan submission. This fee shall be in addition to any other fee required by this Ordinance. The plan review fee shall be a one time non-refundable fee as prescribed in Article XXII of this Ordinance, per submission. Revised plans for installation, construction or renovation of facilities or equipment that have not exceeded the requirements of Section 5.15.3.2 above, shall be considered part of the original submission, but will not alter or extend the time period given to commence the approved proposed scope of work.

Section 5.16 Licensing of Firms Applying Flammable Finishes. (Amended by Ord. No. 299, effective 9/14/92.)

5.16.1 Each firm engaged in the business of applying flammable finishes shall be required to have a license issued by the Fire Marshal.

5.16.2 Licensed firms must submit a certificate of insurance to the Fire Marshal indicating the following minimum requirements: comprehensive general liability and bodily injury and property damages, product liability, completed operations, and contractual liability.

5.16.3 A licensed firm that has such coverage as required by Section 5.16.2 of this Article shall notify the Fire Marshal of any change, lapse, or cancellation of coverage.

Section 5.17 Licenses. (Amended by Ord. No. 299, effective 9/14/92.)

5.17.1 Application for License.

5.17.1.1 All firms, business entities, or corporations engaging in the application of flammable finishes shall obtain a license from the Fire Marshal. Application fee and proper application shall be made on a form provided by the Fire Marshal. Submission of such information on such form as required by the Fire Marshal shall be submitted together with a fee as prescribed in Article XXII of this Ordinance.

5.17.2 Expiration.

5.17.2.1 The license issued herein shall expire one (1) year from the date of such issuance unless prior thereto the license is revoked or suspended by the Fire Marshal.

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5.17.3 Revocation and Suspension.

5.17.3.1 The license is subject to revocation or suspension by the Fire Marshal at any time when the license holder displays evidence of non-compliance with the provisions of the Nassau County Fire Prevention Ordinance.

5.17.4 Transferability.

5.17.4.1 Licenses shall not be transferable to another holder or location.

5.17.5 Renewal of License.

5.17.5.1 Prior to the expiration date of a license as required by this Ordinance such a license shall be renewed for another year and shall continue in effect until such time within the year the Fire Marshal revokes or suspends such license. Application for renewal of a license shall be filed in the same manner as an application for an original license. Each application shall be accompanied by applicable fees as set forth in Article XXII of this Ordinance. The granting of a renewal of a license shall be accomplished in the same manner as for an original license.

5.17.6 Change of Required Information.

5.17.6.1 Each firm, business entity, or corporation holding a license shall notify the Fire Marshal in writing of any change in name, in business, residential or other notification address, or any other required information within ten (10) days after such change. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

5.17.7 Replacement of License.

5.17.7.1 If a license is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement license. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

5.17.8 Licenses may not be issued by the Fire Marshal until:

1. The applicant has submitted to the Fire Marshal evidence of statutory business registration or evidence of compliance with (list appropriate act or statute);

2. The Fire Marshal, or a person designated by him, has, by inspection, determined that the applicant possesses the equipment required for the license sought. The Fire Marshal shall give an applicant a reasonable opportunity to correct any deficiencies discovered by inspection;

3. The applicant has submitted to the Fire Marshal, proof of insurance as required by Article.

Section 5.18 Inspection.

(Amended by Ord. No. 299, effective 9/14/92.)

5.18.1 Prior to operation or use of any spray booth and/or finishing shop an inspection shall be performed by the Fire Marshal's Office to determine that said spray booth and/or finishing shop complies with all applicable requirements of this Article. The fee for this inspection is prescribed in Article XXII of this Ordinance.

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Section 5.19 Failure to Comply

(Added by Ord. No. 18, effective 2/11/05.)

No person, entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 5.20 Penalties

(Added by Ord. No. 18, effective 2/11/05.)

5.20.1(a) Any person or entity, other than a corporation as provided in paragraph (b) of this subdivision, that violates or fails to comply with any provision of this Article or with any order or regulation made thereunder, shall, upon conviction, be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment for not more than one (1) year or both, for each and every offense.

(b) Any corporation that violates or fails to comply with any provision of this Article or with any order or regulation made thereunder, shall, upon conviction, be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense.

(c) Following the service of an order, each fifteen-day period that the owner or occupant fails to comply with the order shall constitute an additional and separate violation.

(d) The imposition of a penalty for any violation of or noncompliance with this Article shall not excuse the violation or permit it to continue.

5.20.2(a) On behalf of the Fire Marshal, the County Attorney may maintain a proceeding to enjoin any condition which relates to the storage or handling of a flammable finish that is in violation of this Ordinance.

(b) A peace officer in the Office of the Fire Marshal other than the Chief Fire Marshal may seize, lock, or otherwise render inaccessible any flammable finishes and tools, equipment or other implements, which the peace officer has reasonable cause to believe are being used in connection with (1) the storage or handling of a flammable finish in a manner that constitutes an imminent peril to safety, life, or property or (2) the noncompliance with an order previously issued by the Fire Marshal to correct a condition relating to the storage or handling of a flammable finish. Any item seized pursuant to this section shall be delivered into the custody of the Fire Marshal.

(c) Notice shall be served upon the owner or occupant of the premises from which a flammable finish, tool, equipment or other implement, has been seized, locked, or otherwise rendered inaccessible at the time of such seizure. In the event that the owner or occupant is not on the premises at the time of the seizure, service shall be made by delivering notice to the person in charge of the premises or by affixing the notice to a conspicuous part of the premises, and by mailing the notice to the owner and occupant by certified mail, return receipt requested, as soon thereafter as is practical. The notice shall contain notice of an opportunity for a hearing and instructions explaining how to request a hearing.

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(d) A hearing shall be conducted before the Fire Marshal to adjudicate the violation underlying the seizure within three (3) business days after the receipt of the written request of the owner or occupant of the premises or other lawful owner of seized items for such a hearing. The Fire Marshal shall render a decision immediately after such hearing is concluded. Business day, for the purposes of this section, shall mean Monday to Friday, exclusive of official County holidays. The decision of the Fire Marshal shall be final for the purposes of commencing a proceeding under Article 78 of the New York Civil Practice, Laws and Rules.

(e) Following a hearing pursuant to this section,

- (i) if the hearing has resulted in a determination that the items seized were not used in violation of this Article, the Fire Marshal shall promptly release such items.
- (ii) if the hearing has resulted in a determination that items seized were used in connection with a violation of this Article, the Fire Marshal may order the release of such items upon demonstration satisfactory to the Fire Marshal that the condition giving rise to the seizure has been corrected and that there is no continuing threat to public safety.

(f) The owner or other person lawfully entitled to the possession of such flammable finish, tool, equipment or other implement may be charged with reasonable costs for removal and storage payable prior to the release of such items seized.

(g) If such owner or other person lawfully entitled to reclaim the items seized does not reclaim such items within ninety days of their seizure or a decision of the Fire Marshal pursuant to a hearing, such items shall be (i) destroyed, where the Fire Marshal determines that such items are of such slight value as to make their sale impracticable or (ii) subject to forfeiture upon notice and judicial determination in accordance with applicable provisions of the law. The County may, after judicial determination of forfeiture, at its discretion either retain such items for official use by the County or sell such items at public sale, the proceeds of which shall be deposited into the general fund after deduction of the lawful expenses incurred. Where the sale or use of such items might result in injury to the health, welfare or safety of the public in the opinion of the Fire Marshal, the Fire Marshal may empower his/her designee to destroy such items.

Historical notes:

Enacted by Ord. No. 60-1950

Amended by Ord. No. 47-1959

Amended by Ord. No. 56-1962

Amended by Ord. No. 299-1992

Amended by Ord. No. 18-2005

Effective Sept. 1, 1950

Effective March 16, 1959

Effective March 26, 1962

Effective Sept. 14, 1992

Effective Feb. 11, 2005

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ARTICLE VI

LIQUEFIED PETROLEUM GAS

Section 6.0 General Provisions.

A. Adoption of Generally Accepted Standards.

Unless more restrictive provisions are specifically provided for in any other local Law or Ordinance within the County of Nassau, the Standard for Liquefied Petroleum Gases, Standard N.F.P.A. No. 58-1976, and the Standard for National Fuel Gas Code, Standard N.F.P.A. No. 54-1974, all of the National Fire Protection Association, shall be applicable throughout the County of Nassau. These standards are hereby incorporated and shall be deemed to be a part of this Ordinance. Copies of said Standards are on file with the Clerk of the Board of Supervisors of the County of Nassau. (Amended by Ord. No. 415, effective 11/8/82.)

B. Compliance with Standards Except as Otherwise Prescribed.

Compliance with applicable provisions of Standard N.F.P.A. No. 58-1976 and Standard N.F.P.A. No. 54-1974, except as otherwise prescribed in this Ordinance, shall constitute compliance with this Article.

C. Application of Article.

The provisions of this Article shall apply to all uses of Liquefied Petroleum Gas and installation of all apparatus, piping, and equipment pertinent to systems for such uses.

D. Deviations.

Deviations from the applicable provisions of Standards N.F.P.A. No. 58-1976 and N.F.P.A. No. 54-1974 or of the provisions of this Ordinance as otherwise prescribed, when it shall have been conclusively proven to the Fire Marshal that such deviations meet the performance requirements of this Ordinance shall constitute compliance with this Ordinance.

Section 6.1 Definitions.

The terms "Liquefied Petroleum Gas(es)", "LP Gas" and "LPG" as used in this law, are synonymous and shall mean and include any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: Propane, Propylene, Butane (normal butane or iso-butane), and Butylene (including isomers).

The term "Liquefied Petroleum Gas Equipment" shall mean and include all apparatus, piping, and equipment pertinent to the use of Liquefied Petroleum Gas.

The term "Appliances", as herein employed, shall mean and include all gas burning appliances for use with Liquefied Petroleum Gas.

Approved - Means acceptable to the Fire Marshal in conformity with standards in this Article.

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Cargo Tank - A container used to transport LP-Gas over the highway as liquid cargo, either mounted on a conventional truck chassis or as an integral part of a transporting vehicle in which the container constitutes in whole or in part, the stress member used as a frame. Essentially a permanent part of the transporting vehicle.

Container - Any vessel, including cylinders, tanks, portable tanks and cargo tanks, used for the transporting or storing of the LP gases.

Container Appurtenances - Items connected to container openings needed to make a container a gas-tight entity. These include, but are not limited to, safety relief devices, shut-off, backflow check, excess flow check and internal valves; liquid level gauges; pressure gauges and plugs.

Cylinder - A portable container constructed to DOT (formerly ICC) cylinder specifications or, in some cases, constructed in accordance with the ASME Code of a similar size and for similar service. The maximum size permitted under DOT specifications is 1,000 pounds water capacity.

Distributing Plant - A facility, the primary purpose of which is the distribution of gas, and which receives LP-Gas in tank car, truck transport or truck lots, distributing this gas to the end user by portable container (package) delivery, by tank truck or through gas piping. Such plants have bulk storage (2,000 gallons water capacity or more) and usually have container filling and truck loading facilities on the premises. So called "bulk plants" are considered as being in this category. Normally no persons other than the plant management or plant employees have access to these facilities.

Distributing Point - A facility, other than a distributing plant or industrial plant, which normally receives gas by tank truck, and which fills small containers or the engine fuel tanks of motor vehicles on the premises. Any such facility having LP gas storage of 100 gallons or more water capacity, and to which persons other than the owner of the facility or his employees have access, is considered to be a distributing point. An LP-Gas service station is one type of distributing point.

LP Gas System - An assembly consisting of one or more containers with a means for conveying LP-Gas from the container(s) to dispensing or consuming devices (either continuously or intermittently) and which incorporates components intended to achieve control of quantity, flow, pressure, or state (either liquid or vapor).

Portable Container - A container designed to be readily moved, as distinguished from containers designed for stationary installations. Portable containers designed for transportation filled to their maximum filling density include "cylinders", "cargo tanks", and "portable tanks", all three of which are separately defined. Containers designed to be readily moved from one usage location to another, but substantially empty of product are "portable storage containers" and are separately defined.

Portable Storage Container - A container similar to, but distinct from those designed and constructed for stationary installation, designed so that it can be readily moved over the highways, substantially empty of liquid, from one usage location to another. Such containers either have legs or other supports attached, or are mounted on running gear (such as trailer or semi-trailer chassis) with suitable supports, which may be of the fold down type, permitting them to be placed or parked in a stable position on a reasonably firm and level surface. For large volume, limited duration product usage (such as at construction sites and normally for twelve (12) months or less) portable storage containers function in lieu of permanently installed stationary containers.

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Portable Tank (also called Skid Tank) - A container of more than 1,000 pounds water capacity used to transport LP gas handled as a "package", that is, filled to its maximum permitted filling density. Such containers are mounted on skids or runners and have all container appurtenances protected in such a manner that they can be safely handled as a "package".

Qualified Personnel - Qualified persons are those holding a Certificate of Fitness issued by the Nassau County Fire Marshal.

Section 6.2 Filing of Plans and Reports.

A. Plans for all new fixed liquefied petroleum gas installations of one hundred (100) gallon water capacity or greater must be submitted to the Fire Marshal 's Office for approval prior to installation. The plan shall be: A plot plan showing locations of buildings, and property lines, and all pertinent dimensions, and including the proposed location of containers, vaporizers, and equipment with the capacities and descriptions thereof, submitted in duplicate. Acceptance of plans for installation does not relieve the applicant from meeting requirements of any other law or ordinances of any other authority having jurisdiction. All underground flammable liquefied petroleum gas tanks and piping are to remain uncovered until the installation is approved by the Fire Marshal.

B. Reports.

Every person, firm or corporation installing Liquefied Petroleum gas equipment shall submit written reports to the Fire Marshal no later than the tenth (10) day of each month, the location and character of each installation made during the previous month on forms supplied by the Fire Marshal.

C. Temporary Heat Location Reports.

Every installation of Liquefied Petroleum Gas used for temporary heat must be reported to the Fire Marshal at the time of installation.

Section 6.3 Installation and Maintenance of Equipment.

A. All equipment shall be installed and maintained in conformity with the rules and regulation of the Nassau County Fire Marshal. It shall be unlawful to install, service, handle, or offer for sale in any form, Liquefied Petroleum Gas and related equipment that does not conform to the rules and regulations of the Nassau County Fire Marshal.

B. No person, firm, or corporation, except the owner or those authorized by the owner to do so, shall sell, fill, refill, deliver, or permit to be delivered, or use in any manner any liquefied petroleum gas container for any gas, compound, or for any other purpose whatsoever. Only containers designed for LP-Gas may be filled with Liquefied Petroleum Gas. Filling of Liquefied Petroleum Gas containers with any other gas or compound is prohibited.

C. It shall be unlawful to weld, repair, add to or subtract from the original container design unless done by a recognized manufacturer or a repair facility authorized by the Bureau of Explosives. Cylinders used for Liquefied Petroleum Gas shall be painted white, silver or other light reflecting color as approved by the Fire Marshal. It shall be unlawful for any supplier to refill any container that has been painted any other color. Existing containers shall comply with the painting provision within five (5) years of the date of adoption of this Article.

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D. The gas supplier shall have the right to refuse to fill any container that does not fully conform to all provisions of the Nassau County Fire Prevention Ordinance, or one that has been involved in a fire or is burned or scorched.

E. Replacement of parts on containers, regulators or related equipment shall be made by qualified personnel only.

F. Peening of weld leaks is prohibited.

G. Tanks, cylinders or other storage vessels which previously contained gases other than Liquefied Petroleum Gas, such as but not limited to freon, acetylene, hydrogen, shall not be revalved and used for liquefied petroleum gases.

Section 6.4 Portable Cylinders.

A. Portable vapor withdrawal cylinders with water capacities greater than 2-1/2 pounds which are or will be owned by user or intended user are not to be filled or refilled unless the cylinder has been properly tested or re-qualified in accordance with U.S. Department of Transportation Regulations and has attached thereto a warning label approved by the Fire Marshal. Cylinder(s) shall not be released to the owner or his representative by the seller or refiller until it has been determined that the cylinder has not been filled beyond acceptable limits (42% of its water weight capacity), is free of leaks and is safe for use or continued use.

B. Containers except those used in liquid withdrawal service up to and including forty (40) pounds propane capacity shall be checked for leaks immediately after filling. The test will be done by a qualified person, who has a Certificate of Fitness, by checking each connection with a soap-water solution or by total submersion in a water filled container. Should a leak exist, container shall be emptied immediately and marked with paint or indelible marker or other suitable means to positively identify a container that leaks. A leaking container shall not be transported from the filling site, while it contains any product, either liquefied or vapor.

C. All portable D.O.T. and I.C.C. containers shall have the date of manufacture permanently stamped on the collar, if permanently attached, or the cylinder, and in the case of containers more than twelve (12) years old, shall have the date of most recent inspection, Month/Year, marked on the collar or cylinder.

D. Every person, firm or corporation offering filled Liquefied Petroleum Gas cylinders for sale or resale shall have a certified scale on the premises to insure that each portable cylinder containing liquefied petroleum gas has not been filled beyond its safe capacity. Each such cylinder shall be weighed before delivery to the purchaser, to insure that the cylinder is not filled beyond acceptable limits.

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E. Container Storage Forbidden.

No container of Liquefied Petroleum Gas either in use or in storage will be permitted inside or on the roof or balcony of any occupied building or in or on any construction attached to an occupied building, except as permitted in this section, Paragraph F.

Industrial lift trucks shall comply with provisions of N.F.P.A. Standard No. 58-1976

Storage of containers must be outside of the building, at least twenty-five (25) feet from any building. Storage to be either a noncombustible, top and bottom vented structure, or surrounded by a substantial metal fence enclosure. Such enclosure to be adequately secured against access by unauthorized persons.

F. D.O.T. specification cylinders with a maximum water capacity of 2-1/2 pounds, used with completely self-contained hand torches and similar applications, may be stored or displayed in a building frequented by the public. The quantity of LP-Gas shall not exceed two hundred (200) pounds.

G. Temporary or Emergency Use in Unoccupied Buildings Regulated.

Liquefied Petroleum Gas may be used in buildings under construction with no occupancy provided the following regulations are complied with:

- 1 Containers in use shall be placed so as to ensure against tipping, and protected from physical damage.
- 2 Portable heaters utilizing Liquefied Petroleum Gas must be equipped with a safety pilot device which will shut off the flow of gas should the pilot light be extinguished.
3. Direct connection of heater to container without a pressure regulator suitable for the appliance in use is prohibited.
4. Only hose approved for Liquefied Petroleum Gas will be permitted and cannot exceed fifteen (15) feet in length.
5. Heaters must be placed at least six (6) feet from containers and at least ten (10) feet from combustible materials.
6. No liquid withdrawal containers will be permitted, except those containers firmly attached to industrial motorized equipment.

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H. Temporary or Emergency Use in Occupied Buildings Regulated.

Liquefied Petroleum Gas may be used in occupied buildings or structures attached to occupied buildings provided that the following regulations are complied with:

1. Containers in use shall be placed so as to ensure against tipping, and protected from physical damage.
2. Portable heaters utilizing Liquefied Petroleum Gas must be equipped with a safety pilot device which will shut off the flow of gas should the pilot light be extinguished.
3. Containers must be outside the building at an approved location.
4. Supply line from the container must be approved copper tubing or piping with approved fittings, adequately secured to the building, and protected against physical damage.
5. An approved gas shut-off device as specified in N.F.P.A. Standard No. 54-1974 must be installed at the end of copper tubing or piping inside the building when connection from this point to heater is to be approved flexible hose.

I. Supervision.

Temporary heaters and equipment must be supervised by a competent person having knowledge of the utilization of Liquefied Petroleum Gas, and said person is to be in attendance at all times when heaters are in operation. Supervision is the responsibility of the person, firm or corporation using temporary heat.

J. All openings between occupied portion and portion under construction to be closed with fire rated material of at least one (1) hour fire rating.

K. Excess Flow Check Valve(s).

All tanks used inside any building shall be equipped with an excess flow check valve to shut off the flow of gas if a hose is severed.

Section 6.5 Location of Distributing Plant and Distributing Point Storage Tanks.

In no case shall any distributing plant or distributing point storage tank be located closer than fifty (50) feet to any building that is not used exclusively for such gas manufacturing, container filling or distributing purposes, or to any line of adjoining property. Existing facilities not in strict compliance with the above distance requirement may be continued in use provided that such continued use does not constitute a distinct hazard to life or adjoining property.

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Section 6.6 Permits.

A. Permits Required.

Locations where propane is sold, stored for rental or resale, and/or transferred from one vessel into another must secure a permit to operate from the Nassau County Fire Marshal.

B. Application for Permit.

Applications for permits shall be made to the Fire Marshal on forms provided, 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 fees as may be required by the County of Nassau.

C. Review and Issuance.

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, he shall advise the applicant of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the County of Nassau shall not be issued unless proof of required financial responsibility is furnished.

D. Display of Permits.

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.

E. Permits shall be given full force and effect for a period of one (1) year. (Amended by Ord. No. 499, effective 12/19/83.)

Section 6.7 Transportation.

A. No person, firm or corporation shall use or cause to be used, any motor vehicle, tank truck, tank semi-trailer, or tank truck trailer for the transportation of liquefied petroleum gas, unless after complying with these regulations, a permit to operate any such vehicle has first been secured from the Nassau County Fire Marshal. No permit shall be required under this section for any motor vehicle that is used for the transportation of Liquefied Petroleum Gas not operated or registered by an authorized dealer, in containers not larger than ten (10) gallons water capacity each (approximately thirty-four (34) pounds propane capacity) with aggregate, water capacity of twenty-five (25) gallons, (approximately eighty seven (87) pounds propane capacity) or when used in permanently installed containers on the vehicle as motor fuel. This section shall not apply to any motor vehicle, tank truck, tank semi-trailer or tank truck trailer traveling through Nassau County and making no deliveries within the County.

B. The permit shall be given full force and effect for a period of one (1) year. (Amended by Ord. No. 499, effective 12/19/83.)

C. All Liquefied Petroleum Gas containers shall be transported in an upright position and properly secured.

D. The transportation of Liquefied Petroleum Gas cylinders, either empty or full is prohibited in the trunk of any passenger vehicle.

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E. Cylinders, larger than ten (10) gallons water capacity, or an aggregate in excess of twenty-five (25) gallons water capacity, shall not be transported in cars, vans, or any type enclosed vehicle or in the enclosed area of any vehicle.

Section 6.8 Certificate of Fitness.

A. Certificates of Fitness Required.

Any person filling containers at locations where Liquefied Petroleum Gas is sold and/or transferred from one vessel into another shall hold a valid Certificate of Fitness issued by the Fire Marshal. Such certificate is subject to revocation by the Fire Marshal at any time where the certificate holder displays evidence of noncompliance with the provisions of this Ordinance.

B. Application.

All applications for a Certificate of Fitness shall be filed with the Fire Marshal on forms provided by the Fire Marshal and accompanied by the applicable fee.

C. Proof of Qualifications.

Every person applying for a Certificate of Fitness shall furnish satisfactory proof to the Fire Marshal that he is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations he will be involved with and for which the Certificate of Fitness is issued. He shall further prove that he is physically competent to perform any and all actions necessary or incidental to the operation for which the Certificate of Fitness is issued.

D. Investigation and Examination.

The Fire Marshal shall investigate every new application for a Certificate of Fitness. The investigation shall include a written examination regarding the use, makeup and handling of Liquefied Petroleum Gas and such examination shall include a practical test. When the Fire Marshal determines that the applicant conforms to all the requirements of this Ordinance, he shall issue the Certificate of Fitness.

E. The Certificate of Fitness shall be given full force and effect for a period of one (1) year. (Amended by Ord. No. 499, effective 12/19/83.)

F. Refusal of Certificate of Fitness.

When the Fire Marshal determines that a candidate has failed an examination for a Certificate of Fitness, he shall refuse to issue the Certificate of Fitness. An applicant may not apply again for the Certificate of Fitness within a ten day period following the examination.

G. Transferability.

Certificate of Fitness shall not be transferable.

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H. Renewal of Certificate of Fitness.

Applications for renewal of a Certificate of Fitness shall be filed in the same manner as an application for an original certificate. Each such application shall be accompanied by applicable fees. The granting of a renewal of a Certificate of Fitness shall be accomplished in the same manner as for an original certification of fitness, except that any person continuously engaged in any activity for which a certificate of fitness is required, will not, upon renewal, be required to take a written examination.

I. Certificates of Fitness Issued.

A Certificate of Fitness will be required of any person performing the following activities:

1. Filling containers permanently located and installed outdoors equipped with appurtenances for filling by a cargo vehicle at consumer sites.
2. Selling Liquefied Petroleum Gas or transferring Liquefied Petroleum Gas from one vessel into another.

J. Change of Address.

Each person holding a Certificate of Fitness shall notify the Fire Marshal in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of said Certificate of Fitness.

K. Contents of Certificate of Fitness.

A Certificate of Fitness issued by the Fire Marshal shall be in the form of an identification card. Said card shall contain the following information to be valid:

1. The purpose for which the Certificate of Fitness has been issued.
2. The date of Certificate of Fitness is issued and the date of expiration.
3. Other information as may be necessary to properly identify the person to whom the Certificate of Fitness is issued.
4. The signature of the person to whom the Certificate of Fitness is issued.
5. The name and signature of the Fire Marshal who issued the Certificate of Fitness, or the Fire Marshal's name and countersignature of his designated representative.
6. Printed thereon in bold type the following:

"THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

L. Requirement to Display Certificate of Fitness.

Any person to whom a Certificate of Fitness has been granted in conformance with this Ordinance shall upon request produce and show proper identification and his Certificate of Fitness to anyone for whom he seeks to render his services or to the Fire Marshal.

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Section 6.9 Reporting of Incidents.

Any incident involving Liquefied Petroleum Gas including but not limited to leaks, fires, explosions, or any other accidental discharge into the atmosphere in excess of 8.5 cubic feet (one (1) pound propane) must be reported to the Fire Marshal by the responsible party or his representative. The initial report may be made by telephone and followed by a written report. Under no circumstances shall a report be filed later than twenty-four (24) hours after the incident.

Section 6.10 Liability for Damages.

This Article shall not be construed to hold the County of Nassau, its officers or employees, responsible for any damages to persons or property by reason of the inspection or re-inspection authorized herein, or failure to inspect or re-inspect as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

Section 6.11 Failing to Comply

(Amended by Ord. No. 117, effective Aug. 10, 2001)

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 6.12 Penalties.

Any person or business entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) or, by imprisonment for not more than one (1) year, or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Section 6.13 Effective Date.

This Ordinance shall take effect sixty (60) days after the date of its adoption (Adopted Board of Supervisors August 27, 1979.) except that the provisions of Section 6.7 A and 6.8 shall take effect one year from date of adoption.

Historical notes:

<i>Enacted by Ord. No. 60-1950</i>	<i>Effective Sept. 1, 1950</i>
<i>Amended by Ord. No. 47-1959</i>	<i>Effective March 16, 1959</i>
<i>Amended by Ord. No. 56-1962</i>	<i>Effective March 26, 1962</i>
<i>Amended by Ord. No. 344-1979</i>	<i>Effective Aug. 27, 1979</i>
<i>Amended by Ord. No. 393-1979</i>	<i>Effective Oct. 15, 1979</i>
<i>Amended by Ord. No. 427-1979</i>	<i>Effective Nov. 19, 1979</i>
<i>Amended by Ord. No. 415-1982</i>	<i>Effective Nov. 8, 1982</i>
<i>Amended by Ord. No. 499-1983</i>	<i>Effective Dec. 19, 1983</i>
<i>Amended by Ord. No. 117-2001</i>	<i>Effective Aug. 10, 2001</i>

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ARTICLE VII

Compressed Gases

Section 7.0 Scope.

This Article shall apply to bulk oxygen systems and to the storage, handling and use of compressed gases as defined herein. Liquefied petroleum gases and compressed gases used in conjunction with welding or cutting operations are exempt from these provisions.

Section 7.1 Definitions.

(a) Bulk oxygen systems shall mean an assembly of equipment such as oxygen storage containers, pressure regulators, safety devices, vaporizers, manifold, and interconnecting piping, which has a storage capacity at normal temperature and pressure of:

- (1) More than 12,000 cubic feet of oxygen connected in service or ready for service, or
- (2) More than 25,000 cubic feet of oxygen including unconnected reserves on hand at the site.

The bulk oxygen system terminates at the point where oxygen at service pressure first enters the supply line. The oxygen may be stored as a liquid or gas in either stationary or portable containers.

(b) Compressed gas shall mean and include any mixture or material having in the containers either an absolute pressure exceeding 40 pounds per square inch at 70 degrees Fahrenheit, or an absolute pressure exceeding 104 pounds per square inch at 130 degrees Fahrenheit, or both; or any liquid flammable material having a Reid vapor pressure, exceeding 40 pounds per square inch at 100 degrees Fahrenheit.

(c) Flammable anesthetic shall mean a compressed gas which is flammable and administered as an anesthetic and shall include, among others, cyclopropane, divinyl ether, ethyl chloride, ethyl ether, and ethylene.

(d) Non-flammable medical gas shall mean a compressed gas which is non-flammable and used for therapeutic purposes and shall include, among others, oxygen and nitrous oxide.

(e) Piped distribution system shall mean a central supply system with control equipment, and a system of piping extending to the points in the hospital where non-flammable medical gases are used, and suitable station outlet valves at each use point.

Section 7.2 Storage of Containers.

(a) Cylinders and pressure vessels shall be designed, constructed, tested and maintained in accordance with nationally recognized good practice.

(b) Each cylinder, pressure vessel, or group of containers shall be marked with the name of the gas contained, in accordance with nationally recognized good practice.

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Section 7.3 Cylinder Systems for Flammable Anesthetics and Non-Flammable Medical Gases.

Cylinders containing flammable anesthetics and non-flammable medical gases in hospitals and similar facilities shall be stored, handled and used in accordance with nationally recognized good practice.

Section 7.4 Piped Distribution Systems for Non-flammable Medical Gases.

Piped distribution systems handling non-flammable medical gases in hospitals and similar facilities shall be installed and used in accordance with nationally recognized good practice.

Section 7.5 Bulk Oxygen Systems Installed at Industrial and Institutional Consumer Sites.

Bulk oxygen systems located at industrial and institutional consumer sites shall be installed in accordance with nationally recognized good practice.

Section 7.6 Permits and Certificates of Fitness. (Amended by Ord. No. 299, effective 9/14/92.)

7.6.1 Permits Required.

7.6.1.1 No person, firm or corporation shall use or cause to be used, any motor vehicle, tank truck, tank semi-trailer, or tank truck trailer for the transportation of compressed gases, unless after complying with these regulations, a permit to operate any such vehicle has first been secured from the Nassau County Fire Marshal. This section shall not apply to any motor vehicle, tank truck, tank semi-trailer or tank truck trailer traveling through Nassau County and making no deliveries of compressed gases within the County.

7.6.1.1.1 Vehicle Requirements.

7.6.1.1.1.1 Any vehicle having a valid permit under this article shall comply at all times with the following but not limited to:

1. A valid state registration;
2. A valid state inspection, where required by the state of registration;
3. Fire extinguisher, minimum 10BC dry chemical, mounted with an approved bracket and properly maintained;
4. A minimum of three (3) emergency reflectors;
5. A minimum of two (2) wheel chocks;
6. A chain or load binder capable of safely securing the cylinders in the upright position to prevent movement relative to each other or to the supporting structure when in transit, particularly during sudden starts and stops and changes of direction of the vehicle;

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7. A minimum of four (4) D.O.T. approved placards to be used only when transporting product in accordance with this Article. The vehicle shall be placarded in accordance with Title 49, Code of Federal Regulations;
8. The exhaust system shall be tight and clear of the cargo area;
9. Bulk transport vehicles manufactured in accordance with D.O.T. MC306, MC307 and MC312 specifications, shall have as a minimum:
 - a) A data plate affixed;
 - b) Have the tank and all surfaces maintained in good condition;
 - c) Have a working remote controlled internal shutoff valve;
 - d) Have the delivery hose in good condition.

7.6.1.1.1.2 Smoking Prohibited.

7.6.1.1.1.2.1 Smoking shall be prohibited within 25 feet of any vehicle transporting a cargo containing compressed gases.

7.6.1.2 Application for Permits.

7.6.1.2.1 Application for a permit shall be made to the Fire Marshal on forms provided, 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 fees as prescribed in Article XXII of this Ordinance.

7.6.1.3 Review and Issuance.

7.6.1.3.1 The Fire Marshal shall review all applications submitted, to determine compliance with applicable provisions of the Nassau County Fire Prevention Ordinance and other applicable rules and regulations and issue permits as required. If an application for a permit is rejected by the Fire Marshal, he shall advise the applicant of the reason for such rejection.

7.6.1.4 Display of Permits.

7.6.1.4.1 The vehicle permit shall be affixed to the exterior of the vehicle as determined by the Fire Marshal and the copy shall be carried inside the vehicle.

7.6.1.5 Force and Effect.

7.6.1.5.1 The permit shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal. A permit shall not be displayed on any vehicle for a period of more than thirty (30) days after it has expired or been revoked.

7.6.1.6 Revocation and Suspension.

7.6.1.6.1 The permit is subject to revocation or suspension by the Fire Marshal at any time when the vehicle or the permit holder displays evidence of non-compliance with the provisions of the Nassau County Fire Prevention Ordinance. The Fire Marshal shall have the authority to seal, lock or confiscate any equipment to ensure that compressed gases are not dispensed and or transported without a valid permit.

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7.6.1.7 Transferability.

7.6.1.7.1 Permits shall not be transferable to another holder or vehicle.

7.6.1.8 Renewal of Permits.

7.6.1.8.1 Prior to the expiration date a permit as required by this Ordinance shall be renewed for another year and shall continue in effect until such time within the year the Fire Marshal revokes or suspends such permit. Applications for renewal of a permit shall be filed in the same manner as an application for an original permit. Each such application shall be accompanied by applicable fees as prescribed in Article XXII of this Ordinance. The granting of a renewal of a permit shall be accomplished in the same manner as for an original permit.

7.6.1.9 Change of Required Information.

7.6.1.9.1 Each person, firm, business entity, or corporation holding a permit shall notify the Fire Marshal in writing of any change in name, in business, residential or other notification address, or any other required information within ten (10) days after such change. Failure on the part of a person, firm, business entity, or corporation to give such notification shall constitute grounds for revocation of said permit. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

7.6.1.10 Replacement of Permit.

7.6.1.10.1 If a permit is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement permit. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

7.6.2 Certificate of Fitness.

7.6.2.1 Certificate of Fitness Required.

7.6.2.1.1 Any person transporting or handling compressed gases shall hold a valid Certificate of Fitness issued by the Fire Marshal. Such certificate is subject to revocation by the Fire Marshal at any time where the certificate holder displays evidence of non-compliance with the provisions of this Ordinance.

7.6.2.2 Application.

7.6.2.2.1 All applications for a Certificate of Fitness shall be filed with the Fire Marshal on forms provided by the Fire Marshal and accompanied by the applicable fee as prescribed in Article XXII of this Ordinance.

7.6.2.3 Proof of Qualifications.

7.6.2.3.1 Every person applying for a Certificate of Fitness shall furnish proof to the Fire Marshal that he is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations he shall be involved with and for which the Certificate of Fitness is issued, by passing a written examination. He shall further prove that he is physically competent to perform any and all actions necessary or incidental to the operation for which the Certificate of Fitness is issued, by passing a practical examination.

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7.6.2.4 Investigation and Examination.

7.6.2.4.1 The Fire Marshal shall investigate every new application for a Certificate of Fitness. The investigation shall include a written examination regarding the use, makeup and handling of flammable and/or combustible liquids and such examination shall include a practical test. When the Fire Marshal determines that the applicant conforms to all the requirements of this Ordinance, he shall issue the Certificate of Fitness.

7.6.2.5 Force and Effect.

7.6.2.5.1 The Certificate of Fitness shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal.

7.6.2.6 Refusal of Certificate of Fitness.

7.6.2.6.1 When the Fire Marshal determines that a candidate has failed an examination for a Certificate of Fitness, he shall refuse to issue the Certificate of Fitness. An applicant may not apply again for the Certificate of Fitness within a ten day period following the examination.

7.6.2.7 Transferability.

7.6.2.7.1 Certificate of Fitness shall not be transferable.

7.6.2.8 Renewal of Certificate of Fitness.

7.6.2.8.1 Applications for renewal of a Certificate of Fitness shall be filed in the same manner as an application for an original certificate. Each such application shall be accompanied by applicable fee as prescribed in Article XXII of this Ordinance. The granting of a renewal of a Certificate of Fitness shall be accomplished in the same manner as for an original certification of fitness, except that any person continuously engaged in any activity for which a certificate of fitness is required, shall not, upon renewal, be required to take a written examination. However, a written and practical examination shall be required for re-certification at intervals not to exceed five years from the last certification date.

7.6.2.9 Change of Address.

7.6.2.9.1 Each person holding a Certificate of Fitness shall notify the Fire Marshal in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of said Certificate of Fitness. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

7.6.2.10 Replacement of Certificate of Fitness.

7.6.2.10.1 If a Certificate of Fitness is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement Certificate of Fitness. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

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7.6.2.11 Contents of Certificate of Fitness.

7.6.2.11.1 A Certificate of Fitness issued by the Fire Marshal shall be in the form of an identification card. Said card shall contain the following information to be valid:

1. The purpose for which the Certificate of Fitness has been issued;
2. The date the Certificate of Fitness is issued and the date of expiration;
3. Other information as may be necessary to properly identify the person to whom the Certificate of Fitness is issued;
4. The signature of the person to whom the Certificate of Fitness is issued;
5. The name and signature of the Fire Marshal who issued the Certificate of Fitness, or the Fire Marshal's name and countersignature of his designated representative;
6. Printed thereon in bold type the following:

"THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

7.6.2.12 Requirement to Display Certificate of Fitness.

7.6.2.12.1 Any person to whom a Certificate of Fitness has been granted in conformance with this Ordinance shall upon request produce and show proper identification and his Certificate of Fitness to anyone for whom he seeks to render his services or to the Fire Marshal or his representative.

7.6.2.13 Employees in Training.

7.6.2.13.1 Upon successful completion of the Certificate of Fitness written examination an individual shall gain practical experience as required by this Ordinance, by working with an individual who holds a valid Certificate of Fitness as described under this Article. After a training period not to exceed thirty (30) days the practical section of the Certificate of Fitness shall be taken. In the event that a Certificate of Fitness is not obtained within the thirty (30) day period the applicant shall be required to file for a new Certificate of Fitness as described in this Article

Historical notes:

Enacted by Ord. No. 56-1962

Amended by Ord. No. 299-1992

Effective March 26, 1962

Effective Sept. 14, 1992

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ARTICLE VIII

Formerly Fumigation and Thermal Insecticidal Fogging

Article Removed 3/28/2011

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ARTICLE IX

Welding

Section 9.0 Operations Prohibited in Vicinity of Flammable Liquid or Combustible Material.

No person shall perform cutting or welding operations within an area where there is flammable liquid or vapor or loose combustible material.

Section 9.1 Floors.

Floors in the area where welding or cutting is being done shall be clean, free from oil and, if of wooden construction shall be covered with fire resistive material.

Section 9.2 Fire Extinguishers.

Adequate fire extinguishers shall be provided and made available to the operator.

Section 9.3 Cylinder Carriers.

Acetylene or other gas cylinders and the attendant oxygen cylinders used for welding or cutting shall be fastened in place or shall be attached to a carrier provided with wheels and handles for easy transportation.

Section 9.4 Electric Wiring and Fixtures.

Where an electric welding machine is separated from the source of electric power, all wiring and installation of fixtures shall conform to generally accepted good practice, and only electric welding machines tested and approved by a competent testing laboratory shall be used. Approval and certification by the New York Board of Fire Underwriters shall be deemed conclusive evidence that the wiring and installation of fixtures conforms to generally accepted good practice, and the Underwriters Laboratories, Inc., shall be deemed a competent testing laboratory for the purpose of this section.

Section 9.5 Certificate of Fitness.

(Amended by Ord. No. 299, effective 9/14/92.)

9.5.1 Certificate of Fitness Required.

9.5.1.1 Any person performing welding and/or cutting, using electric, gas, or other methods shall be required to hold a valid Certificate of Fitness issued by the Fire Marshal. Such certificate is subject to revocation by the Fire Marshal at any time where the certificate holder displays evidence of non-compliance with the provisions of this Ordinance.

9.5.2 Application.

9.5.2.1 All applications for a Certificate of Fitness shall be filed with the Fire Marshal on forms provided by the Fire Marshal and accompanied by the applicable fee as prescribed in Article XXII of this Ordinance.

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9.5.3 Proof of Qualifications.

9.5.3.1 Every person applying for a Certificate of Fitness shall furnish proof to the Fire Marshal that he is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations he shall be involved with and for which the Certificate of Fitness is issued, by passing a written examination. He shall further prove that he is physically competent to perform any and all actions necessary or incidental to the operation for which the Certificate of Fitness is issued, by passing a practical examination.

9.5.4 Investigation and Examination.

9.5.4.1 The Fire Marshal shall investigate every new application for a Certificate of Fitness. The investigation shall include a written examination regarding the use, makeup and handling of welding and/or cutting equipment and such examination shall include a practical test. When the Fire Marshal determines that the applicant conforms to all the requirements of this Ordinance, he shall issue the Certificate of Fitness.

9.5.5 Force and Effect.

9.5.5.1 The Certificate of Fitness shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal.

9.5.6 Refusal of Certificate of Fitness.

9.5.6.1 When the Fire Marshal determines that a candidate has failed an examination for a Certificate of Fitness, he shall refuse to issue the Certificate of Fitness. An applicant may not apply again for the Certificate of Fitness within a ten day period following the examination.

9.5.7 Transferability.

9.5.7.1 Certificate of Fitness shall not be transferable.

9.5.8 Renewal of Certificate of Fitness.

9.5.8.1 Applications for renewal of a Certificate of Fitness shall be filed in the same manner as an application for an original certificate. Each such application shall be accompanied by applicable fee as prescribed in Article XXII of this Ordinance. The granting of a renewal of a Certificate of Fitness shall be accomplished in the same manner as for an original certification of fitness, except that any person continuously engaged in any activity for which a Certificate of Fitness is required, shall not, upon renewal, be required to take a written examination. However, a written and practical examination shall be required for re-certification at intervals not to exceed five years from the last certification date.

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9.5.9 Change of Address.

9.5.9.1 Each person holding a Certificate of Fitness shall notify the Fire Marshal in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of said Certificate of Fitness. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

9.5.10 Replacement of Certificate of Fitness.

9.5.10.1 If a Certificate of Fitness is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement Certificate of Fitness. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

9.5.11 Contents of Certificate of Fitness.

9.5.11.1 A Certificate of Fitness issued by the Fire Marshal shall be in the form of an identification card. Said card shall contain the following information to be valid:

1. The purpose for which the Certificate of Fitness has been issued;
2. The date the Certificate of Fitness is issued and the date of expiration;
3. Other information as may be necessary to properly identify the person to whom the Certificate of Fitness is issued;
4. The signature of the person to whom the Certificate of Fitness is issued;
5. The name and signature of the Fire Marshal who issued the Certificate of Fitness, or the Fire Marshal's name and countersignature of his designated representative;
6. Printed thereon in bold type the following:

"THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

9.5.12 Requirement to Display Certificate of Fitness.

9.5.12.1 Any person to whom a Certificate of Fitness has been granted in conformance with this Ordinance shall upon request produce and show proper identification and his Certificate of Fitness to anyone for whom he seeks to render his services or to the Fire Marshal or his representative.

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9.5.13 Employees in Training.

9.5.13.1 Upon successful completion of the Certificate of Fitness written examination an individual shall gain practical experience as required by this Ordinance, by working with an individual who holds a valid Certificate of Fitness as described under this Article. After a training period not to exceed thirty (30) days the practical section of the Certificate of Fitness shall be taken. In the event that a Certificate of Fitness is not obtained within the thirty (30) day period the applicant shall be required to file for a new Certificate of Fitness as described in this Article.

Historical notes:

Enacted by Ord. No. 60-1950

Amended by Ord. No. 47-1959

Amended by Ord. No. 56-1962

Amended by Ord. No. 299-1992

Effective Sept. 1, 1950

Effective March 16, 1959

Effective March 26, 1962 (Formerly Article VII)

Effective Sept. 14, 1992

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ARTICLE X

Formerly Bowling Alley

Article Removed 3/11/2011

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ARTICLE XI

Formerly Tire Rebuilding Plants

Article Removed 3/28/2011

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ARTICLE XII

Formerly Lumber Yards and Woodworking Plants

Article Removed 3/28/2011

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ARTICLE XIII

Maintenance of Exit Ways

Section 13.0 Maintenance of Exit Ways

(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) 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, egress of persons from the building.

(c) No aisle, passageway, stairway, vestibule or lobby in any occupancy shall be obstructed with tables, show cases, stock or other obstruction during hours such occupancy is open to the public.

(d) All doors in or leading to required exit ways shall be kept unlocked at all times when the building or floor area served thereby is occupied.

Section 13.1 Marking of Exit Ways

(a) In rooms accommodating 50 or more persons, required exit doors shall be plainly marked by approved exit signs, sufficiently illuminated when the floor area is occupied, to be readily distinguished. (Amended by Ord. No. 473, effective 12/12/94.)

(b) Where the exit doorways are not visible from all locations in public corridors, directional signs, as required by this Ordinance, shall be placed on walls or otherwise displayed in conspicuous locations to direct occupants to exit doorways.

Section 13.2 Lighting of Exit Ways

(Amended by Ordinance No. 2, effective 1/31/2008.)

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

13.2.1 The building owner and occupant shall ensure that all means of egress, including all exits, exit access and exit discharge, are adequately lighted at all times when the building served thereby is occupied, pursuant to the requirements set forth in the New York State Uniform Fire Prevention and Building Code.

13.2.2 If the New York State Uniform Fire Prevention and Building Code mandates that a building have an emergency power system for means of egress illumination, the owner and occupant of such building or a portion of such building occupied by a single tenant shall ensure that a load test of an emergency lighting system that utilizes an emergency generator or an emergency lighting system that utilizes self-contained battery-operated emergency light units is conducted annually.

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13.2.3 Except as otherwise provided in this section, the Fire Marshal or his or her designee shall observe the load test. The building owner shall provide the Fire Marshal's Office with a completed emergency lighting test application on a form provided by the Fire Marshal's Office and a testing schedule and shall pay the fee provided for in Article XXII of this Ordinance prior to the commencement of the load test. If the emergency lighting system observed by the Fire Marshal's Office fails the load test, the owner shall correct the deficiencies and re-test the emergency lighting system in the presence of the Fire Marshal within Thirty (30) days and pay the fee provided for in Article XXII of this Ordinance.

13.2.4 The Fire Marshal's observance of the load test is not required if all of the following conditions are met. the building or a portion of the building occupied by a single tenant:

1. Is one story;
2. Is normally occupied at or above grade;
3. Is less than 3,000 square feet;
4. Has an exit door or doors within a distance of travel of 75 feet or less from any point within the interior;
5. Requires only one exit pursuant to the New York State Uniform Fire Prevention and Building Code;
6. Has an exit or exits at grade; and
7. Has an exit or exits that lead directly to the exterior.

Items six and seven do not apply to a group B occupancy, as defined in the Building Code of New York State.

Section 13.3 Doors to be Kept Closed

(Amended by Ord. No. 117, effective 8/10/01.)

a) It shall be unlawful to block 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.

b) It shall be unlawful to prevent any fire door, any door labeled as a fire door, any rated door, any door with a self closing device, any door connected to a magnetic hold open device integrated with an alarm system from closing automatically.

(c) It shall be unlawful to maintain in the open position any fire door, any door labeled as a fire door, any rated door or any door with a self closing device, unless the door is held open by an approved device that will cause the door to completely close automatically upon the activation of the fire alarm or fire detection system.

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Section 13.4 Turnstiles

(a) No turnstile, or similar device, to restrict travel to one direction shall be so placed as to obstruct any required exit.

(b) No turnstile or similar device shall be placed in any required exit, or barring the way of access thereto or travel therefrom, unless immediately adjacent, or within 20 feet, there is a swinging door or gate opening freely in the direction of exit travel, or an open passage serving the same general path of travel as the turnstile or similar device.

(c) Turnstiles, or similar devices, in or furnishing access to, required exits shall be of such design as to provide 22 inches clear width as the turnstile rotates or the device opens.

Section 13.5 Occupant Loads in Assembly Occupancies

(Added by Ord. No. 24 effective 5/6/03)

13.5.1 Posting of Occupant Load Required.

The occupant load of an Assembly Group A occupancy, as defined in § 202 of chapter 2 of the Fire Code of New York State, shall be conspicuously posted in such occupancy. The owner of such occupancy, or his or her authorized agent, shall be responsible for maintaining such occupant load sign in good and legible condition.

13.5.2 Overcrowding in Assembly Occupancies.

The owner of an Assembly Group A occupancy, as defined in § 202 of Chapter 2 of the Fire Code of New York State, or his or her authorized agent, shall be responsible for ensuring that the number of people in such occupancy does not exceed the occupant load of the occupancy established by the local building code enforcement officer or authority having jurisdiction over the occupancy and posted in accordance with section 13.5.1 of this Article. At no time shall such owner or authorized agent of such occupancy permit the occupant load to exceed the capacity of the means of egress, nor shall the occupancy load exceed one occupant per 5 square feet of occupiable space.

13.5.3 Failure to Vacate.

No person shall fail to leave or vacate any premises, which exceed the maximum occupant load, when ordered to do so by the management of the premises or a local building code enforcement official, fire marshal or police officer.

Section 13.6 Failing to Comply

(Amended by Ord. No. 117, effective 8/10/01.)

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

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Section 13.7 Penalties

(Amended by Ord. No. 473, effective 12/12/94.)

Any person or business entity other than a corporation, violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000.00) or, by imprisonment for not more than one (1) year, or both, for each and every violation. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000.00) for each and every violation. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate violation.

Historical notes:

Enacted by Ord. No. 56-1962

Amended by Ord. No. 299-1992

Amended by Ord. No. 473-1994

Amended by Ord. No. 117-2001

Amended by Ord. No. 24-2003

Amended by Ord. No 2 -2008

Effective March 26, 1962

Effective Sept. 14, 1992

Effective Dec. 12, 1994

Effective Aug. 10, 2001

Effective May 6, 2003

Effective January 31, 2008

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ARTICLE XIV

Miscellaneous

Section 14.0 Bonfires.

No person shall kindle, maintain, authorize or permit any bonfires or other open fire on or in any street, alley, road, land or public grounds or upon any private lot, where such fire may endanger other property.

Section 14.1 Deposit of Materials Liable to Spontaneous Ignition.

No person shall deposit hot ashes, smoldering coals or embers, greasy or oily substances or other materials liable to create spontaneous ignition within ten feet of any wooden or plastered wall, partition, fence, floor, sidewalk, lumber, hay, shavings, rubbish or other combustible materials, except in metallic or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, must be placed two feet away from any combustible wall or partition, and from under any stairs, stairways or fire escapes.

Section 14.2 Accumulations of Combustible Materials.

No person shall permit to remain upon any roof or in any courtyard, vacant lot or open space, any accumulation of waste paper, hay, grass, straw, weeds, litter or other combustible or flammable waste or rubbish whereby property is endangered.

Section 14.3 Removal of Brush.

All weeds, grass, vines or other growths within twenty-five feet of any building or structure when same endangers property or is liable to be fired shall be cut down and removed by the owner or occupant.

Section 14.4 Removal, Baling, and Stacking of Certain Trash, Waste and Combustible Materials.

No person making, using, storing, or having charge of or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible trash, waste or fragments shall fail, neglect or refuse at the close of each day to cause all such material which is not completely baled or stacked in an orderly manner to be removed from the premises or stored in suitable vaults or in metal lined covered receptacles or bins.

Section 14.5 Storage of Combustible Packages and Containers.

The storage of empty packing cases, boxes, barrels or other similar combustible containers is forbidden, except in the open and except such as may be required by a manufacturer, farmer, merchant or other establishment to properly carry on its operations, which storage shall be orderly and not so located as to endanger exits from the building. All storage, in the open, of packing cases, boxes, barrels or other similar combustible containers shall be in a compact and orderly manner.

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Section 14.6 Use of Flammable Materials for Decoration Restricted.

Cotton batting, straw, dry vines, leaves, trees, celluloid, paper or other readily flammable materials shall not be used for decorative purposes in show windows, stores or any place of assembly unless such materials shall have first been treated and rendered flameproof, and satisfactory, written evidence of such treatment obtained guaranteeing the effective duration of the treatment, provided, however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale in stores.

Section 14.7 Maintenance of Chimneys and Smokestacks.

All chimneys, smokestacks or similar device for conveying smoke or hot gases to the outer air, and the stoves, furnaces, fireboxes or boilers to which they are connected shall be maintained in such a manner as not to endanger property and in accordance with the building code of the local governing municipality.

Section 14.8 Restrictions on Heating Devices and Lighting Systems in Certain Warehouses, Shops and Factories.

No heating device with an open flame, and no artificial lighting system other than electric lights shall be used in any warehouse for the storage of rags, excelsior, hair or other flammable or combustible material; nor in any shop or factory used for the manufacture, repair or renovation of mattresses or bedding; nor in any establishment for the upholstery of furniture; nor in any manufacturing establishment using or manufacturing any flammable material.

Section 14.9 Doors, Windows, and Shaftways in Factories and Storage Buildings.

All trap doors in any factory or storage building shall be closed at the completion of the business of each day. Every outside window in any such building which opens directly on any hoistway or other vertical means of communication between two or more floors in such building shall be plainly marked with the word "SHAFTWAY" in red letters at least six inches high, on a white background, such warning sign is to be so placed as to be easily discernible from the outside of the building. Every door or window opening on such shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make the purpose evident at a glance, shall be similarly marked with the warning word "SHAFTWAY" so placed to be easily visible to anyone approaching the shaftway from the interior of the building. Any open shaftway shall be properly protected by a suitable guard rail at the close of the business day.

Section 14.10 Smoking.

The Fire Marshal may, by order, prohibit smoking in any building or establishment or portion thereof where in his judgment smoking is liable to endanger life or property and order the owner or operator to post signs prohibiting smoking. In making his determination, the Fire Marshal shall give due regard, among other things, to the following:

1. The nature or construction of the building or establishment.
2. The nature and extent of the business or operations conducted therein.

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3. The character of the neighborhood and adjoining occupancies.
4. The number of employees, occupants, transients or others frequenting the premises.
5. The character and amount of materials, goods and equipment kept or maintained therein.
6. The effect of such prohibition on the regular conduct of business within the building or establishment.
7. Any unusual or extraordinary features of the building or the operations conducted therein which affect the fire hazard.

Section 14.11 Maintenance of Exterior Gas Shutoffs.

Where exterior gas shutoffs have been installed, the occupant of the premises shall, or if the premises are unoccupied, the owner of the premises served by the gas line governed by such shutoff shall maintain the shutoff free from any covering of soil, concrete or any other material which conceals the shut-off or interferes with its accessibility.

Section 14.12 Tents.

(Amended by Ordinance No. 473, effective 1/12/94.)

- (a) Definitions.
 - (1) For the purposes of this section, a tent shall be defined as a structure composed of fabric-like material fastened to or over a frame or other support and utilized as a shelter, covering, canopy, booth or similar structure, used or intended for use as a place of public assembly or ancillary use to a place of public assembly or commercial/mercantile use.
 - (2) For the purposes of this section, public assembly shall be defined as a structure in which the primary or intended use is the assembly for amusement, athletic, civic, dining, educational, entertainment, patriotic, political, recreational, religious, social, sports or similar purposes.
- (b) Tents, including decorative materials, shall be of flame-resistive materials or materials treated and maintained to be fire-resistant.
- (c) Doors or similar openings shall be kept closed during high wind conditions.
- (d) Hay, straw, shavings or similar combustible materials shall be prohibited within any tent other than that necessary for the daily feeding or care of animals. Sawdust and shavings may be used for a public performance or exhibit when kept damp.
- (e) Combustible materials shall not be permitted under stands or seats at any time.
- (f) The area within and adjacent to the tent shall be maintained clear of combustible material or vegetation which may constitute a fire hazard.
- (g) Open-flame devices shall not be allowed inside or within twenty (20) feet of the tent unless approved by the Fire Marshal.

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(h) A permit, issued by the Nassau County Fire Marshal, shall be secured prior to the erection and/or use of a tent with any dimension ten (10) feet or greater. No permit for the erection and/or use of a tent shall be issued until satisfactory proof is provided that the tent is in compliance with Section 14.12 (b). A copy of the tent permit shall be readily available at the tent site for inspection.

(l) A tent permit will expire upon the taking down of the tent or in six (6) months from the date of issue of the permit, depending on which shall occur first.

(j) The fee for a tent permit shall be specified in Section 22.4 of Article XXII.

Section 14.13 Automatic Sprinkler System.

(a) All buildings of combustible construction presently used in whole or in part as a nursing home, rest home, or boarding home for the aged, shall be completely protected by an automatic sprinkler system installed and maintained in accordance with the standards of the New York Rating Organization of the New York Board of Fire Underwriters and approved by the Fire Marshal. Combustible construction shall mean that construction defined as Type 3, 4, or 5 pursuant to the State Standard Construction Code. The provisions of this sub-section shall be effective as of January 1, 1969.

(b) Every nursing home, rest home, or boarding home for the aged, hereafter erected or enlarged, shall be completely protected by an automatic sprinkler system installed and maintained in accordance with the standards of the New York Rating Organization of the New York Board of Fire Underwriters and approved by the Fire Marshal.

(c) Automatic sprinkler systems in all nursing homes, rest homes, and boarding homes for the aged shall be connected to the fire alarm system of the local fire department in which the said institution is located, where permitted by said fire department. (Amended by Ord. No. 208, effective 8/15/66.)

Historical notes:

<i>Enacted by Ord. No. 60-1950</i>	<i>Effective Sept. 1, 1950</i>
<i>Amended by Ord. No. 47-1959</i>	<i>Effective March 16, 1959</i>
<i>Amended by Ord. No. 56-1962</i>	<i>Effective March 26, 1962 (Formerly Article X)</i>
<i>Amended by Ord. No. 111-1964</i>	<i>Effective May 4, 1964</i>
<i>Amended by Ord. No. 208-1966</i>	<i>Effective Aug. 15, 1966</i>
<i>Amended by Ord. No. 526-1990</i>	<i>Effective Dec. 3, 1990</i>
<i>Amended by Ord. No. 473-1994</i>	<i>Effective Dec. 12, 1994</i>

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ARTICLE XV

Electrical Code

Section 15.0 National Electrical Code.

As a minimum standard, all electrical installations shall be in accordance with the requirements of the National Electrical Code. Class A1 or A2 structures (One or Two Family Dwellings) are excluded from the provisions of this Article.

Section 15.1 Inspector.

The Chief Electrical Inspector and each of the duly appointed Electrical Inspectors of an Approved Electrical Inspection Company may make inspections and re-inspections of all electrical installations heretofore or hereafter described, and to approve or disapprove same. In no event, however, is it intended herein that said inspectors are agents and/or employees of the County of Nassau and no charge is to be made for such inspections and re-inspections against the County of Nassau.

15.1.1 Qualifications of Approved Electrical Inspection Companies, Chief Electrical Inspectors and Electrical Inspectors.

15.1.1.1 In order to be considered an Approved Electrical Inspection Company the following requirements shall be met:

1. Approved Electrical Inspection Companies shall designate at least one employee who meets the requirements for a Chief Electrical Inspector as prescribed in this Ordinance. The Chief Electrical Inspector's signature shall appear on all reports required to be submitted to the Fire Marshal.

2. An approved Electrical Inspection Company and all Chief Inspectors and Inspectors shall be certified members of a recognized chartered trade association with certification programs and continuing education courses such as but not limited to the International Association of Electrical Inspectors. All Chief Electrical Inspectors and Electrical Inspectors within the company shall hold a valid certification from the association and shall have participated in the continuing education program provided by the association. Proof of such certification(s) and continual education course participation shall be submitted to the Fire Marshal upon request.

3. No Chief Electrical Inspector or Electrical Inspector shall perform electrical work within the County of Nassau while working for or acting as an Approved Electrical Inspection Company.

4. An application shall be submitted to the Fire Marshal on forms provided and shall include the applicants answers in full to inquiries set forth on such forms. Applicant is subject to approval by the Fire Marshal prior to being considered an Approved Electrical Inspection Company. Any violation of this Ordinance by an Approved Electrical Inspection Company may result in the revocation of their approval status.

15.1.1.2 A Chief Electrical Inspector designated by an Approved Electrical Inspection Company shall be someone who has satisfied one or more of the following minimum requirements:

1. A certified Licensed Electrical Engineer with at least two years experience supervising electrical projects.

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2. An electrician who holds a Master electrician's license valid within the State of New York.

3. A person with special qualifications and experience in the electrical installation trade acceptable to the Fire Marshal.

15.1.1.3 An Electrical Inspector designated by an Approved Electrical Inspection Company is someone who has satisfied one or more of the following minimum requirements:

1. A certified Licensed Electrical Engineer.

2. An electrician who holds a Master electrician's license valid within the State of New York.

3. A person with special qualifications and experience in the electrical installation trade acceptable to the Fire Marshal.

Section 15.2 Duties of the Inspector.

It shall be the duty of an electrical inspector to report in writing to the Fire Marshal all violations of, or deviations from, or omissions of the electrical provisions of the National Electrical Code insofar as any of the same apply to electrical wiring. The electrical inspector may make inspections and re-inspections of electrical installations in and on properties in the County of Nassau as herein provided. Upon the presentation of identification credentials by said inspector, issued by an Approved Electrical Inspection Company and approved by the Fire Marshal, no owner or person in possession of the premises shall refuse to permit an inspection to be made by said inspector. In the event of an emergency, it is the duty of the electrical inspector to make electrical inspections upon the request of the Fire Marshal. It shall be the duty of an electrical inspector to furnish a written report to the Fire Marshal and the owners or persons in possession of the property where violations of this Article are found to exist. Where such inspector fails to make reports of violations after inspections, his approval as an inspector may be withdrawn by the Fire Marshal. Where any Certificate of Compliance is issued pursuant to this Article, a copy of such certificate shall be forwarded to the Fire Marshal.

Section 15.3 Violations of the Ordinance.

It shall be a violation of this Ordinance for any person, firm or corporation to install or cause to be installed, or to alter electrical wiring for light, heat, or power in or on properties in the County of Nassau until an application for inspection has been filed with an Approved Electrical Inspection Company. It shall be a violation of this Ordinance for a person, firm or corporation to connect, or cause to be connected, electrical wiring in or on properties for light, heat or power, to any source of electrical energy supply prior to the issuance of a temporary certificate, or a Certificate of Compliance by an Approved Electrical Inspection Company.

Historical notes:

*Enacted by Ord. No. 56-1962
Amended by Ord. No.241-1997*

*Effective March 26, 1962
Effective July 21, 1997*

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ARTICLE XVI

Effect of Ordinance

Section 16.0 Application of National Electrical Code.

Wherever reference has been made in this Ordinance to the "National Electrical Code," such term shall be construed to mean "Standards of the National Board of Fire Underwriters for Electrical Wiring and Apparatus" as the latter shall have been established and promulgated on the effective date of the most recent amendment to this Ordinance.

Section 16.1 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Ordinance.

Section 16.2 Penalties.

Any person, firm or corporation violating any provision of this Ordinance or failing to comply therewith or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of an offense punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment for not more than fifteen days (15) or both for each and every such violation. The imposition of the penalty for any violation of this Ordinance shall not excuse the violation or permit it to continue, and each fifteen days that the prohibited conditions are maintained shall constitute a separate offense.

Section 16.3 Separability.

If any clause, sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, paragraph, sentence, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 16.4 Enforcing Authority.

The Fire Marshal of Nassau County shall be the enforcing authority of this Ordinance.

Section 16.5 Effective Date.

This Ordinance shall take effect immediately.

Historical notes:

<i>Enacted by Ord. No. 60-1950</i>	<i>Effective Sept. 1, 1950</i>
<i>Amended by Ord. No. 47-1959</i>	<i>Effective March 16, 1959</i>
<i>Amended by Ord. No. 56-1962</i>	<i>Effective March 26, 1962 (Formerly Article XI)</i>
<i>Amended by Ord. No. 208-1966</i>	<i>Effective Jan. 15, 1966</i>
<i>Amended by Ord. No. 11-1986</i>	<i>Effective Jan. 6, 1986</i>
<i>Amended by Ord. No. 117-2001</i>	<i>Effective Aug. 10, 2001</i>
<i>Amended by Ord. No. 18-2005</i>	<i>Effective Feb. 11, 2005</i>

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ARTICLE XVII

Automatic Fire Alarm Systems

Section 17.0 General Provisions and Definitions.

A. Unless more restrictive requirements are specifically mandated by any governmental entity within the County of Nassau, through local law or ordinance, this Ordinance shall be applicable throughout the County of Nassau.

B. Fire alarm system shall mean any local, automatic, auxiliary, remote station, proprietary, and municipal fire alarm which upon detection of fire, smoke, heat, rapid rise in temperature or when manually activated (i.e., pull box, etc.) will activate an audible/visual alarm which will indicate on and or off the premises that an emergency condition exists and which may or may not relay to a fire department that the services of that fire department are needed.

1. Automatic Fire Alarm shall mean any alarm device or series of devices which when activated will cause the emergency response of the Fire Department.

C. Person shall include and mean individuals, corporations, partnerships, firms or agents acting on behalf of the owner/operator of a fire alarm system.

D. Electrical power shall mean the ordinary and customary power provided by the utility authorized to provide same.

E. Standby power shall mean power generated in the place and stead of electrical power, whether by battery, auxiliary generator or otherwise.

F. Licensed alarm company shall mean any person licensed by the Fire Marshal of Nassau County to install, maintain, construct, replace, repair or improve fire alarm systems.

G. Central Station shall mean an office to which remote alarm and supervisory signaling devices are connected, and where personnel are in attendance at all times to supervise the circuits and investigate signals. (Amended by Ord. No. 526, effective 12/3/90.)

Section 17.1 Equipment Specifications and Installation and Service/Maintenance.

A. All fire alarm systems installed and maintained in the County of Nassau shall be in compliance with this ordinance, the National Electric Code, NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS 72a-1979, 72b-1979, 72c-1982, 72d-1979, 72e-1982, 72g-1985, 72h-1984, 74.

B. The Fire Marshal of Nassau County shall have the power to determine conformance with this Ordinance.

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C. All fire alarm systems subject to this Ordinance and maintained in the County of Nassau shall be cleaned, inspected and tested annually or in accordance with the recommendations of the manufacturer, whichever requires the more frequent inspections, by a licensed alarm company. Written records of inspection shall be maintained on the premises protected and shall include:

1. Date of inspection.
2. Name of inspecting alarm company and alarm company employee(s) performing the inspection.
3. Condition of equipment.
4. Action taken to correct any deficiencies.

D. Any fire alarm system as defined in Section 17.0 B.1. shall:

1. Upon detection of fire or smoke automatically activate an audible alarm on the premises.
2. If system is designed to operate with an automatic dialer, it shall be designed and installed to transmit the address and nearest street intersection and permit number to the fire department and to limit to three (3) the number of transmissions for any one emergency to a fire department, manned facility or central fire alarm bureau after receipt of the alarm.
3. Be designed and installed to prevent activation of the fire alarm system by any other alarm system.
4. If operated by electric power, not be activated by loss or surge of electrical power and shall be provided with standby power.
5. All licensed alarm companies, operating and/or providing service to automatic fire alarm systems/water flow devices subject to this ordinance shall maintain records of all service and inspections, including information in Section 17.1 C of this Ordinance. Individual records shall be available for inspection by the Nassau County Fire Marshal and/or the Chief of the fire department concerned. Records shall be kept on the premises of the licensed alarm company.
6. It shall be the responsibility of the owner/lessee of property in Nassau County and licensed fire alarm companies who own/operate, perform maintenance on, improve, install, or inspect fire alarm systems as defined in Section 17.0 B.1 of this Ordinance to assure that the following information is transmitted to the fire department upon activation of such system;
 1. The name of the occupant.
 2. The address and nearest intersection.
 3. The permit number.
 4. Occupant phone number.

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7. It shall be the responsibility of all Licensed Alarm Companies to assure that all Fire Alarm Systems for which they provide service, as described in Section 17.0 B.1 shall comply with Section 17.1 D.

E. Exception - Standpipe and sprinkler water flow alarm devices connected to a central station or to a fire department or fire alarm bureau in lieu of the requirements of Section 17.1 D.2,4,7 shall comply with the following requirements:

1. A normal fluctuation in water main pressure, as determined by the Nassau County Fire Marshal, shall not cause a false water flow alarm to be transmitted that will require fire department response.

F. No person shall use, operate, repair or install any automatic fire alarm system that will, upon activation, either manually or automatically call or cause the calling of any fire department at any telephone number until such time as a permit has been issued by the Nassau County Fire Marshal and the fire department providing protection to that location has approved the telephone number to be manually or automatically dialed. (Amended by Ord. No. 526, effective 12/3/90.)

Section 17.2 License and Permit Required; Fire Alarm Systems.

A. License.

1. All persons installing, maintaining, constructing, replacing, repairing or improving any fire alarm system as defined in this Ordinance in the County of Nassau which requires fire department response shall obtain a license from the Fire Marshal of Nassau County upon proper application on a form provided by the Fire Marshal, obtain a passing score of 70% on an examination that will be given by the Fire Marshal and submission of such information on such form(s) as the Fire Marshal may require together with a fee. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance. Liability insurance in the amount of no less than \$100,000.00 shall be in effect and shall continue in effect for the term of the license. A certificate of Worker's Compensation Insurance or a waiver of said insurance issued by the New York State Worker's Compensation Board shall be in effect and shall continue in effect for the term of the license. Proof of said insurance shall be presented to the Fire Marshal upon application for a license/renewal to install fire alarm systems in the form of a Certificate of Insurance naming the Nassau County Fire Commission, Office of the Fire Marshal, 899 Jerusalem Avenue, Uniondale, N.Y. 11553, attention L & P Division as certificate holder. Upon consideration and approval of such application by the Fire Marshal a license shall be issued on a form prepared by the Fire Marshal which shall authorize such installation, construction, replacement or improvement of such automatic fire alarm system.

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2. The license issued herein shall expire one year from the date of such issuance unless prior thereto the license is revoked or suspended by the Fire Marshal. Upon proper submission of the license renewal application, proper submission of any information/documentation as may be reasonably required by the Fire Marshal along with insurance documentation in accordance with Section 17.2 A.1 of this Ordinance and, payment of the annual license renewal fee, prior to the expiration date, a license shall be renewed for another year, and the authority to install, maintain, construct, replace, repair or improve any fire alarm system as defined in this Ordinance, shall continue in effect until such time within the year as the Fire Marshal revokes or suspends such license. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance.
3. The Fire Marshal may, at any time, require reasonable information of an applicant or a licensee, and may require the production of books and records which relate to the installation, maintenance, construction, replacement, repair or improvement of any fire alarm system or the qualifications for compliance with this ordinance by the applicant or licensee.
4. Every Licensed Fire Alarm Company shall immediately after a change of control in ownership or of management or a change of address or trade name, notify the Fire Marshal in writing of such changes within thirty (30) days. (Amended by Ord. No. 526, effective 12/3/90.)

B. Permit.

All persons or owners of property located within the County of Nassau or the lessees thereof who desire to operate and maintain a fire alarm system in the County of Nassau shall apply to the Fire Marshal of the County of Nassau for a permit on forms provided by the Fire Marshal. It shall be unlawful for any person to operate, install, maintain, construct, replace, repair, improve or provide maintenance to any fire alarm system without first obtaining a permit as hereafter provided: (Amended by Ord. No. 526, effective 12/3/90.)

1. The Fire Marshal of Nassau County shall issue, upon proper application from a licensed alarm company, and payment of a fee, a permit to any person who owns or leases property upon which a fire alarm system is operated or maintained. The Licensed Fire Alarm Company shall sign and have notarized the application attesting that the fire alarm system will meet all the requirements of this Ordinance. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance.

Such permit shall be transferable to any subsequent owner or lessee of the premises in which such fire alarm system has been installed upon written notification to the Fire Marshal of Nassau County. A fee, as prescribed in Article XXII of this Ordinance, shall be paid with this notification. (Amended by Ord. No. 299, effective 9/14/92.)

2. The permit required by this Ordinance shall be renewed every three (3) years. The permit shall continue in full force and effect so long as there is full compliance with the provisions of this Ordinance. The fee for this renewal is prescribed in Article XXII of this Ordinance. (Amended by Ordinance No. 299, effective 9/14/92.)

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3. All present owners or lessees of premises having a fire alarm system installed in said premises shall comply with all provisions of this Ordinance within six (6) months of the effective date of this Ordinance.
4. A permit sticker issued by the Fire Marshal indicating the permit number shall be installed on or near the control box/panel in full view at all times. (Amended by Ordinance No. 526, effective 12/3/90.)

C. Exception.

Single station battery operated smoke detectors installed in one and two family premises shall be exempt from this Ordinance. (Amended by Ord. No. 526, effective 12/3/90.)

Section 17.3 Central stations.

A. The Licensed alarm company shall provide the Fire Marshal's Office with the following information on all Central Stations that the alarm company will use to transmit alarms to fire departments in Nassau County;

1. Name of Central Station
2. Address
3. Local address if different from the above.
4. The name and twenty four hour telephone number of a responsible person working for the central station.

B. Central Stations upon receiving a signal that a fire department is needed shall transmit to the fire department the following information;

1. Name
2. Address
3. Nearest cross street
4. Telephone number
5. Permit number (Amended by Ord. No. 526, effective 12/3/90.)

Section 17.4 Liability for Damages.

(Amended by Ord. No. 526, effective 12/3/90.)

This Article shall not be construed to hold the County of Nassau, its officers or employees responsible for any injury to person or damage to property by reason of the inspection or reinspection authorized herein, or failure to inspect or re-inspect as herein provided or by reason of the approval or disapproval of any fire alarm system authorized herein.

Section 17.5 Licensed Alarm Company Identification.

(Amended by Ord. No. 526, effective 12/3/90.)

The name, address and telephone number of the person installing, servicing and/or maintaining a fire alarm system subject to this Ordinance shall be affixed on or near the control box/panel of the fire alarm system, in full view, at all times.

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Section 17.6 Misuse of Fire Alarm Systems.

Notwithstanding the provisions of this Ordinance, nothing contained herein shall modify, limit, enlarge or in any other way affect the penalties provided for willful or intentional false alarms as same is defined and provided within the New York State criminal codes or statutes.

Any alarm to which the fire department responds and after investigation is unable to determine the cause of the alarm or determines the alarm is the result of malfunction of the fire alarm system or the negligence of the user shall be designated as a non-intentional false alarm. Thereupon, it shall be the responsibility of the occupant of the premises to contact a licensed alarm company, as defined in Section 17.0 F of this Ordinance so that the cause for such alarm be corrected by that licensed alarm company. A report of such correction, in writing, shall be submitted to the Nassau County Fire Marshal within ten (10) days on forms provided.

B. Malfunctioning or undetermined alarms occurring three (3) times in a thirty (30) day period which results in the response of the fire department or any fire department personnel, shall constitute a violation of this Ordinance.

C. Licensed alarm companies performing any service or inspections on fire alarm systems, as defined in Section 17.0 B of this Ordinance, three (3) or more times in any thirty (30) day period shall report to the Fire Marshal of Nassau County, in writing, delivered personally or via certified mail, within ten (10) days, the reason for the service or inspection, what service was actually performed, the current status of the fire alarm system, the name of the person & company performing the service and the fire alarm system permit number, except for service as defined in Section 17.1 C. (Amended by Ord. No. 526, effective 12/3/90.)

Section 17.7 Failing to Comply

(Amended by Ord. No. 117, effective Aug. 10, 2001)

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 17.8 Penalties.

(Amended by Ord. No. 526, effective 12/3/90.)

Any person or business entity other than a corporation violating any provisions of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand (\$1,000.00) dollars or, by imprisonment for not more than one (1) year or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand (\$5,000.00) dollars for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

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Section 17.9 Effective Date.

This Ordinance shall take effect immediately.

Historical notes:

<i>Enacted by Ord. No. 352-1980</i>	<i>Effective Aug. 11, 1980</i>
<i>Amended by Ord. No. 371-1981</i>	<i>Effective Aug. 17, 1981 (Repeals Ord. No. 352-1980)</i>
<i>Amended by Ord. No. 499-1983</i>	<i>Effective Dec. 19, 1983</i>
<i>Amended by Ord. No. 526-1990</i>	<i>Effective Dec. 3, 1990</i>
<i>Amended by Ord. No. 299-1992</i>	<i>Effective Sept. 14, 1992</i>
<i>Amended by Ord. No. 117-2001</i>	<i>Effective Aug. 10, 2001</i>

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ARTICLE XVIII

Fire Protection, Fire Extinguishing and Fire Detecting Systems in Buildings

Section 1.

18-1-1 Scope.

18-1-1.1 This Article shall specify requirements where Standpipe Systems, Sprinkler Systems, Smoke and Fire Detecting Systems, and Fire Alarm Systems are required.

18-1-2 Application.

18-1-2.1 This Article covers new construction and existing buildings altered or repaired as outlined in 18-1-2.3.

18-1-2.2 Any modification of the requirements for new buildings which, in the absence of specific provisions are applied to existing buildings, shall be allowed only to the extent that, it shall have been conclusively proven to the Fire Marshal that such modifications meet the performance requirements of this Ordinance. Such modifications shall constitute compliance with this Ordinance.

18-1-2.3 Any existing building covered under the provisions of this Article, which is altered or repaired, when the cost of such alteration or repairs within any twelve (12) month period exceeds 50 percent of the cost of replacement of the building at the beginning of that twelve month period, shall be considered as new construction and must meet all the requirements for a new building under the particular occupancy.

18-1-2.4 Any alteration to an existing building, or any new construction which creates a mixed occupancy as defined in 18-1-3, must meet the requirements for the most hazardous occupancy. If there is an alteration to an existing building which creates the mixed occupancy, fire protection and fire detection would be that which would be required for new construction.

18-1-3 Classification of Buildings by Occupancy.

18-1-3.1 Business Occupancy.

Buildings in which the primary or intended occupancy or use is the transaction of administrative, business, civic, or professional service, and where the handling of goods, wares, or merchandise, in limited quantities, is incidental to the primary occupancy or use, newsstands, lunch counters, barber shops, beauty parlors, and similar service facilities are considered as incidental occupancies. This group includes but is not limited to the following: administration buildings, banks, clinics, libraries, offices and office buildings, professional buildings.

18-1-3.2 Mercantile Occupancy.

Buildings in which the primary or intended occupancy or use is the display and sale of public goods, wares, and merchandise. This group includes but is not limited to the following: display rooms, markets and supermarkets, sales rooms and show rooms, stores and shops.

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18-1-3.3 Industrial Occupancy.

(a) Buildings which may be frequented by the public in which the primary or intended occupancy or use is repairing, cleaning, laundering, baking and similar operations. This group includes but is not limited to the following: bakeries, dry cleaning plants, laundries, motor vehicle repair shops, motor vehicle service stations.

(b) Buildings in which hazardous materials are manufactured, processed, stored, handled or used. Such material shall include products with the following characteristics: burn with extreme rapidity; produce dust subject to explosion or spontaneous combustion; produce poisonous fumes or gases; or explode.

18-1-3.4 Storage Occupancy.

Buildings which may be frequented by the public in which the primary or intended occupancy or use is the storage of goods, merchandise, products and vehicles. This group includes but is not limited to the following: aircraft hangars, cold storage, fur storage, furniture warehouse, lumber yards, open parking structures, passenger vehicle and truck storage, stables, truck terminals.

18-1-3.5 Assembly.

Buildings in which the primary or intended occupancy, or use is the assembly for amusement, athletic, dining, educational, entertainment, recreational, religious, social, sports, and similar purposes. This group includes but is not limited to the following: airports and heliports, amusement parks, armories, art galleries, assembly halls, auditoriums, bowling alleys, churches, synagogues and similar places of worship, club rooms, coliseums and stadiums, dance halls, discotheques, exhibition halls, grandstands, gymnasiums, indoor tennis courts with seating for spectators, lecture halls, lodge rooms, marine public transportation facilities, museums, night clubs, railroad and bus stations, recreation centers, restaurants, schools, colleges and similar places of education, skating rinks, theaters.

18-1-3.6 Institutional Occupancy.

Buildings in which the primary or intended use is for persons domiciled or detained under supervision. This group includes but is not limited to the following: child care institutions and centers, detention homes, hospitals and health care facilities, houses of correction, infirmaries, jails, mental hospitals, penitentiaries, prisons, reformatories, sanitariums.

18-1-3.7 Miscellaneous.

Property in which the primary or intended occupancy or use is not included in the groups listed above. This group includes but is not limited to the following: cooling towers, dockside vessels serving as buildings, free-standing chimneys, junk yards, marinas and boatyards, outdoor general storage, piers and wharves, tanks, temporary buildings, tents and air-supported structures, wrecking yards.

18-1-3.8 Mixed Occupancy.

A building which is occupied or used by two or more occupancies or uses classified in 18-1-3.1 through 18-1-3.7 inclusive or in part by residential occupancy, and that part of the building occupied or used for other than residential purposes is regulated by this Article. A mixed occupancy is also occupancy of a building in part for one use and in part for some other use not accessory to the first use.

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18-1-3.9 Multiple Dwellings.

Multiple dwellings for the purpose of this Article shall be classified in respect to the permanent or transient character of their occupancy groups, and to the number and physical condition of the occupants. The classification shall be in accordance with the following groups:

Group 1:

Buildings containing one or two dwelling units with more than four lodgers residing with a family in either one of such dwelling units;

Buildings containing three or more dwelling units;

Apartment houses and apartment hotels;

Hotels;

Lodging houses;

Buildings with sleeping accommodations for more than five persons used or occupied as a club, dormitory, fraternity or sorority house, or for similar uses;

Garden apartments;

Motels;

Community residences;

Condominiums;

Cooperatives

Group 2:

Old age and nursing homes other than Group 3 occupancy.

Group 3:

Buildings for Senior Citizens, intended primarily for persons 62 years old or more, who are in good physical condition and do not require physical assistance.

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18-1-4 Sprinkler Systems Classified by Occupancy.

18-1-4.1 Light Hazard.

Occupancies or portions of other occupancies where the quantity and/or combustibility of contents is low and fires with relatively low rates of heat release are expected. This group includes but is not limited to the following:

Apartments	Institutions
Asylums	Libraries
Churches	Museums
Clubs	Office Buildings
Colleges	Prisons
Dormitories	Public Buildings
Dwellings	Rooming Houses
Hospitals	Schools
Hotels	Tenements

Light hazard sprinkler systems should not be installed if the occupancy may change to a classification not listed.

18-1-4.2 Ordinary Hazard Occupancies.

18-1-4.2.1 Ordinary Hazard (Group 1) Occupancies or portions of other occupancies where combustibility is low, quantity of combustibles is moderate, stock piles of combustibles do not exceed eight feet and fires with moderate rates of heat release are expected. This group includes but is not limited to the following:

Automobiles, Garages	Electric Generating Systems
Automobile Parking Garages	Laundries
Bakeries	Restaurants
Bottling Works	Sales and Service
Breweries, Wineries	T V Studios
Canneries	Waterworks
Dairy Products Manufacturing	

18-1-4.2.2 Ordinary Hazard (Group 2) Occupancies or portions of other occupancies where quantity and combustibility of contents is moderate, stock piles do not exceed 12 feet and fires with moderate rate of heat release are expected. This group includes but is not limited to the following:

Chemical Works - Ordinary	Mercantiles
Chemical Works - Low Hazard	Metal Working
Cold Storage Warehouses	Pharmaceutical Mfg.
Foundries	Room Areas
Ice Manufacturing	Textile Knitting
Leather Goods Mfg.	Tobacco Products Mfg.
Libraries - Large Stack	Steel Mills
Lithographing	Wood Product Assembly
Machine Shops	

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18-1-4.2.3 Ordinary Hazard (Group 3) Occupancies or portions of other occupancies where quantity and/or combustibility of contents is high, and fires of high rate of heat release are expected. This group includes but is not limited to the following:

Cotton Mills	Printing and Publishing
Exhibition Halls	Repair Garages
Factories	Tanneries
Feed Mills	Tire Manufacturing
Flour Mills	Twine Manufacturing
Fur Processing	Sugar Refining
Paper & Pulp Mills	Warehouses
Piers & Wharves	

If the Fire Marshal determines hazards in above listed buildings are severe, extra hazard requirements shall apply.

18-1-4.3 Extra Hazard Occupancies.

Extra Hazard Occupancies or portions of other occupancies where quantity and combustibility of contents is very high, flammable liquids, dust, lint or other materials are present introducing the probability of rapidly developing fires with high rates of heat release. This group includes but is not limited to the following:

Aircraft Hangars

Chemical Works Using Volatile Flammable Oils

Cotton Pickers and Opening Operations

Dry Cleaning Plants Using Volatile Flammable Oils Explosives and Pyrotechnics

Manufacturing

Linoleum and Oil Cloth Manufacturing

Linseed Oil Mills

Oil Refineries

Paint Shops

Pyroloxin Plastic Manufacturing

Shade Cloth manufacturing

Varnish Works

Occupancies Using Volatile Flammable Liquids

(Note: Storage Garages are not included in this classification).

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18-1-5 Definitions.

APPROVED. Accepted by the Fire Marshal under the provisions of Code by reason of tests, or investigation conducted by it, or by an agency satisfactory to the Fire Marshal, based upon nationally accepted test standards or principles.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING-EXISTING. Any structure erected prior to the adoption of this Article.

EXISTING. That which is already in existence at the date when this Article goes into effect as existing structures or buildings.

HEIGHT. The height of a building in feet shall be determined from a datum established by the average elevation of paved open spaces which are suitable for the approach of fire department equipment, and curb levels where established, both of which are within 50 feet of the exterior walls of the building. Such height shall be measured from such datum to the highest level of a flat or mansard roof, or to the average height of a pitched, gabled, hip or gambrel roof excluding bulkheads and other roof construction.

HEIGHT IN STORIES. The height in stories of a building shall be determined from a datum established by the average elevation of the finished grade adjoining the exterior walls of the building, where such walls face legal open space or abut other open space which is level for 10 feet or more. Areaways, driveways, and entrances of abrupt change in elevation and totaling 10 percent or less of the length of the wall shall not be included in determining the average elevation.

FIRE ALARM SYSTEM. An approved installation of equipment for sounding a fire alarm.

FIRE PROTECTION EQUIPMENT. Apparatus, assemblies, or systems either portable or fixed, for uses to prevent, detect, control, or extinguish fire.

NEW CONSTRUCTION. Any structure erected after the effective date of the adoption of this Article.

OCCUPANCY. The purpose for which a building or a portion thereof is used or intended to be used.

SMOKE & FIRE DETECTING SYSTEM. An approved installation of equipment which automatically actuates a fire alarm when the detecting element is exposed to fire, smoke or abnormal rise in temperature.

SMOKE and FIRE DETECTOR and FIRE ALARM SYSTEM ROUGH OUT WORK.
The running of wire and conduit, and the installation of back boxes, mounting brackets and mounting hardware which must be performed by a contractor prior to the approval of working plans by the Fire Marshal because of construction constraints or deadlines including but not limited to the need to close walls or ceilings of a structure or building under construction.

SPRINKLER SYSTEM. A system of piping and appurtenances designed and installed in accordance with generally accepted standards so that heat from a fire will automatically cause water to be discharged over the fire area to extinguish it or prevent its further spread.

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SPRINKLER SYSTEM ROUGH OUT WORK. The installation of hangars, risers and branch lines which must be performed by a contractor prior to the approval of working plans by the Fire Marshal because of construction constraints or deadlines including, but not limited to the need to close walls or ceilings of a structure or building under construction.

STANDPIPE SYSTEM. Approved installation of piping and appurtenances, whereby all parts of a building can be quickly reached with an effective stream of water.

APARTMENT BUILDING. Includes buildings containing 3 or more living units with independent cooking and bathroom facilities, whether designated as apartment houses, tenement, garden apartment, or by any other name.

MOTEL. Includes buildings or groups of buildings under the same management in which there are more than 15 sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.

Section 2.

18-2-1 Fire Protection for Multiple Dwellings and Places of Assembly.

(Amended by Ord. No. 262-1999, effective 12/20/99)

18-2-1.1 Sprinkler System Required.

18-2-1.1.1 All new Multiple Dwellings constructed, which are three or more stories, and/or 50 feet in height, shall be fully sprinklered. The Sprinkler System shall meet all the requirements of the Standard for the Installation of Sprinkler Systems, Standard NFPA # 13-1983, of the National Fire Protection Association.

18-2-1.1.2 All new Assembly occupancies which accommodate one hundred or more persons, whether on, above or below grade, shall be fully sprinklered. The Sprinkler System shall meet all the requirements of the Standard for the Installation of Sprinkler Systems, Standard NFPA # 13-1983, of the National Fire Protection Association.

18-2-1.2 Standpipe Systems Required.

18-2-1.2.1 All new Multiple Dwellings constructed which are three stories or more shall have a Standpipe System. The Standpipe System shall meet all the requirements of the Standard for the Installation of Standpipe and Hose Systems NFPA # 14-1983, of the National Fire Protection Association. The Standpipe System must be a separate system not connected to the Sprinkler System unless such a connection is permitted in Standard NFPA # 13-1983, of the National Fire Protection Association.

18-2-1.3 Smoke and Fire Detector System and Fire Alarm System Requirements.

18-2-1.3.1 All new and existing Multiple Dwellings shall have a Smoke and Fire Detecting System and a Fire Alarm System installed. The system must be approved by the Fire Marshal prior to installation.

18-2-1.3.2 All new Assembly occupancies which accommodate fifty (50) or more persons whether on, above or below grade shall have a Smoke and Fire Detecting System and a Fire Alarm System installed. The system must be approved by the Fire Marshal prior to installation.

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Section 3

18-3-1 Fire Protection for Business, Mercantile, Industrial and Storage Occupancies.

18-3-1.1 Sprinkler System Required.

18-3-1.1.1 All new Business occupancies constructed which are three (3) or more stories and/or fifty feet in height shall be fully sprinklered. The Sprinkler System shall meet all the requirements of the Standard for the Installation of Sprinkler Systems, Standard NFPA # 13-1983, of the National Fire Protection Association.

18-3-1.1.2 All new Mercantile, Industrial and Storage occupancies, except those that are free standing, not more than 3,000 square feet, no more than one story in height, and without a basement or cellar, shall be fully sprinklered. The Sprinkler System shall meet all the requirements of the Standard for the Installation of Sprinkler Systems, Standard NFPA # 13-1983, of the National Fire Protection Association.

18-3-1.2 Standpipe System Required.

18-3-1.2.1 All new Business occupancies constructed which are three (3) stories or more shall have a Standpipe System. The Standpipe System shall meet the requirements of the Standard for the Installation of Standpipe and Hose Systems, NFPA # 14-1983, of the National Fire Protection Association. The Standpipe System must be a separate system not connected to the Sprinkler System unless such a connection is permitted in Standard NFPA # 13-1983, of the National Fire Protection Association.

18-3-1.3 Smoke Detector and Fire Alarm Requirements.

18-3-1.3.1 All new Business, Mercantile, and Storage Occupancies shall have a Smoke and Fire Detecting System and a Fire Alarm System installed. The Smoke and Fire Detecting System and the Fire Alarm System shall be approved by the Fire Marshal.

18-3-1.3.2 All new Industrial occupancies shall have a Fire Alarm System installed. The Fire Alarm System shall be approved by the Fire Marshal.

Section 4.

18-4-1 Fire Protection for Institutional Occupancies.

18-4-1.1 Sprinkler System Required.

18-4-1.1.1 All new Institutional Occupancies shall be fully sprinklered. The Sprinkler System shall meet all the requirements of the Standard for the Installation of Sprinkler Systems, Standard NFPA # 13-1983, of the National Fire Protection Association.

18-4-2.1 Smoke and Fire Detection Systems and Fire Alarm System Required.

18-4-2.1.1 All new and existing Institutional Occupancies shall have a Smoke and Fire Detecting System and a Fire Alarm System installed. The Smoke and Fire Detecting System and the Fire Alarm System shall be approved by the Fire Marshal.

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18-4-3.1 Standpipe and Hose Systems Required.

18-4-3.1.1 All new Institutional Occupancies more than one story shall have a Standpipe and Hose System. The Standpipe and Hose System shall meet the requirements of the Standard for Installation of Standpipe and Hose Systems, NFPA # 14-1983, of the National Fire Protection Association. The Standpipe System must be a separate system not connected to the Sprinkler System unless such a connection is permitted in Standard for Installation of Sprinkler Systems, NFPA # 13-1983, of the National Fire Protection Association.

Existing Institutional occupancies may be required to install Standpipe and Hose Systems when after consideration of the following factors the Fire Marshal determines that they are necessary to enable the Fire Department to control and extinguish fire more quickly and efficiently.

1. Distances of travel, and accessibility to all areas of the building from street hydrants.
2. Changes in configuration of building or buildings due to alterations or additions.
3. Physical obstacles interfere with Fire Department vehicle access.

Section 5.

18-5-1 Plans, Specifications and Approvals Required.

18-5-1.1 Sprinkler System Plans and Specifications. (Amended by Ord. No. 124, effective 10/31/02.)

18-5-1.1.1 a) Working plans shall be submitted to and approved by the Fire Marshal prior to the installation, alteration, relocation or remodeling of any sprinkler system equipment; provided, however, that any alteration of an existing system involving the relocation, lowering, or raising of fewer than twenty-six existing sprinkler heads shall not require plans to be filed, but shall instead require a Sprinkler Head Relocation Test Permit issued by the Fire Marshal prior to the commencement of any such work. A Sprinkler Head Relocation Test Permit shall be obtainable by application as prescribed by the Fire Marshal. There shall be a plan review fee and a Sprinkler Head Relocation Test Permit fee as established in Article XXII. Any deviation from such approved plans shall require the permission of the Fire Marshal. The original "Inspector's Copy" of such approved plans or a Sprinkler Head Relocation Test Permit shall be on site during the installation, alteration, relocation, remodeling and testing of any sprinkler system equipment.

b) Sprinkler system rough out work, as defined in 18-1-5, may be commenced prior to the approval of working plans by the Fire Marshal, following the submission to the Fire Marshal of all required working plans, fees, and permit applications, including a Sprinkler System Rough Out Work Permit application, which shall be completed in the form provided by the Fire Marshal and submitted by the owner or corporate officer of the licensed fire sprinkler company undertaking the sprinkler system rough out work, along with the permit fee prescribed by Article XXII of this ordinance.

c) The Fire Marshal shall be notified not less than 48 hours prior to the commencement of any sprinkler system rough out work.

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d) The licensed sprinkler installer shall be responsible for making corrections to any rough out work that may be necessary to conform such work to subsequently approved working plans.

18-5-1.1.2 Working plans shall be drawn to an indicated scale, on sheets of uniform size, with plan of each floor, made so that they can be easily duplicated, and show the following data:

- (a) Name of owner and occupant
- (b) Location, including street address
- (c) Point of Compass
- (d) Ceiling construction
- (e) Full height cross section
- (f) Location of fire walls
- (g) Location of partitions
- (h) Occupancy of each area or room
- (i) Location and size of blind spaces and closets
- (j) Any questionable small enclosures in which no sprinklers are to be installed
- (k) Size of main in street, pressure and whether dead-end or circulating and if dead-end, direction and distance to nearest circulating main, main test results
- (l) Other sources of water supply, with pressure or elevation
- (m) Make, type and orifice size of sprinkler
- (n) Temperature rating and location of high temperature sprinkler
- (o) Number of sprinklers on each riser and on each system by floors and total area protected by each system on each floor
- (p) Number of sprinklers on each riser and total per floor
- (q) Make, type, model and size of alarm or dry-pipe valve
- (r) Make, type, model and size of pre-action or deluge valve
- (s) Kind and location of alarm bells
- (t) Total number of sprinklers on each dry-pipe system or pre-action deluge system
- (u) Approximate capacity in gallons of each dry-pipe system
- (v) Cutting lengths of pipe (or center to center dimensions) (where typical branch lines prevail, it will be necessary to size only one line.)
- (w) Type of fittings, riser nipple and size, and all welds and bends
- (x) Type of hangers, inserts and sleeves
- (y) All control valves, checks, drain pipes and test pipes
- (z) Small hand hose and hose equipment
 - (aa) Underground pipe size, length, location, weight, material, point of connection to the main; the type of valves, meters and valve pits; and the depth that top of the pipe is laid below grade.
 - (bb) Provision for flushing.
 - (cc) when the equipment to be installed is an addition to an old group of sprinklers without additional feed from the yard system, enough of the old system shall be indicated on the plans to show the total number of sprinklers to be supplied and to make all conditions clear.
 - (dd) Name and address of contractor.

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18-5-1.1.3 Approval of Sprinkler Systems.

Before asking final approval of automatic sprinkler equipment by the Fire Marshal, the installing company shall furnish a written statement to the effect that the work covered by its contract has been completed and tested in accordance with the approved specifications and plans. There shall be a final inspection fee charged for this section in accordance with the fee schedule established in Article XXII of this Ordinance. (Amended by Ord. No. 526, effective 12/3/90.)

18-5-1.1.4 Acceptance Tests.

18-5-1.1.4.1 Performance.

All tests required by this standard for new work shall be performed by the installer. When the Fire Marshal desires to be present when tests are conducted, the installer shall give the Fire Marshal advance notification of time when tests will be performed. When the representative of the Fire Marshal is not available and permission is granted by the Fire Marshal, tests may be witnessed by the owner or his representative and the Contractor's Material and Test Certificate shall be completed and forwarded to the Fire Marshal.

18-5-1.2 Standpipe and Hose System Plans and Specifications.

18-5-1.2.1 Plans showing the location, sizes and connections of the fixed portion of the Standpipe System shall be furnished to the Fire Marshal. The plans shall be drawn to scale, and shall include the details necessary to indicate clearly all of the equipment and its arrangement. The plans shall be accompanied by specifications covering the character of the material and features relating to the installation in detail. There shall be a plan review fee charged for this section in accordance with the fee schedule established in Article XXII of this Ordinance. (Amended by Ord. No. 526, effective 12/3/90.)

18-5-1.2.2 In combined systems when the building is completely sprinklered, and risers are sized by hydraulic calculations, a complete set of all calculations shall be submitted when requested by the Fire Marshal.

18-5-1.2.3 A complete set of "as-built" drawings and calculations shall be furnished by the installation company, at the time of completion of the systems.

18-5-1.3 Plans, Specifications, and Approval Required for Smoke and Fire Detection Systems and Fire Alarm Systems.

(Amended by Ord. No. 61, effective 9/17/03.)

18-5-1.3.1 Approval.

All fire and smoke detection devices shall be listed or approved by a nationally recognized testing laboratory for the purpose for which they are intended and shall be installed in conformity with nationally recognized standards.

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18-5-1.3.2 Plans and Specifications.

(a) Working plans shall be submitted to and approved by the Fire Marshal prior to the installation, alteration, relocation or remodeling of any smoke and fire detection and fire alarm equipment. Such plans shall contain information regarding the fire and smoke detectors and fire alarm system as required by the Fire Marshal, including but not limited to equipment specifications and floor plans showing the location of such detectors and fire alarm system. The original "Inspector's Copy" of the approved plans shall be on site during construction and testing. There shall be a plan review fee charged for this section in accordance with the fee schedule established in Article XXII of this Ordinance. Any deviation from such approved plans shall require the permission of the Fire Marshal.

(b) Smoke and fire detection and fire alarm system rough out work, as defined in 18-1-5, shall be permitted to commence prior to the approval of working plans by the Fire Marshal, following the submission to the Fire Marshal of all required working plans, fees and permit applications, including a smoke and fire detection and fire alarm system rough out work permit application which shall be completed in the form provided by the Fire Marshal and submitted by the owner, corporate officer or documented designated representative of the New York State licensed fire alarm company undertaking the smoke and fire detection and fire alarm system rough out work along with the permit fee prescribed by Article XXII of this ordinance.

(c) The Office of the Fire Marshal shall be notified no fewer than 48 hours prior to commencement of any smoke and fire detection and fire alarm system rough out work.

(d) Any licensed fire alarm installer who installs any smoke and fire detection or fire alarm system shall be responsible for making corrections to any rough out work that may be necessary to conform such work to subsequently approved working plans.

18-5-1.3.3 Final Approval.

Before requesting final approval of the installation, by the Fire Marshal, the installing contractor shall furnish a written statement to the effect that the system has been installed in accordance with approved plans and tested in accordance with manufacturers specifications. There shall be a final inspection fee charged for this section in accordance with the fee schedule established in Article XXII of this Ordinance. (Amended by Ord. No. 526, effective 12/3/90.)

18-5-1.3.4 Acceptance Test.

Upon completion of the installation, the installer shall perform a test of the system satisfactory to the Fire Marshal. A test report shall be submitted to the Fire Marshal on forms provided.

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Section 6 (Amended by Ord. No. 66, effective 1/1/13.)

18-6-1 License Required - Sprinkler and Standpipe Systems.

18-6-1.1 License Required

All persons, firms, business entities or corporations performing any of the following work shall secure the applicable license from the Fire Marshal of Nassau County.

18.6.1.1.1 Type I License -Installations

Installing, constructing, modifying, altering, replacing or improving any Sprinkler System and or Standpipe System as defined in this Ordinance.

18-6-1.1.2 Type II License -Inspection, Testing and Maintenance

Inspecting, testing and maintaining, any Sprinkler System and or Standpipe System as defined in this Ordinance.

18-6-1.2 Application and Fee.

Proper application shall be made on a form provided by the Fire Marshal. Submission of such information on such form as required by the Fire Marshal shall be submitted together with an annual fee. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance. A person operating under the license of a firm, business entity or corporation shall be in compliance with the provisions of this section.

18-6-1.3 Expiration.

The license issued herein shall expire one year from the date of such issuance unless prior thereto the license is revoked or suspended by the Fire Marshal.

18-6-1.4 Revocation.

The license is subject to revocation by the Fire Marshal at any time when the license holder displays evidence of noncompliance with the provisions of the Nassau County Fire Prevention Ordinance.

18-6-1.5 Proof of Qualifications.

Every person, firm, business entity, or corporation applying for a license shall furnish satisfactory proof to the Fire Marshal that he is familiar with materials, techniques, standards, laws, ordinances, recognized good practices safety precautions and manufacturers recommendations pertaining to the particular system, materials, devices or operations he will be involved with and for which the license is issued.

18-6-1.6 Investigation.

The Fire Marshal shall investigate every new application for a license. The investigation shall include a notarized statement attesting to knowledge of the use of materials, techniques, standards, laws and ordinances available.

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18-6-1.7 Approval.

After consideration and approval of such application by the Fire Marshal, a license shall be issued on a form provided by the Fire Marshal which shall authorize such installation, construction, replacement, maintenance or improvement of such system.

Printed on the license in bold type shall be the following:

"THIS LICENSE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER"

18-6-1.8 Refusal of License.

When the Fire Marshal determines that a person, firm, business entity or corporation has failed to meet the requirements for a license, he shall refuse to issue the license. An applicant shall not apply again for the license within a ten day period following the refusal.

18-6-1.9 Transferability.

Licenses shall not be transferable.

18-6-1.10 Renewal of License.

Prior to the expiration date, a license shall be renewed for another year; and the authority to install, maintain, construct, replace, improve, test, inspect or perform maintenance any sprinkler system or standpipe system, as defined in this Ordinance, shall continue in effect until such time within the year the Fire Marshal revokes or suspends such license. Applications for renewal of a license shall be filed in the same manner as an application for an original license. Each such application shall be accompanied by applicable fees. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance. The granting of a renewal of a license shall be accomplished in the same manner as for an original license.

18-6-1.11 The Fire Marshal may, at any time, require reasonable information of an applicant or a licensee, and may require the production of books and records which relate to the installation, maintenance, construction, replacement, improvement, testing, or inspection of any sprinkler system or standpipe system; or the qualifications for compliance with this Ordinance by the applicant or licensee.

18-6-2 Permit Required - Sprinkler and Standpipe Systems.

18-6-2.1 All new sprinkler and standpipe systems installed, constructed or replaced require a permit, issued by the Nassau County Fire Marshal prior to commencing the installation, construction or replacement of the sprinkler System and standpipe systems. All existing sprinkler and standpipe systems shall have a valid permit. All permits shall expire five (5) years from date of issuance and shall be renewed by the building owner or their designee. The renewal shall be contingent upon a fire department connection test which shall be conducted every five (5) years.

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18-6-2.2 Application and Fee.

18-6-2.2.1 All persons, firms, business entities or corporations installing, constructing or replacing sprinkler systems and or standpipe systems in the County of Nassau shall submit an application and payment of a fee for the permit. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance. The application and fee shall accompany the plans for the sprinkler system and or standpipe systems.

18-6-2-2.2 The permit shall be issued after the following:

- (i) The plans and application have been reviewed and approved by the Nassau County Fire Marshal.
- (ii) The sprinkler System and or standpipe system has been inspected and approved by the Nassau County Fire Marshal and the sprinkler system or standpipe system has passed all required tests.
- (ii) Receipt of the fee by the Fire Marshal.

18-6-2.3 All existing sprinkler and standpipe systems shall have a valid permit. All previously permitted existing sprinkler and standpipe systems shall have the permit renewed. All permits shall expire five (5) years from date of issuance and shall be renewed by the building owner or their designee. The renewal shall be contingent upon a fire department connection test which shall be conducted every five (5) years.

18-6-2.4 Application and Fee.

18-6-2.4.1 Sprinkler systems and standpipe systems in the County of Nassau shall have an application and payment of a fee submitted by the building owner or their designee for renewal of the permit. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance.

18-6-3 Certificate of Fitness – Type I - Installation

18-6-3.1 Each employee of a licensed firm who is engaged in installing, altering or modifying a sprinkler systems or standpipe system shall hold a valid Certificate of Fitness issued by the Fire Marshal.

18-6-3.2 An individual in training and having passed the written portion of the test, accompanied by and working directly with a Certificate of Fitness holder may install, alter and modify sprinkler systems and standpipe systems.

18-6-4 Certificate of Fitness – Type II - Inspection, Testing and Maintenance

18-6-4.1 Each employee of a licensed firm who is engaged in the Inspection, testing and maintenance of a sprinkler and standpipe systems shall hold a valid Certificate of Fitness issued by the Fire Marshal.

18-6-4.2 An individual in training and having passed the written portion of the test, accompanied by and working directly with a Certificate of Fitness holder may inspect, test or maintain sprinkler systems and standpipe systems.

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18-6-5. Application.

All applications for a Certificate of Fitness shall be filed with the Fire Marshal on forms provided by the Fire Marshal and accompanied by the applicable fee as prescribed in Article XXII of this Ordinance.

18-6-6 Proof of Qualifications.

Every person applying for a Certificate of Fitness shall furnish proof to the Fire Marshal that he is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations he shall be involved with and for which the Certificate of Fitness is issued, by passing a written examination.

18-6-7 Investigation and Examination

The Fire Marshal shall investigate every new application for a Certificate of Fitness. The investigation shall include a written examination pertaining to the type of certificate of fitness applied for. Tests may include questions regarding the installation, altering, modifying, testing, inspecting and maintenance of sprinkler and standpipe systems. When the Fire Marshal determines that the applicant conforms to all the requirements of this Ordinance, he shall issue the Certificate of Fitness.

18-6-8 Force and Effect

The Certificate of Fitness shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal.

18-6-9 Refusal of Certificate of Fitness

When the Fire Marshal determines that a candidate has failed an examination for a Certificate of Fitness, he shall refuse to issue the Certificate of Fitness. An applicant may not apply again for the Certificate of Fitness within a ten day period following the examination.

18-6-10 Transferability

Certificate of Fitness shall not be transferable.

18-6-11 Renewal of Certificate of Fitness

Applications for renewal of a Certificate of Fitness shall be filed in the same manner as an application for an original certificate. Each such application shall be accompanied by applicable fee as prescribed in Article XXII of this Ordinance. The granting of a renewal of a Certificate of Fitness shall be accomplished in the same manner as for an original certification of fitness, except that any person continuously engaged in any activity for which a Certificate of Fitness is required, shall not, upon renewal, be required to take a written examination.

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18-6-12 Change of Address

Each person holding a Certificate of Fitness shall notify the Fire Marshal in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of said Certificate of Fitness. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

18-6-13 Replacement of Certificate of Fitness

If a Certificate of Fitness is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement Certificate of Fitness. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

18-6-14 Contents of Certificate of Fitness

A Certificate of Fitness issued by the Fire Marshal shall be in the form of an identification card. Said card shall contain the following information to be valid:

1. The purpose and type for which the Certificate of Fitness has been issued;
2. The date the Certificate of Fitness is issued and the date of expiration;
3. Other information as may be necessary to properly identify the person to whom the Certificate of Fitness is issued;
4. The name and signature of the Fire Marshal who issued the Certificate of Fitness, or the Fire Marshal's name and countersignature of his designated representative

18-6-15 Requirement to Display Certificate of Fitness.

Any person to whom a Certificate of Fitness has been granted in conformance with this Ordinance shall upon request produce and show proper identification and his Certificate of Fitness to anyone for whom he seeks to render his services or to the Fire Marshal or his representative.

Section 7 (Amended by Ord. No. 66, effective 1/1/13.)

18-7-1 Sprinkler and Standpipe System Fire Department Connection Test

18-7-1.1 Fire Department Connection Test - A test of the fire department connection in accordance with NFPA 25-2007 for the fire sprinkler and standpipe system shall be scheduled by the building owner at least every five (5) years.

18-7-1.3 Only those contractors approved by the Fire Marshal are authorized to conduct the fire department connection test of the sprinkler and standpipe systems.

18-7-1.4 The Fire Marshal or his or her designee may observe the fire department connection test. The Licensed Type II contractor shall provide the Fire Marshal's Office with a minimum of twenty-four hours (24) notice prior to the test.

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18-7-1.5 The building owner or licensed contractor shall submit test results in writing to the Fire Marshal no later than ten (10) business days from the date of the test.

18-7-1.6 Fire Department Connection Test Fee Required

The owner or his or her designee shall pay a non-refundable fee for each Fire Department Connection test of the sprinkler or standpipe system prior to the test date. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance. In the event the test is canceled less than twenty-four (24) hours before the scheduled test date and time, by any person or persons other than the Fire Marshal or his or her designee or the test cannot be conducted for any reason other than an "Act of God" on the scheduled date and time, the owner is required to reschedule the test and pay an additional fee, pursuant to Article XXII of this Ordinance.

18-7-1.7 Fire Department Connection Test Failure

In the event that a sprinkler or standpipe system fails a fire department connection test, the test administrator shall notify the Fire Marshal via telephone, email or fax immediately and in writing no later than five (5) days after the test date. If a sprinkler or standpipe system fails a fire department connection test, the Licensed Type II contractor shall place a red tag on the system riser(s). The building owner shall have the system repaired immediately. The Fire Marshal is required to inspect the system to verify system has been repaired and tested prior to removing the red tag and placing the system back into service.

Section 8 *(Amended by Ord. No. 66, effective 1/1/13.)*

18-8-1 Inspection, Test and Maintenance Service Tag

18-8-1.1 Following a new installation or a scheduled inspection, testing and maintenance service, all portions of a service tag must be completed in detail, indicating the service was performed according to the adopted standards, and the tag must be attached to the respective riser of each system.

18-8-1.2 Immediately after the service person or technician completes the service, the service person or technician shall complete and attach a service tag; and if impairments are observed, the service person or technician shall attach the required red tag in accordance with the procedures in this subchapter.

18-8-1.3 A new service tag shall be attached each time an inspection, testing and maintenance service is performed.

18-8-1.4 Service tags may be printed for a multiple period of years

18-8-1.5 Inspection, Test and Maintenance Service tags shall be light green in color, 7 inches in height, and 3 ½ inches in width.

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18-8-1.6 Inspection, Test and Maintenance Service tags shall contain the following information in the format of the sample tag:

- 1) **“DO NOT REMOVE BY ORDER OF THE NASSAU COUNTY FIRE MARSHAL”** (all capital letters, at least 10-pt boldface type)
- 2) Licensed firm or contractors name, address, phone number and NCFM license number
- 3) Printed name of service person or contractor
- 4) Signature of service person or technician
- 5) Day, month and year (to be punched)
- 6) Name and address of owner or occupant
- 7) Building address
- 8) Type of Inspection, Testing and Maintenance: installation, monthly, quarterly, annual or five year (to be punched)
- 9) Static and flowing pressure of the main drain test taken at the time of the inspection, testing and maintenance service that was performed.

Section 9 (Amended by Ord. No. 66, effective 1/1/13.)

18-9-1 Notification of Emergency Impairment – Red Tags

18-9-1.1 If a fire sprinkler or standpipe system has an impairment which constitutes an emergency impairment, as defined in NFPA 25. The service person or technician shall complete and attach a red tag to the respective riser of each system to indicate corrective action is necessary.

18-9-1.2 Immediately after attaching a red tag, the service person or technician shall orally notify the building owner or the building owner’s representative of all the impairments. The service person or technician shall also provide written notice to the Fire Marshal, the building owner or the building owner’s representative who shall then notify the local fire department of all impairments. The written notice shall be postmarked, emailed, faxed or hand delivered within twenty four (24) hours of the attachment of the red tag.

18-9-1.3 The signature of the service person or technician certifies the Impairments listed constitute an emergency impairment.

18-9-1.4 A red tag may only be removed by an authorized employee of a licensed contractor or a representative of the Fire Marshal’s Office after the service person or technician completes and attaches a service tag that indicates the impaired conditions were corrected.

18-9-1.5 Red tags may be printed for a multiple period of years

18-9-1.6 Red tags shall be the same size as service tags

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18-9-1.7 Red tags shall contain the following information in the format of the sample tag:

- 1.) **“DO NOT REMOVE BY ORDER OF THE NASSAU COUNTY FIRE MARSHAL”** (all capital letters, at least 10-point boldface type)
- 2.) Licensed firm or contractors name, address and phone number
- 3.) Licensed firm or contractors name, NCFM license number
- 4.) Printed name of service person or contractor
- 5.) Signature of service person or technician
- 6.) Day, month and year (to be punched)
- 7.) Name and address of owner or occupant
- 8.) Building address
- 9.) List of emergency impairments

Section 10 (Amended by Ord. No. 117, effective Aug. 10, 2001)

18-10-1 Failing to Comply

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

18-10-2 Penalties.

18-10-2.1 Any person or business entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000.00) or, by imprisonment for not more than one (1) year, or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00) for each and every offense. The imposition of the penalty for any violations of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical notes:

Enacted by Ord. No. 67-1984

Amended by Ord. No. 526-1990

Amended by Ord. No. 262-1999

Amended by Ord. No. 117-2001

Amended by Ord. No. 124-2002

Amended by Ord. No. 61-2003

Amended by Ord. No. 66-2012

Effective March 12, 1984

Effective Dec. 3, 1990

Effective Dec. 20, 1999

Effective Aug. 10, 2001

Effective Oct. 31, 2002

Effective Sept. 17, 2003

Effective Feb. 1, 2013 (Approved June 18, 2012)

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ARTICLE XIX

Liquid and Solid Oxidizing Materials

Section 19-0 General Provisions.

19-0-1 Adoption of Generally Accepted Standards.

Unless more restrictive provisions are specifically provided for in any other Local Law or Ordinance within the County of Nassau, the Standards

10-1981	Portable Extinguishers
13-1980	Sprinkler Systems
13A-1980	Sprinkler System Maintenance
14-1980	Standpipe, Hose Systems
51-1977	Welding and Cutting
51B-1977	Welding Processes
70-1981	National Electrical Code
101-1981	Life Safety Code
231-1980	Indoor General Storage
231C-1980	Rack Storage of Materials,

all of the National Fire Protection Association, shall be applicable throughout the County of Nassau. These standards are hereby incorporated and shall be deemed to be a part of this Ordinance. Copies of said Standards are on file with the Clerk of the Board of Supervisors of the County of Nassau.

19-0-2 Compliance With Standards Except as Otherwise Prescribed.

Compliance with applicable provisions of the Standard N.F.P.A. Numbers

10-1981	Portable Extinguishers
13-1980	Sprinkler Systems
13A-1980	Sprinkler System Maintenance
14-1980	Standpipe, Hose Systems
51-1977	Welding and Cutting
51B-1977	Welding Processes
70-1981	National Electrical Code
101-1981	Life Safety Code
231-1980	Indoor General Storage
231C-1980	Rack Storage of Materials,

except as otherwise prescribed in this Ordinance, shall constitute compliance with this Article.

Section 19-1 General

19-1-1 Scope.

19-1-1.1 This Article shall apply to the storage of oxidizing materials that are liquid or solid.

19-1-1.1.1 Separate sections contain requirements for storage of oxidizers by class when the quantities stored are greater than stated minimum.

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19-1-1.1.2 For quantities of a class of oxidizer that are less than the minimum covered by the separate sections for that class, those parts of that section pertaining to fire prevention and compatibility and all of Section 2 of this Article shall apply.

19-1-2 Definitions.

19-1-2.1 In this Article the following words are used as defined below:

CLASS 1 OXIDIZER - An oxidizing material whose primary hazard is that it may increase the burning rate of combustible material with which it comes in contact.

CLASS 2 OXIDIZER - An oxidizing material that can cause spontaneous ignition when in contact with combustible materials.

CLASS 3 OXIDIZER - An oxidizing material that can undergo vigorous self-sustained decomposition when catalyzed or exposed to heat.

CLASS 4 OXIDIZER - An oxidizing material that can undergo an explosive reaction when catalyzed or exposed to heat, shock, or friction.

COMBUSTIBLE CONTAINERS - Includes paper bags, fiber drums, plastic containers, and wooden or fiber boxes or barrels. It also includes noncombustible containers having removable combustible liners or packing, and includes noncombustible containers in combustible overpacks.

CUTOFF - Storage in the same building or area but physically separated from incompatible materials by partitions or walls or when contained in a fixed tank.

DEFLAGRATION - Propagating thermal decomposition that proceeds in the material at less than sonic velocity and may or may not develop hazardous pressures.

DETACHED - Storage, either in the open or in a separate building, located away from all structures except those housing operations related directly to the production of the stored materials.

DETONATION - Propagating thermal decomposition that proceeds at supersonic velocity in the material accompanied by the development of a shock wave in the decomposing material.

EXPLOSIVE REACTION - Includes both deflagration and detonation.

INCOMPATIBLE MATERIALS - Those materials that when mixed with oxidizing materials can cause hazardous reactions or can catalyze decomposition of the oxidizer.

MANUFACTURING PLANTS - Those facilities where oxidizing materials are produced by chemical means and stored.

OXIDIZING MATERIAL - Any solid or liquid that readily yields oxygen or other oxidizing gas or that readily reacts to oxidize combustible materials. See Table 19-1-2A for examples of oxidizers by class.

PROCESSING PLANTS - Those facilities not on the premises of manufacturing plants where oxidizers are packaged, mixed or blended.

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RETAIL ESTABLISHMENTS - Those facilities where oxidizing materials are sold directly to the general public.

SEGREGATED - Storage in the same room but physically separated by space from incompatible materials, using sills or curbs to maintain spacing, or by using intervening storage of non-hazardous, compatible materials.

STORAGE - Materials or merchandise displayed or stored.

WAREHOUSES - Those facilities where oxidizing materials are received, stored and subsequently shipped.

Table 19-1-2A

Oxidizers

Class 1

Aluminum Nitrate	Perchlorate, not otherwise specified
Ammonium Persulfate	Perchloric Acid Solutions, less than 60% by weight
Barium Chlorate	Potassium Chlorate
Barium Nitrate	Potassium Dichromate
Barium Perchlorate	Potassium Nitrate
Barium Permanganate	Potassium Nitrite
Barium Peroxide	Potassium Perchlorate
Bromine Pentafluoride	Potassium Peroxide
Bromine Trifluoride	Potassium Persulfate
Calcium Chlorate	Silver Nitrate
Calcium Chlorite	Sodium Bromate
Calcium Nitrate	Sodium Carbonate Peroxide
Calcium Permanganate	Sodium Chlorate
Calcium Peroxide	Sodium Chlorite, 40% or less
Chlorate, not otherwise specified	Sodium Dichloro-s-triazinetriene Dihydrate
Chlorine Dioxide	Sodium Dichromate
Cupric Nitrate	Sodium Nitrate
Hydrogen Peroxide Solutions over 8% but not exceeding 27.5% Concentration by weight	Sodium Perborate
Iodine Pentafluoride	Sodium Perborate Tetrahydrate
Lead Nitrate	Sodium Perchlorate
Lead Peroxide	Sodium Perchlorate Monohydrate
Lithium Hypochlorite	Sodium Persulfate
Lithium Peroxide	Strontium Chlorate
Magnesium Nitrate	Strontium Nitrate
Magnesium Perchlorate	Strontium Peroxide
Magnesium Peroxide	Tetranitromethane
Mercurous Nitrate	Thorium Nitrate
Nickel Nitrate	Uranium Nitrate
Nitrate, not otherwise specified	Uranyl Nitrate
Nitric Acid, 70% concentration or less	Zinc Chlorate
Nitro-Carbo Nitrate	Zinc Peroxide
Nitrogen Dioxide, liquid	
Nitrogen Peroxide, liquid	
Nitrogen Tetroxide, liquid	

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Table 19-1-2A (continued)

Class 2

Chromium Trioxide (Chromic acid)
Hydrogen Peroxide, 27.5 to 52% concentration by weight
Nitric Acid, more than 70% concentration
Potassium Bromate
Potassium Permanganate
Sodium Chlorite, over 50% by weight
Sodium Peroxide
Sodium Permanganate Trichloro-s-triazinetrione
(trichloroisocyanuric acid)

Class 3

Ammonium Dichromate
Hydrogen Peroxide, 52% to not more than 91% concentration by weight
Calcium Hypochlorite
Mono-(trichloro) tetra-(monopotassium
dichloro)-penta-s-triazinetrione
Perchloric Acid Solutions, 60% to 72.5% by weight
Potassium dichloro-s-triazinetrione (potassium
dichloroisocyanurate)
Sodium dichloro-s-triazinetrione (sodium dichloroisocyanurate)
Powders and mixtures containing over 39% available chlorine

Class 4

Ammonium Perchlorate
Ammonium Permanganate
Guanidine Nitrate
Hydrogen Peroxide Solutions, more than 91% by weight
Perchloric Acid Solutions, more than 72.5% by weight
Potassium Superoxide

Section 19-2 General Rules.

19-2-1 Identification of Materials in Storage.

19-2-1.1 All storage areas shall be conspicuously identified with a diamond shaped sign as illustrated in Figure 19-2-1.1 measuring a minimum of 8" x 8" (20.32 cm.x 20.32 cm.) square on point. The sign shall be yellow; the symbol and lettering shall be black. The word "OXIDIZER" must be centered on the sign horizontal center line in letters 2-1/2 inches (63.5 mm.) high with a 15/32-inch (11.9 mm.) stroke. The base of the bar of the symbol must be 2-1/16 inches (52.4 mm.) above the sign's horizontal center line. The overall height of the symbol must be 4-5/16 inches (109.5 mm.) with the bar measuring 1/8-inch (3.2 mm.) wide and 2-3/16 inches (55.6 mm.) long. The symbol must be 2-3/8 inches (60.3 mm.) across the widest part. The word "OXIDIZER" shall be displayed horizontally, reading from left to right.

The sign shall not be obscured by markings, attachments, placement of objects or other materials. The sign(s) shall be visible from all directions of approach to the area. The sign shall be durable, to withstand normal conditions and use. When materials having different hazard identification are stored in the same area, the area shall be marked to indicate all hazards.

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19-2-1.2 Hazards.

All packages shall be individually marked with the chemical name of the oxidizer or other information adequate to permit accurate area identification as required by 19-2-1.1.

19-2-2 Storage Arrangements.

19-2-2.1 The arrangement and quantity of oxidizers in storage shall depend upon their classification, type of container, storage location (segregated, cutoff, or detached) and fire protection as specified in succeeding sections and in the manufacturer's instructions.

19-2-2.1.1 The arrangement and quantity of oxidizers in storage may deviate from the requirements of the succeeding sections when protected by specially engineered fire protection systems proven adequate by tests acceptable to the Nassau County Fire Marshal.

19-2-2.1.2 Approval of the arrangement of storage shall take into consideration potential evolution of large quantities of toxic fumes of severe hazard to surrounding areas.

19-2-2.2 Oxidizers shall be stored to avoid contact with incompatible materials such as ordinary combustibles, flammable liquids, greases, corrosives, hydrocarbons, agricultural products, other pool chemicals, household products, burning materials, soap products, paint products, solvents, acids, vinegar, garbage, beverages, oils, pine oil, dirty material, tobacco products, ceramic materials, explosives, pesticides, flammable liquids, ordinary combustibles and those materials, including other oxidizers, that could react with the oxidizer or catalyze its decomposition. Triazinetrioxones and hypochlorites are examples of oxidizers which are incompatible. NFPA 491M-1975, Manual of Hazardous Chemical Reactions, lists many oxidizers and other materials that interact.

19-2-3 Employee Instruction.

Personnel involved in operations where oxidizers are stored shall receive instruction in handling the materials in a safe manner, including the manufacturer's recommendations. Particular attention shall be given to proper disposal of spilled material and to methods to be employed in fighting fires when oxidizers are involved.

19-2-4 Heating, Electrical Installations.

19-2-4.1 Heating shall be arranged so that stored materials cannot be placed in direct contact with heating units, piping or ducts and shall be separated so that the oxidizer cannot be heated to within 25°F of its decomposition temperature or to 120°F, whichever is lower.

19-2-4.2 The oxidizers shall be kept dry by shelter or waterproof container.

19-2-4.3 Electrical installations shall be in conformance with NFPA 70-1981, National Electrical Code.

19-2-5 Smoking.

19-2-5.1 Smoking shall be prohibited in all oxidizing materials storage areas.

19-2-5.2 "No Smoking" signs shall be placed conspicuously within and at all entrances to storage areas.

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Figure 19-2-1.1

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19-2-6 Maintenance, Repairs.

19-2-6.1 The performance of maintenance work in the storage area shall be subject to prior review and approval by supervisory personnel.

19-2-6.2 Cutting and welding procedures shall be in conformance with NFPA, 51B-1977, Standard for Fire Prevention in Use of Cutting and Welding Processes, and Article IX of the NCFPO.

19-2-7 Fire Protection for Oxidizer Storage.

19-2-7.1 Fire hydrants and water supplies shall be provided as required by the Nassau County Fire Marshal. Hydrants shall be installed in accordance with the Standard for Outside Protection, NFPA 24-1981.

19-2-7.2 The need for automatic sprinkler protection shall be determined by the nature of the materials, the manner of storage, and the construction of the buildings under consideration. When automatic sprinkler systems are required, the systems shall be installed in conformance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1980, and approved by the Nassau County Fire Marshal.

19-2-7.3 Water supplies shall be adequate for the protection of the oxidizer storage by hose streams and automatic sprinklers. The water system shall be capable of providing not less than 750 gpm where protection is by means of hose streams, or 500 gpm for hose streams in excess of the automatic sprinkler water demand. Duration of the water supply shall be in accordance with NFPA 231-1980, Standard for Indoor General Storage or NFPA 231C-1980, Standard for Rack Storage of Materials.

19-2-7.4 Manual fire fighting equipment such as small hose or portable extinguishers suitable for Class A fires shall be provided throughout the building and in the loading and unloading areas. In addition, extinguishers suitable for Class B and Class C fires shall be provided as required. (NFPA 10-1981, Standard for Portable Fire Extinguishers, and NFPA 14-1980, Standard for the Installation of Standpipe and Hose Systems.)

19-2-8 Housekeeping, Waste Disposal.

19-2-8.1 Accumulation of combustible waste shall be prohibited.

19-2-8.2 Spilled material and leaking or broken containers shall be immediately removed to a safe area to await disposal in conformance with applicable regulations and manufacturer's instructions.

19-2-8.3 Spilled material shall not be added to any container and shall be neutralized in accordance with manufacturer's procedures.

19-2-8.4 Used empty combustible containers shall be stored in a detached or sprinklered area.

19-2-8.5 Containers shall not be reused for any purpose.

19-2-9 Construction.

19-2-9.1 Combustible construction materials that may be in contact with oxidizers shall be protected with a compatible coating to prevent impregnation of the combustible materials by the oxidizers.

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Section 19-3 Class 1 Oxidizers.

19-3-1 Application.

This section shall apply to Class 1 oxidizers when stored in quantities in excess of 4,000 pounds. Section 19-2, General Rules, also applies to storage of Class 1 oxidizers.

19-3-2 Storage Arrangements.

19-3-2.1 The storage of Class 1 oxidizers shall be segregated, cut off, or detached.

19-3-2.2 Storage in noncombustible containers or in bulk in noncombustible buildings is not limited as to quantity or size of piles.

19-3-2.3 Storage in noncombustible containers in combustible buildings is not limited as to quantity or arrangement except that the distance to combustible walls shall be at least 4 feet.

19-3-2.4 Storage in bulk in combustible buildings is not limited as to quantity or arrangement except that oxidizers shall not come in contact with combustible building members unless the members are protected by a compatible coating to prevent their impregnation by the oxidizer.

19-3-2.5 Storage in combustible containers shall not exceed the limits outlined in Table 19-3-2A.

Table 19-3-2A. Storage of Class 1 Oxidizers in Combustible Containers

<u>Piles</u>	<u>Non-Sprinklered Building</u>	<u>Sprinklered Building *</u>
Length (feet)	50	No Limit
Width (feet)	50	50
Height (feet)	15	20
Distance to next pile (ft)	6	3
Distance to walls (ft)	4	4
Quantity limit per building (tons)	No Limit	No Limit

* If the storage is to be considered sprinklered, the sprinkler system shall be designed in accordance with Section 19-3.3.

19-3-2.6 Bulk storage, either in permanent bins or piles, shall be separated from all other materials. Bins shall be of noncombustible construction except that wooden bins protected with a compatible coating to prevent impregnation of the combustible material by the oxidizer are permissible. Storage shall be arranged so as to prevent excessive dusting of adjacent areas.

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19-3-3 Sprinkler Protection.

Sprinkler protection for Class 1 oxidizers in combustible containers shall be in accordance with NFPA 231-1980, Standard for Indoor General Storage or NFPA 231C-1980, Standard for Rack Storage of Materials, whichever is applicable. For the purpose of applying the requirements in NFPA 231 or 231C, Class 1 oxidizers in combustible containers shall be designated Class 1 or Class 2 commodities, depending on the packaging and approved by Nassau County Fire Marshal.

Section 19-4 Class 2 Oxidizers.

19-4-1 Application.

This section shall apply to Class 2 oxidizers when stored in quantities in excess of 1,000 pounds. Section 19-2, General Rules, also applies to storage of Class 2 oxidizers.

19-4-2 Storage Arrangements.

19-4-2.1 The storage of Class 2 oxidizers shall be segregated, cut off, or detached.

19-4-2.2 Cutoffs shall have a fire resistance rating of at least one hour.

19-4-2.3 Storage in noncombustible containers in non-combustible buildings is not limited as to quantity.

19-4-2.4 Storage in noncombustible containers in combustible buildings is not limited as to quantity or arrangement except that it shall be at least 4 feet from walls in sprinklered and in non-sprinklered buildings.

19-4-2.5 Except in retail establishments, storage in combustible containers shall not exceed the limits outlined in Table 19-4.2A.

19-4-2.6 In retail establishments, storage in combustible containers shall not exceed the limits outlined in Table 19-4.2A except that the quantity limit per building and per pile shall be reduced by 50 percent.

19-4-2.7 Storage in glass carboys shall not be more than two carboys high.

19-4-2.8 Storage in basements is prohibited, except when the oxidizing agent is in fixed tanks. Storage above the ground floor is prohibited in quantities greater than 1,000 lbs.

19-4-2.9 Bulk storage in bins or piles is not permitted.

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Table 19-4-2A Storage of Class 2 Oxidizers in Combustible Containers

	Segregated Storage		Cutoff Storage		Detached Storage		
	Non Sprinklered	Sprinklered (1)	Non Sprinklered	Sprinklered (1)	Non Sprinklered Storage A (2)	Non Sprinklered Storage B	Sprinklered (1)
Building Limit (tons)	100	200	500	2000	No Limit	500	No Limit
Pile Limit (tons)	5	20	25	100	100	500	200
Height Limit (feet)	8	10	8	12	8	No Limit	12
Aisle Width	*	*	*	*	*	*	*
Distance to Incompatible Storage (feet)	10	10	N/A	N/A	N/A	N/A	N/A
Distance to Wall (feet)	4	4	4	4	4	4	4

1 If the storage is to be considered sprinklered, the sprinkler system shall be designed in accordance with Section 19-4-5. (See also 19-2-2.1.1)

2 Detached storage A is designed to limit a fire to a single block of material with reasonable manual fire fighting. Detached storage B limits the total quantity in a single building since the possibility of successfully limiting damage with manual fire fighting is questionable.

* To equal pile height

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19-4-3 Building Construction.

19-4-3.1 Construction materials that may be in contact with oxidizers, all cutoff partitions and all construction in stories or basements below storage of liquid oxidizers, shall be noncombustible.

19-4-3.2 Storage areas for oxidizing materials in combustible containers shall be provided with means to vent fumes in a fire emergency. Ventilation shall automatically activate at 135°F. A manual activation control shall be provided on the inside and outside of the structure. One (1) square foot of ventilation shall be provided for every fifty (50) square feet of total floor area.

19-4-3.3 In particular circumstances, the provisions of Section 19-4-3.2 of this Article may be altered at the discretion of the Nassau County Fire Marshal to one (1) square foot of ventilation for every one hundred (100) square feet of total first floor area, after consideration of special features such as topographical conditions, barricades, walls, adequacy of building exits, nature of occupancies, proximity to buildings or adjoining property, and character of construction of such buildings, capacity and construction of storage areas, quantity and characteristics of oxidizers stored, nature of process, degree of private fire protection, degree of automatic fire protection, adequacy of facilities and ability for fire control and extinguishment.

19-4-4 Tanks and Containers.

Tanks and containers for storage of Class 2 liquid oxidizers shall be designed and installed in accordance with recognized good practice and materials of construction shall be suitable for the material contained.

19-4-5 Sprinkler Protection.

Sprinkler protection for Class 2 oxidizers in combustible containers shall be in accordance with NFPA 231-1980, Standard for Indoor General Storage or NFPA 231C-1980, Standard for Rack Storage of Materials, whichever is applicable, and approved by Nassau County Fire Marshal. They shall be able to provide a water density of 0.2 gpm per square foot over an area not exceeding 3,750 square feet.

19-4-6 Detached Storage.

19-4-6.1 To be considered detached, a sprinklered building for storage of Class 2 oxidizers shall be a minimum of 35 feet from other buildings and from a line of property which may be built upon.

19-4-6.2 To be considered detached, a non-sprinklered building for storage of Class 2 oxidizers shall be located no less than 50 feet from other buildings or a line of property which may be built upon.

19-4-6.3 In particular circumstances, the provisions of Section 19-4-6 of this Article may be altered at the discretion of the Nassau County Fire Marshal after consideration of special features such as topographical conditions, barricades, walls, adequacy of building exits, nature of occupancies, proximity to buildings or adjoining property and character of construction of such buildings, capacity and construction of storage areas, quantity and characteristics of oxidizers stored, nature of process, degree of private fire protection, degree of automatic fire protection, adequacy of facilities and ability for fire control and extinguishment.

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Section 19-5 Class 3 Oxidizers.

19-5-1 Application.

This section shall apply to Class 3 oxidizers when stored in quantities in excess of 200 pounds. Section 2, General Rules, also applies to storage of Class 3 oxidizers.

19-5-2 Storage Arrangements.

19-5-2.1 The storage of Class 3 oxidizers shall be segregated, cut off, or detached.

19-5-2.1.1 Storage arrangement of Class 3 oxidizers in combustible containers shall not exceed the limits outlined in Table 19-5-2A.

19-5-2.1.2 Storage arrangement of Class 3 oxidizers in noncombustible containers shall not exceed the limits outlined in Table 19-5-2A, except that quantity limits per building and per pile may be doubled.

19-5-2.2 All storage shall be stored on the ground floor only.

19-5-2.3 Cutoffs shall have a fire resistance rating of at least two hours.

19-5-2.4 Storage in glass carboys shall be one carboy high.

19-5-2.5 Bulk storage in open bins or piles is not permitted.

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Table 19-5-2A Storage of Class 3 Oxidizers in Combustible Containers

	Segregated Storage				Cutoff Storage				Detached Storage		
	Mfg. Plant Warehouse		Proc. Plant Warehouse		Mfg. Plant/Proc. Plant Warehouse		Retail Establishment		Mfg. Plant, Proc. Plant, Retail Establishment, Warehouse		
	Non Sprinklered	Sprinklered (1)	Non Sprinklered	Sprinklered (1)	Non Sprinklered	Sprinklered (1)	Non Sprinklered	Sprinklered	Non Sprinklered Storage A (2)	Non Sprinklered Storage B (2)	Sprinklered
Building Limit (tons)	60	100	25	50	300	1200	150	600	No Limit	300	No Limit
Pile Limit (tons)	5	20	1.2	5	15	60	7.5	30	75	300	150
Height Limit (feet)	6	8	6	8	6	10	6	10	6	No Limit	10
Aisle Width	*	*	*	*	*	*	*	*	*	*	*
Distance to Incompatible Storage (feet)	10	10	10	10	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Distance to Wall (feet)	4	4	4	4	4	4	4	4	4	4	4 see note 3

1 If the storage is to be considered sprinklered, the sprinkler system shall be designed in accordance with Section 19-5-5.1.
(See also 19-2-2.1.1)

2 Detached storage A is designed to limit a fire to a single block of material with reasonable manual fire fighting. Detached storage B limits the quantity in a single building since the possibility of limiting damage with manual fire fighting is questionable.

3 Required for combustible buildings only.

* To equal pile height

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19-5-3 Building Construction.

19-5-3.1 Any buildings in which Class 3 oxidizers are stored or displayed shall be without basements. Construction materials that may be in contact with oxidizers, shall be non-combustible.

19-5-3.2 Storage areas for oxidizing materials in combustible containers shall be provided with means to vent fumes in a fire emergency. Ventilation shall automatically activate at 135°F. A manual activation control shall be provided on the inside and outside of the structure. One (1) square foot of ventilation shall be provided for every fifty (50) square feet of total floor area.

19-5-3.3 In particular circumstances, the provisions of Section 19-5-3.2 of this article may be altered at the discretion of the Nassau County Fire Marshal to one (1) square foot of ventilation for every one hundred (100) square feet of total first floor area, after consideration of special features such as topographical conditions, barricades, walls, adequacy of building exits, nature of occupancies, proximity to buildings or adjoining property and character of construction of such buildings, capacity and construction of storage areas, quantity and characteristics of oxidizers stored, nature of process, degree of private fire protection, degree of automatic fire protection, adequacy of facilities and ability for fire control and extinguishment.

19-5-4 Tanks and Containers.

19-5-4.1 Tanks and containers for storage of Class 3 liquid oxidizers shall be designed and installed in accordance with recognized good practice and materials of construction shall be suitable for the material contained.

19-5-4.2 Bulk tanks for Class 3 liquid oxidizers shall be located outside, or in a building specially designed for the purpose.

19-5-5 Sprinkler Protection.

19-5-5.1 Sprinkler protection for Class 3 oxidizers in combustible containers shall be installed in accordance with NFPA 231-1980, Standard for Indoor General Storage or NFPA 231C-1980, Standard for Rack Storage of Materials, whichever is applicable and approved by Nassau County Fire Marshal. They shall be able to provide a water density of 0.2 gpm per square foot over an area not exceeding 5,000 square feet.

19-5-5.2 Sprinkler protection for Class 3 oxidizers in noncombustible containers shall be provided in accordance with 19-5-5.1. Exception: Area of coverage shall not exceed 3,750 square feet.

19-5-6 Detached Storage.

19-5-6.1 To be considered detached a sprinklered building for storage of Class 3 oxidizers shall be a minimum of 50 feet from other buildings and from a line of property which may be built upon.

19-5-6.2 To be considered detached a non-sprinklered building for storage of Class 3 oxidizers shall be located no less than 75 feet from other buildings or a line of property which may be built upon.

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19-5-6.3 In particular circumstances, the provisions of Section 19-5-6 of this Article may be altered at the discretion of the Nassau County Fire Marshal after consideration of special features such as topographical conditions, barricades, walls, adequacy of building exits, nature of occupancies, proximity to buildings or adjoining property and character of construction of such buildings, capacity and construction of storage areas, quantity and characteristics of oxidizers stored, nature of process, degree of private fire protection, degree of automatic fire protection, adequacy of facilities and ability for fire control and extinguishment.

Section 19-6 Class 4 Oxidizers.

19-6-1 Application.

This section shall apply to Class 4 oxidizers when stored in quantities in excess of 10 pounds or in excess of 50 pounds when stored in magazines in accordance with NFPA 495-1973, Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials. Section 2, General Rules, also applies to storage of Class 4 oxidizers.

19-6-2 Storage Arrangements.

19-6-2.1 The storage of Class 4 oxidizers shall be detached.

19-6-2.2 Storage in glass carboys shall be one carboy high. Storage in drums or in containers or in cases shall not exceed the limits outlined in Table 19-6-2A.

Table 19-6-2A. Storage of Class 4 Oxidizers in Drums, Containers, Cases

<u>Piles</u>	<u>Non-sprinklered Buildings</u>	<u>Sprinklered Buildings</u>
Length (feet)	10	10
Width (feet)	4	4
Height (feet)	4	8
Distance to next pile (feet)	6	8
Quantity Limit per building (tons)	1	No Limit

19-6-2.3 Bulk storage in bins or piles is not permitted.

19-6-3 Building Construction and Location.

19-6-3.1 Buildings shall be one story without basement. Construction materials that may be in contact with oxidizers shall be noncombustible.

19-6-3.2 Storage areas shall be provided with means to vent fumes in an emergency. Storage areas for oxidizing materials in combustible containers shall be provided with means to vent fumes in a fire emergency. Ventilation shall automatically activate at 135°F. A manual activation control shall be provided on the inside and outside of the structure. One (1) square foot of ventilation shall be provided for every fifty (50) square feet of total floor area. Depending on amount of oxidizers stored, type of storage and area stored, the above requirements may be based on one (1) square foot of ventilation for every one hundred (100) square feet of total first floor area.

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19-6-3.3 A storage building or storage tank shall be located not less than the minimum distance in Table 19-6-3A from flammable liquid storage, combustible material in the open, and from any building, tank, passenger railroad, or highway.

Table 19-6-3A. Separation of Buildings, Tanks Containing Class 4 Oxidizers

<u>Weight of Class 4 Oxidizer (pounds)</u>	<u>Distance (feet)</u>
over 10 to 100	75
101 to 500	100
501 to 1,000	125
1,001 to 3,000	200
3,001 to 5,000	300
5,001 to 10,000	400

* Larger quantity storage distances should be determined on an individual basis by the Nassau County Fire Marshal.

When two tanks are not separated from each other by the "Distances to Next Pile" in Table 19-6-2A, the total contents of both tanks shall be considered when applying Table 19-6-3A.

19-6-4 Tanks and Containers.

19-6-4.1 Tanks and containers for storage of Class 4 liquid oxidizers shall be designed and installed in accordance with recognized good practice and materials of construction shall be suitable for the material contained.

19-6-4.2 Storage tanks shall be equipped with containment or diversion dikes and vents. Vent sizes shall be designed after consultation with the manufacturer to avoid tank over pressure.

19-6-5 Sprinkler Protection.

Sprinkler protection for Class 4 oxidizers shall be installed on a deluge sprinkler system to provide water density of 0.35 gallons per minute per square foot over the entire storage area and shall be approved by Nassau County Fire Marshal.

Section 19-7 Permits and Certificate of Fitness Required. (Amended by Ord. No. 299, effective 9/14/92.)

19-7-1 Permits of Locations Selling or Storing Oxidizers.

19-7-1.1 All locations where oxidizers are sold or stored, at or above regulated quantities listed below, shall be required to have a permit issued by the Fire Marshal:

1. Class 1 Oxidizer 4,000 lbs.
2. Class 2 Oxidizer 1,000 lbs.
3. Class 3 Oxidizer 200 lbs.
4. Class 4 Oxidizer 10 lbs.

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19-7-1.2 Application of Permit.

19-7-1.2.1 All firms, business entities, or corporations selling or storing oxidizers as described in 19-7-1 shall obtain a permit from the Fire Marshal. Application fee and proper application shall be made on a form provided by the Fire Marshal. Submission of such information on such form as required by the Fire Marshal shall be submitted together with a fee as prescribed in Article XXII of this Ordinance.

19-7-1.3 Review and Issuance.

19-7-1.3.1 The Fire Marshal shall review all applications submitted, to determine compliance with applicable provisions of this Ordinance and other applicable rules and regulations and issue permits as required. If an application for a permit is rejected by the Fire Marshal, he shall advise the applicant of the reason for such rejection.

19-7-1.4 Display of Permits.

19-7-1.4.1 The permit shall be prominently displayed at each location as determined by the Fire Marshal.

19-7-1.5 Force and Effect.

19-7-1.5.1 The permit shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal. A permit shall not be displayed on any vehicle for a period of more than thirty (30) days after it has expired or been revoked.

19-7-1.6 Expiration.

19-7-1.6.1 The permit issued herein shall expire one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal.

19-7-1.7 Revocation and Suspension.

19-7-1.7.1 The permit is subject to revocation or suspension by the Fire Marshal at any time when the permit holder displays evidence of non-compliance with the provisions of this Ordinance.

19-7-1.8 Transferability.

19-7-1.8.1 Permit shall not be transferable to another holder or location.

19-7-1.9 Renewal of Permit.

19-7-1.9.1 Prior to the expiration date of a permit as required by this Ordinance shall be renewed for another year and shall continue in effect unless the Fire Marshal revokes or suspends such permit. Application for renewal of a permit shall be filed in the same manner as an application for an original permit. Each application shall be accompanied by applicable fees as set forth in Article XXII of this Ordinance. The granting of a renewal of a permit shall be accomplished in the same manner as for an original permit.

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19-7-1.10 Change of Required Information.

19-7-1.10.1 Each firm, business entity, or corporation holding a permit shall notify the Fire Marshal in writing of any change in name, in business, residential or other notification address, or any other required information within ten (10) days after such change. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

19-7-1.11 Replacement of Permit.

19-7-1.11.1 If a permit is lost, mutilated or otherwise rendered unusable, the permittee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement permit. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

19-7-2 Transportation of Oxidizers.

19-7-2.1 Vehicle Permits Required.

19-7-2.1.1 No person, firm or corporation shall use or cause to be used, any motor vehicle, tank truck, tank semi-trailer, or tank truck trailer for the transportation of Oxidizers as described in 19-7-1, unless after complying with these regulations, a permit to operate any such vehicle has first been secured from the Fire Marshal. This section shall not apply to any motor vehicle, tank truck, tank semi-trailer or tank truck trailer traveling through Nassau County and making no deliveries of Oxidizers within Nassau County.

19-7-2.2 Vehicle Requirements.

19-7-2.2.1 Any vehicle having a valid permit under this article shall comply at all times with the following but not limited to:

1. A valid state registration.
2. A valid state inspection, where required by the state of registration.
3. Fire extinguisher, minimum 10 BC dry chemical, mounted with an approved bracket and properly maintained.
4. A minimum of three (3) emergency reflectors.
5. A minimum of two (2) wheel chocks.
6. A chain or load binder capable of safely securing the cylinders in the upright position to prevent movement relative to each other or to the supporting structure when in transit, particularly during sudden starts and stops and changes of direction of the vehicle.
7. A minimum of four D.O.T. approved placards to be used only when transporting product in accordance with this Article. The vehicle shall be placarded in accordance with Title 49, Code of Federal Regulations.
8. The exhaust system shall be tight and clear of the cargo area.

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19-7-2.2.2 Smoking Prohibited.

19-7-2.2.2.1 Smoking shall be prohibited within 15 feet of any vehicle transporting a cargo containing liquid and/or solid oxidizing materials.

19-7-2.3 Application for Permits.

19-7-2.3.1 Application for a permit shall be made to the Fire Marshal on forms provided, 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 fees as prescribed in Article XXII of this Ordinance.

19-7-2.4 Review and Issuance.

19-7-2.4.1 The Fire Marshal shall review all applications submitted, to determine compliance with applicable provisions of this Ordinance and other applicable rules and regulations and issue permits as required. If an application for a permit is rejected by the Fire Marshal, he shall advise the applicant of the reason for such rejection.

19-7-2.5 Display of Permits.

19-7-2.5.1 The vehicle permit shall be affixed to the exterior of the vehicle as determined by the Fire Marshal and the copy shall be carried inside the vehicle.

19-7-2.6 Force and Effect.

19-7-2.6.1 The permit shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal. A permit shall not be displayed on any vehicle for a period of more than thirty (30) days after it has expired or been revoked.

19-7-2.7 Revocation and Suspension.

19-7-2.7.1 The permit is subject to revocation or suspension by the Fire Marshal at any time when the vehicle or the permit holder displays evidence of non-compliance with the provisions of this Ordinance. The Fire Marshal shall have the authority to seal, lock or confiscate any equipment to ensure that liquid and/or solid oxidizing materials are not dispensed and/or transported without a valid permit.

19-7-2.8 Transferability.

19-7-2.8.1 Permits shall not be transferable to another holder or vehicle.

19-7-2.9 Renewal of Permits.

19-7-2.9.1 Prior to the expiration date a permit as required by this Ordinance shall be renewed for another year and shall continue in effect unless the Fire Marshal revokes or suspends such permit. Applications for renewal of a permit shall be filed in the same manner as an application for an original permit. Each such application shall be accompanied by applicable fees as prescribed in Article XXII of this Ordinance. The granting of a renewal of a permit shall be accomplished in the same manner as for an original permit.

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19-7-2.10 Change of Required Information.

19-7-2.10.1 Each person, firm, business entity or corporation holding a permit shall notify the Fire Marshal in writing of any change in name, in business, residential or other notification address, or any other required information within ten (10) days after such change. Failure on the part of a person, firm, business entity, or corporation to give such notification shall constitute grounds for revocation of said permit. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

19-7-2.11 Replacement of Permit.

19-7-2.11.1 If a permit is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement permit. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

19-7-3 Certificate of Fitness.

19-7-3.1 Certificate of Fitness Required.

19-7-3.1.1 A minimum of one (1) person holding a valid certificate of fitness issued by the Fire Marshal, shall be on the premises while the building is occupied. Such certificate is subject to revocation by the Fire Marshal at any time where the certificate holder displays evidence of non-compliance with the provisions of this Ordinance.

19-7-3.2 Application.

19-7-3.2.1 All applications for a Certificate of Fitness shall be filed with the Fire Marshal on forms provided by the Fire Marshal and accompanied by the applicable fee as prescribed in Article XXII of this Ordinance.

19-7-3.3 Proof of Qualifications.

19-7-3.3.1 Every person applying for a Certificate of Fitness shall furnish proof to the Fire Marshal that he is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations involved with and for which the Certificate of Fitness is issued, by passing a written examination. He shall further prove that he is physically competent to perform any and all actions necessary or incidental to the operation for which the Certificate of Fitness is issued, by passing a practical examination.

19-7-3.4 Investigation and Examination.

19-7-3.4.1 The Fire Marshal shall investigate every new application for a Certificate of Fitness. The investigation shall include a written examination regarding the use, makeup and handling of flammable and/or combustible liquids and such examination shall include a practical test. When the Fire Marshal determines that the applicant conforms to all the requirements of this Ordinance, he shall issue the Certificate of Fitness.

19-7-3.5 Force and Effect.

19-7-3.5.1 The Certificate of Fitness shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal.

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19-7-3.6 Refusal of Certificate of Fitness.

19-7-3.6.1 When the Fire Marshal determines that a candidate has failed an examination for a Certificate of Fitness, he shall refuse to issue the Certificate of Fitness. An applicant may not apply again for the Certificate of Fitness within a ten day period following the examination.

19-7-3.7 Transferability.

19-7-3.7.1 Certificate of Fitness shall not be transferable.

19-7-3.8 Renewal of Certificate of Fitness.

19-7-3.8.1 Applications for renewal of a Certificate of Fitness shall be filed in the same manner as an application for an original certificate. Each such application shall be accompanied by applicable fee as prescribed in Article XXII of this Ordinance. The granting of a renewal of a Certificate of Fitness shall be accomplished in the same manner as for an original certificate of fitness, except that any person continuously engaged in any activity for which a certificate of fitness is required, shall not, upon renewal, be required to take a written examination. However, a written and practical examination shall be required for re-certification at intervals not to exceed five years from the last certification date.

19-7-3.9 Change of Address.

19-7-3.9.1 Each person holding a Certificate of Fitness shall notify the Fire Marshal in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of said Certificate of Fitness. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

19-7-3.10 Replacement of Certificate of Fitness.

19-7-3.10.1 If a Certificate of Fitness is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement certificate of fitness. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

19-7-3.11 Contents of Certificate of Fitness.

19-7-3.11.1 A Certificate of Fitness issued by the Fire Marshal shall be in the form of an identification card. Said card shall contain the following information to be valid:

1. The purpose for which the Certificate of Fitness has been issued.
2. The date the Certificate of Fitness is issued and the date of expiration.
3. Other information as may be necessary to properly identify the person to whom the Certificate of Fitness is issued.
4. The signature of the person to whom the Certificate of Fitness is issued.
5. The name and signature of the Fire Marshal who issued the Certificate of Fitness or the Fire Marshal's name and countersignature of his designated representative.
6. Printed thereon in bold type the following:

"THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

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19-7-3.12 Requirement to Display Certificate of Fitness.

19-7-3.12.1 Any person to whom a Certificate of Fitness has been granted in conformance with this Ordinance shall upon request produce and show proper identification and his Certificate of Fitness to anyone for whom he seeks to render his services or to the Fire Marshal or his representative.

19-7-3.13 Employees in Training.

19-7-3.13.1 Upon successful completion of the Certificate of Fitness written examination an individual shall gain practical experience as required by this Ordinance, by working with an individual who holds a valid Certificate of Fitness as described under this Article. After a training period not to exceed thirty (30) days the practical section of the Certificate of Fitness shall be taken. In the event that a Certificate of Fitness is not obtained within the thirty (30) day period the applicant shall be required to file for a new certificate of fitness as described in this Article.

Section 19-8 Failing to Comply

(Amended by Ord. No. 117, effective 8/10/01)

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 19-9 Penalties.

(Amended by Ord. No. 299, effective 9/14/92.)

19-9-1 Any person or business entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) or, by imprisonment for not more than one (1) year or both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

19-9-2 The Fire Marshal has the power under this Ordinance to seek and obtain preliminary and permanent injunctions against any oxidizer storage or handling condition which is prohibited by this Ordinance.

Historical notes:

Enacted by Ord. No. 138 Effective May 3, 1982
Amended by Ord. No. 299 Effective Sept. 14, 1992
Amended by Ord. No. 117 Effective Aug. 10, 2001

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ARTICLE XXI

Section 21.0

(A) Scope.

These requirements are applicable to any restaurant, delicatessen, banquet hall, cafeteria, coffee shop, diner or other public place where food is served or prepared. They also include any place used for civic, political, institutional, religious, social, recreational, educational, or similar purpose. Cooking equipment and required cooking exhaust systems shall meet these requirements unless otherwise modified by Order of the Fire Marshal, when it shall have been conclusively proven to the Fire Marshal that such modifications meet the performance requirements of this Ordinance. Such modifications shall constitute compliance with this Ordinance.

(B) Adoption of Generally Accepted Standards.

Unless more restrictive provisions are specifically provided for in any other Local Law or Ordinance within the County of Nassau, the Standards:

10-1981	Portable Extinguishers
12-1980	Carbon Dioxide Extinguishing Systems
13-1983	Sprinkler Systems
13A-1981	Sprinkler System Maintenance
16-1980	Installation of Deluge Foam Water Sprinkler Systems and Foam Water Spray Systems
17-1980	Dry Chemical Extinguishing Systems
54-1980	National Fuel Gas Code
70-1983	National Electrical Code
80-1983	Fire Doors and Windows
96-1980	Installation of Equipment for the Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment
101-1981	Life Safety Code
703-1979	Fire Retardant Treatment of Building Materials

All of the National Fire Protection Association Standards shall be applicable throughout the County of Nassau. These standards are hereby incorporated and shall be deemed to be a part of Article XXI. Copies of said Standards are on file with the Clerk of the Board of Supervisors of the County of Nassau.

(C) Compliance with Standards Except as Otherwise Prescribed.

Compliance with applicable provisions of the Standard National Fire Protection Association Numbers:

10-1981	Portable Extinguishers
12-1980	Carbon Dioxide Extinguishing Systems
13-1983	Sprinkler Systems
13A-1981	Sprinkler System Maintenance
16-1980	Installation of Deluge Foam Water Sprinkler Systems and Foam Water Spray Systems
17-1980	Dry Chemical Extinguishing Systems
54-1980	National Fuel Gas Code
70-1983	National Electrical Code
80-1983	Fire Doors and Windows

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96-1980	Installation of Equipment for the Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment
101-1981	Life Safety Code
703-1979	Fire Retardant Treatment of Building Materials

except as otherwise prescribed in this Ordinance, shall constitute compliance with this Article.

(D) Deviations.

Existing occupancies which have cooking areas, kitchens, hoods, ducts, appliances or Automatic Extinguishing Systems, which are not in strict compliance with the terms of this Article, may be continued in use with the approval of the Fire Marshal, provided they do not constitute a recognized hazard to life or adjoining property.

(E) Definitions.

APPROVED - means acceptable to the Nassau County Fire Marshal in conformity with standards in this Article.

AUTOMATIC EXTINGUISHING SYSTEM - a system that discharges a fire extinguishing agent when operated by its own mechanism when activated by some impersonal influence; as for example, a change in current, strength, pressure, temperature, or mechanical configuration.

DRAFT CURTAIN - a curtain or baffle, extending downward from a roof or ceiling, to stop drafts and bank up heat from a fire.

OPENING PROTECTIVE - assembly of materials and accessories, including frames and hardware, installed in a wall, partition, floor, ceiling or roof opening to prevent, resist or retard the passage of fire, flame, excessive heat or hot gases.

Automatic - constructed and arranged to operate other than manually; if open, will close when subjected to a predetermined temperature or rate of temperature rise, or combustion products or other approved fire control signal.

Self-Closing - arranged and equipped with devices which will insure closing after having been opened.

SPECIAL SPRINKLER INSTALLATION SUPPLIED FROM THE DOMESTIC WATER SYSTEM.

A. Sprinkler heads installed in conformity with this section do not constitute a sprinkler system.

B. Special sprinkler installations may be supplied from the domestic water service within the building, or from a branch, provided the size of the domestic water supply piping up to the point at which sprinkler connections are made is at least equal to the size required by generally accepted standards for the number of sprinkler heads to be served.

C. Where the sprinkler connection to the domestic water supply piping is made within the building at a point other than the water service connection, the sprinkler connection shall be made to a main or branch from the main with no intervening means of shutoff from the main or main riser.

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D. Special sprinkler installation containing more than ten heads shall be equipped with an automatic local alarm.

AUTOMATIC - operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current, strength, pressure, temperature, or mechanical configuration.

CANOPY HOOD - a covering fixed above and overhanging on all its unclosed sides, a cooking appliance or appliances, whose lower edge is generally at or slightly above head level, and in some cases having a roof-like appearance, the purpose of which is to contain and channel, for other purposes, the various fumes and vapors resulting from the cooking activities.

CLEARLY IDENTIFIED - capable of being recognized by a person of normal vision without causing uncertainty and indecisiveness as to the location or operating process of the item in question.

COMBUSTIBLE MATERIAL - material made of or surfaced with wood, compressed paper, plant fibers, plastics, or other material that will ignite and burn, whether flameproofed or not, or whether plastered or unplastered.

CONCEALED SPACES - that portion(s) of a building behind walls, over suspended ceilings, in pipe chases, attics, and elsewhere whose size may normally range from 1-3/4 inch (44.45 mm) stud-spaces to 8 feet (2.44m) interstitial truss spaces, and possibly containing combustible materials such as building structural members, thermal and/ or electrical insulation and ducting. Such spaces have sometimes been used as HVAC plenum chambers.

CONTINUOUS ENCLOSURE - a recognized architectural or mechanical component of the building having a fire resistance rating as required for the structure and whose purpose is to enclose the vapor removal duct and convey that duct to its termination point outside the structure without having any portion possessing a fire resistance rating less than the required value.

CONTINUOUS EXTERNAL WELD - a metal joining method without interruption as related to visibility and quality, located on the outside of the surfaces that directly contain and/or convey the grease laden vapors of the cooking process(es). For the purpose of the definition, it specifically does not include filter support frames or appendages inside hoods. Welding is a fabrication technique for joining metals by heating the materials to the point that they melt and flow together forming an uninterrupted surface of no less strength than the original materials.

DAMPERS - a valve or plate within a duct or its terminal components for controlling draft or the flow of gases including air.

DETECTION DEVICES - electrical, pneumatic, thermal, mechanical, or optical sensing instruments or a subcomponent of such an instrument whose purpose is to cause an automatic action to be taken, upon the occurrence of some pre-selected event. In the context of this document, the event in question could be excessive temperature or flame, and the action could be the operation of a fire extinguishing system.

DISCHARGE - is final portion of a duct or pipe where the product being conveyed is emptied or released from confinement; the termination point of the pipe or duct.

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DOMESTIC TYPE COOKING EQUIPMENT - stove containing no deep frying facilities and consisting of four burners.

DUCTS (OR DUCT SYSTEM) - a continuous passageway for the transmission of air and vapors which, in addition to the containment components themselves, may include duct fittings, dampers, plenums, and/or other items or air handling equipment.

EASILY ACCESSIBLE - within comfortable reach with limited dependence on mechanical devices, extensions or assistance.

FIRE PARTITION - an interior wall or partition of a building that separates two areas and serves to restrict the spread of fire, yet does not qualify as a fire wall.

FIRE RESISTANCE RATING - a relative term, usually with a numerical rating or modifying adjective to indicate the extent to which a material or structure resists the effects of fire, e.g. "fire resistance of 2 hours as measured on the Standard Time-Temperature Curve."

FIRE WALL - a wall having a fire resistance rating of not less than 4 hours which separates buildings, restricts the spread of fire, is constructed of noncombustible or limited combustible materials and extends continuously, from the foundation through all stories, to or above the roof.

GREASE - rendered animal fat, vegetable shortening and other such oily matter used for the purposes of and resulting in the activity of cooking and/or preparing foods. Grease may be liberated and entrained with exhaust air, or may be visible as liquid or solid.

GREASE DUCTS - containment system for the transportation of air and grease vapors, so designed and installed to reduce the possibility of the accumulation of combustible condensation and the occurrence of damage should a fire be experienced within the system.

GREASE EXTRACTORS - a system of components designed for and intended to process vapors, gases, and/or air as it is drawn through such devices by collecting the airborne grease particles and concentrating them for further action at some future time, leaving the exiting air with a lower amount of combustible matter.

GREASE FILTERS - a component of the grease vapor removal system which deflects the air and vapors passing through it in such a manner as to cause the grease vapors to concentrate and/or condense for the purpose of collection as a result leaving the exiting air with a lower amount of combustible matter.

GREASE REMOVAL DEVICES - other components of the grease and vapor removal system which do not fit the definition of "grease extractors" or "grease filters" yet are designed, installed, and perform so as to take vapor suspended grease particles from the exhaust air/vapor stream, or are designed to assist other devices in the removal of such vapors or particles.

HIGH LIMIT CONTROL - for purposes of this document, an operating device, installed in and serving as an integral component of a deep-fat-fryer, having as its purpose the secondary limitation of temperature allowed to be experienced by the cooking operation, and, should that temperature be exceeded, the automatic interruption of the thermal energy input.

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HOOD - a device provided for a cooking appliance(s) to direct and capture grease-laden vapors and exhaust gases. It shall be constructed in a manner that will allow it to withstand adverse conditions that may be experienced. (See canopy hoods, and noncanopy hoods.)

HVAC - heating, ventilating, air conditioning.

LICENSED ELECTRICIAN - person possessing permit issued by authority having jurisdiction (County, Villages, Towns).

LICENSED PLUMBER - person possessing permit issued by authority having jurisdiction (County, Villages, Towns).

LISTED - a product which has been tested and approved by a nationally recognized testing laboratory.

LIQUIDTIGHT - constructed and performing in such a manner as not to permit the passage of any liquid at any temperature.

NONCANOPY HOOD - a fixed device located in close proximity to a cooking appliance and in some cases having a shelf-like appearance, the purpose of which is to use air movement to contain and channel, either in a vertical or horizontal manner, the various fumes and vapors resulting from the cooking activities.

SHALL - indicates a mandatory requirement.

TRAP - a cup-like or U-shaped configuration occurring on the inside of a duct system component where liquids could accumulate.

Section 21.1 Kitchen.

(A) Kitchens and pantries serving public dining rooms, including but not limited to restaurants, cafeterias, coffee shops, and lunch rooms, shall be enclosed by construction having a fire resistance rating of at least two hours; except that the enclosures may have a fire resistance rating of one hour where a special sprinkler installation is provided in such kitchens and pantries.

1. Existing kitchens shall be permitted to have a one hour enclosure.

(B) Openings between a kitchen or pantry and a public dining room shall be provided with opening protectives as follows:

1. Automatic or self-closing 1 1/2 hour opening protectives where the kitchen or pantry is not sprinklered, or automatic or self-closing 3/4 hour opening protectives where the kitchen and pantry are sprinklered.

(C) Openings between a kitchen or pantry and a public dining room shall be permitted without opening protectives when all of the following conditions exist:

1. The kitchen or pantry shall be equipped with a special sprinkler installation.
2. A Hood and Duct Exhaust System for cooking equipment shall be provided and protected with a fixed pipe Automatic Fire Extinguishing System.

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3. A noncombustible draft curtain shall extend down a minimum of twenty-four (24) inches from the ceiling above the opening.

4. The opening shall be protected by sprinkler heads located on the kitchen side within twenty-four (24) inches of the draft curtain and spaced not more than forty-eight (48) inches apart, except that such sprinkler protection of the opening need not be provided where exits required from the dining room open directly to the exterior at grade.

(D) New construction to have metal type studding or other non-combustible building material between the kitchen and public areas.

(E) Kitchens serving cafeterias or dining areas, which are necessary to the primary occupancy, are not required to be separately enclosed as provided in Paragraph "A" of this section, if the cooking equipment is only of the domestic type, and is vented to the exterior.

(F) Cooking spaces other than kitchens which are combined with, or located adjacent to, or within the dining areas, such as coffee shops, shall be separated from the dining area by a smoke and draft baffle.

(G) Public dining rooms, coffee shops, and other spaces used for similar purposes, which have no grease producing equipment for cooking within such space shall not be required to be enclosed or separated from the other public space.

(H) View panels will be permitted in fire doors provided they are protected by 1/4 inch clear wire glass of not more than one hundred (100) square inches in area.

Section 21.2 Grease Hoods and Ducts.

(A) A Hood and Duct System shall be installed for deep fat fryers, broilers, grills, woks, range tops and any other appliance required by the Nassau County Fire Marshal.

(B) Hoods.

1. The hood, or that portion of a primary means designed for collecting cooking vapors and residues, shall be constructed of and be supported by steel not lighter than No. 18 Manufacturers' Standard Gauge or Stainless Steel not lighter than No. 20 Manufacturers' Standard Gauge, or of other approved material of equivalent strength, fire, and corrosion resistance.

Exception: Hoods or enclosures of listed automatic damper and hood assemblies, evaluated under the same fire severity as the hood or enclosure of listed grease extractors, shall be considered as complying with the material and construction requirements of Section 21-2-B and Section 21-2-E.

2. a. Hoods and ducts shall comply with Standard #96-1980 of the National Fire Protection Association, except as otherwise provided for in this Article.

b. Hoods shall extend 6" beyond the length and breadth of cooking equipment, except

c. They shall not be more than seven (7) feet above the floor.

d. Special engineered systems may be used, if approved by the Fire Marshal.

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(C) Hoods and ducts shall not be within eighteen (18) inches of any combustible material.

1. Where eighteen (18) inch clearance is required to unprotected combustible material, the clearance may be reduced to that indicated below when the combustible material is protected as follows:

<u>TYPE OF PROTECTION</u>	<u>CLEARANCE</u>
(a) 1/4 inch asbestos millboard spaced out one (1) inch on noncombustible spacers	12 inches
(b) 28 gauge sheetmetal on 1/4 inch asbestos millboard	12 inches
(c) 28 gauge sheetmetal spaced out 1 inch on noncombustible spacers	9 inches
(d) 28 gauge sheetmetal on 1/8 inch asbestos millboard spaced out 1 inch on non-combustible spacers	9 inches
(e) 1/4 inch asbestos millboard on 1 inch mineral wool bats reinforced with wire mesh or equivalent	6 inches
(f) 22 gauge sheetmetal on 1 inch mineral wool bats reinforced with wire mesh or equivalent	3 inches
(g) thermal block with 22 gauge sheetmetal or encased with 2000°F. HiTemp furnace cement	3 inches

NOTE: Asbestos millboard referred to above is a different material than asbestos cementboard. It is not intended that asbestos cementboard be used in complying with these requirements.

2. Combustible material, as pertaining to materials adjacent to or in contact with heat-producing appliances, chimneys, chimney connectors, vents, vent connectors, steam and hot water pipes, warm air ducts, grease ducts, and rubbish chutes means material made of or surfaced with wood, compressed paper, plant fibers, or other material that will ignite and burn. Such material shall be considered as combustible even though flame-proofed, fire retardant treated or plastered.

(D) Hoods shall be provided with mechanical exhaust ducts, which shall be connected to an independent chimney or stack, insulated from contact with combustible materials, and terminating above the roof.

(E) Seams and Joints.

1. All hood and duct seams and joints shall have a liquid tight external weld.

2. With approval of the Fire Marshal, the duct may be bolted to the hood with nuts and bolts only, spaced every three (3) inches. A thermal fire resistive gasket shall be placed between the hood and duct prior to installation of the nuts and bolts.

(F) Exhaust ducts shall be provided with an adequate number of access doors for easy inspection and cleaning.

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(G) Dampers are not permitted, unless specifically approved by the Fire Marshal.

(H) Cleaning.

1. Hoods, ducts, chimneys, and stacks shall be cleaned as often as may be necessary, but not less than twice a year.
2. A record shall be kept available for the inspector showing date of cleaning and by whom cleaned.

(I) Electrical Wiring.

1. Electrical wiring shall not run through ducts.
2. Electrical wiring on, under, or through hoods shall be in electric metallic tubing (EMT), fitted with compression connectors, or in conduit.
3. All fixtures shall be vaporproof, and approved for the purpose.
4. All electrical wiring shall be installed by a licensed electrician.

(J) Ducts.

1. Ducts shall be constructed of, and supported by carbon steel not less than 0.054 inch (No. 16 MSG) or stainless steel not less than 0.043 (No. 18 MSG) inch in thickness.
 2. Exterior Installations.
 - a. The vertical portion of exhaust ducts shall be connected to the horizontal portion of the duct system and shall be installed and adequately supported on the exterior of the building.
 - b. All ducts shall be protected on the exterior by paint or other suitable weather-protective coating, or shall be constructed of non-corrosive stainless steel.
 - c. A residue trap shall be provided at the base of each vertical riser with provisions for cleanout.
 - d. Ducts shall terminate at least thirty-six (36) inches above roof line unless capped by a fan.
 3. Interior Installations.
 - a. In all buildings, more than one-story in height, and in one-story buildings where the roof or roof-ceiling assembly is required to have a fire resistive rating, the ducts shall be enclosed in a continuous enclosure extending from the ceiling above the hood, through any concealed spaces, to or through the roof, so as to maintain the integrity of the fire separations required by the applicable building code provisions. The enclosure shall conform to the following:
 - (i) If the building is less than three (3) stories in height, the enclosure wall shall have a fire-resistive rating of not less than one hour.

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(ii) If the building is three (3) stories or more in height, the enclosure wall shall have a fire-resistive rating of not less than two hours.

(iii) Clearance from the duct to the interior surface of enclosures of combustible construction shall not be less than eighteen (18) inches and clearance from the duct to the interior surface of enclosures of non-combustible construction shall not be less than six (6) inches. Provisions for reducing clearances as described in Section 21-2-C of these regulations are not applicable to enclosures.

(K) Plans, Specifications and Approval for Hood and Duct Systems.

1. Plans.

Plans for Hood and Duct Systems shall be submitted in triplicate to the Fire Marshal for approval prior to installation. Any alterations, additions or modifications to existing Hood and Duct Systems, require a new plan submission showing the extent of the alteration, addition or modification. There shall be a plan review fee charged for this section in accordance with the fee schedule established in Article XXII of this Ordinance. (Amended by Ord. No. 526, effective 12/3/90.)

2. Specifications.

Complete information regarding the Hood and Duct System, including specifications and floor plans showing the location of the system and cooking equipment shall be submitted for approval prior to the installation, alteration, modification or addition of the Hood and Duct System.

3. Final Approval.

Before requesting final approval of the installation, alteration, modification or addition, by the Fire Marshal, the installing contractor shall furnish a written statement to the effect that the system has been installed in accordance with approved plans. There shall be a final inspection fee charged for this section in accordance with the fee schedule established in Article XXII of this Ordinance. (Amended by Ord. No. 526, effective 12/3/90.)

4. Responsibility.

It shall be the responsibility of the owner or operator of the business and the authorized person, firm business entity or corporation installing the Hood and Duct System to complete the installation in compliance with the requirements of the Fire Marshal.

Section 21.3 License and Permit Required: Hood and Duct Systems.

(A) License.

1. All persons, firms, business entities, or corporations installing, constructing, altering, replacing, modifying or improving any grease hood and duct shall obtain a license from the Fire Marshal of Nassau County. Application fee and proper application shall be made on a form provided by the Fire Marshal. Submission of such information on such form as required by the Fire Marshal shall be submitted together with an annual fee. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance. (Amended by Ord. No. 526, effective 12/3/90.)

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2. Expiration.

The license issued herein shall expire one year from the date of such issuance unless prior thereto the license is revoked or suspended by the Fire Marshal.

3. Revocation.

The license is subject to revocation by the Fire Marshal at any time when the license holder displays evidence of non-compliance with the provisions of the Nassau County Fire Prevention Ordinance.

4. Proof of Qualifications.

Every person, firm, business entity, or corporation applying for a license shall furnish satisfactory proof to the Fire Marshal on forms provided that he is familiar with materials, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations, he will be involved with and for which the license is issued.

5. Investigation.

The Fire Marshal shall investigate every new application for a license. The investigation shall include a notarized statement attesting to knowledge of the use of materials, techniques, standards, laws and ordinances applicable to hood and ducts.

6. Approval.

After consideration of approval of such application by the Fire Marshal, a license shall be issued on a form prepared by the Fire Marshal which shall authorize such installation, construction, replacement, or improvement of such grease hood and duct.

Printed on the license in bold type shall be the following: "THIS LICENSE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

7. Refusal of License.

When the Fire Marshal determines that a person, firm, business entity or corporation has failed to meet the requirements for a license, he shall refuse to issue the license. An applicant may not apply again for the license within a ten (10) day period following the refusal.

8. Transferability.

Licenses shall not be transferable.

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9. Renewal of License.

Prior to the expiration date, a license shall be renewed for another year; and the authority to install, alter, modify, construct, replace or improve any hood and duct system as defined in this Ordinance, shall continue in effect until such time within the year the Fire Marshal revokes or suspends such license. Applications for renewal of a license shall be filed in the same manner as an application for an original license. Each such application shall be accompanied by applicable fees as established in Article XXII of this Ordinance. The granting of a renewal of a license shall be accomplished in the same manner as for an original license. (Amended by Ord. No. 526, effective 12/3/90.)

10. Change of Address.

Each person, firm, business entity, or corporation holding a license shall notify the Fire Marshal in writing of any change in business, residential or other notification address within ten (10) days after such change. Failure on the part of a person, firm, business entity, or corporation to give such notification shall constitute grounds for revocation of said license.

11. Required Information.

The Fire Marshal may, at any time, require reasonable information of an applicant or a licensee, and may require the production of books and records which relate to the installation, construction, alteration, modification, replacement or improvement of any Hood and Duct System or the qualifications for compliance with this Ordinance by the applicant or licensee.

(B) Permit.

All grease Hood and Duct System installations, replacements, alterations, modifications or improvements hereinafter made, require a permit, issued by the Nassau County Fire Marshal prior to the installation, replacement, alteration, modification or improvement.

1. Application and Fee.

All persons, firms, corporations, installing, constructing, replacing, altering, modifying or improving grease Hood and Duct Systems in the County of Nassau, shall submit an application and payment of a fee for the permit. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance. The application and fee shall accompany the plans for the grease Hood and Duct System.

a. The permit shall be issued after the following:

(i) The plans and application have been reviewed and approved by the Nassau County Fire Marshal.

(ii) Receipt of the fee by the Nassau County Fire Marshal.
(Amended by Ord. No. 526, effective 12/3/90.)

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Section 21.4 Automatic Fire Extinguishing System.

(A) An Automatic Fire Extinguishing System shall be installed to protect hoods, ducts, chimneys, stacks, deep fat fryers, broilers, grills, woks, commercial range tops, and any other appliances as required by the Nassau County Fire Marshal.

NOTE: A wok shall be treated as a deep fat fryer.

1. Installation.

a. All systems shall be installed in accordance with the National Fire Protection Association Standard No. 96-1980.

b. All Automatic Fire Extinguishing Systems shall conform to manufacturers' specifications.

c. Special engineered systems may be used, if approved by the Fire Marshal.

2. Hood(s) and duct(s) shall be inspected and approved by the Nassau County Fire Marshal prior to installation of the Automatic Fire Extinguishing System.

(B) Gas Equipment.

1. All gas-operated equipment in the kitchen shall be provided with an automatic shutoff device activated by the extinguishing system.

2. The shutoff device must be designed so that it can only be reset manually.

3. Operation of this valve shall not interrupt the supply of gas to any other areas in the building.

4. A metal tag shall be affixed to the cylinder giving the location of the shutoff valve.

5. The automatic gas shutoff device shall be installed by a licensed plumber.

(C) Electrical Equipment.

1. Automatic shutoff devices shall also be provided for electric deep fat fryers, ranges and griddles.

2. All electrical wire shall be installed by a licensed electrician.

(D) Deep fat fryers shall be equipped with a separate high limit control in addition to the adjustable operating control (thermostat) to shut off fuel or energy in the event the fat exceeds a temperature of 425°F..

(E) CO₂ systems shall be equipped with an automatic exhaust fan shutoff device and approved damper activated by the extinguishing system.

(F) Exhaust fans shall remain "ON" when dry chemical systems are activated.

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(G) Maintenance and Inspection.

1. Automatic extinguishing systems shall be inspected every six (6) months by a qualified person, firm, business entity or corporation licensed by the Nassau County Fire Marshal.
2. A tag attesting to this inspection shall be affixed to the supply cylinder of the system showing the date and by whom the work was performed.
3. Notification shall be sent to the Fire Marshal indicating the result of the inspection and maintenance performed.

(H) Plans, Specifications and Approval for Automatic Extinguishing Systems.

1. Plans.

Plans for Automatic Extinguishing Systems and shutoff devices shall be submitted in triplicate to the Fire Marshal for approval prior to installation. Any alterations, additions or modifications to existing Automatic Extinguishing Systems, require a new plan submittal showing the extent of the alteration, addition or modification. All plans shall be accompanied by an exact copy of the manufacturers' specification currently in effect for the equipment being installed. Manufacturers' specifications may be filed with the Nassau County Fire Marshal and referred to on the plans indicating exact page numbers pertaining to the specific installation. There shall be a plan review fee charged for this section in accordance with the fee schedule established in Article XXII of this Ordinance. (Amended by Ord. No. 526, effective 12/3/90.)

2. Specifications.

Complete information regarding the Automatic Extinguishing System, including nozzle location, gas shutoff, electric shutoff, piping, manual activator, size and specifications, including floor plans showing the location of the system and cooking equipment shall be submitted for approval prior to the installation, alteration, modification or addition of the Automatic Fire Extinguishing System.

3. Final Approval.

Before requesting final approval of the installation, alteration, modification or addition by the Fire Marshal, the person, firm, business entity or corporation installing the system shall furnish a written statement to the effect that the system has been installed in accordance with approved plans and manufacturers specifications. There shall be a final inspection fee charged for this section in accordance with the fee schedule established in Article XXII of this Ordinance. (Amended by Ord. No. 526, effective 12/3/90.)

4. Responsibility.

It shall be the responsibility of the owner or operator of the business and the authorized person, firm, business entity or corporation installing the Automatic Extinguishing System to complete the installation in compliance with the manufacturers specifications and the requirements of the Fire Marshal.

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5. Acceptance Test.

Within seventy-two (72) hours after completion of the installation, the date and time shall be set with the Fire Marshal, for a satisfactory test of the system. The test shall be conducted in the presence of a representative of the Fire Marshal. The Acceptance Test shall consist of activation of the manual pull, activation of the detector portion of the system and discharge of a powder or compressed gas through the system piping. Cooking equipment shall not be used until the successful completion of the Acceptance Test.

Section 21.5 Fire Extinguishers.

(Amended by Ord. No. 262-1999, effective 12/20/99)

All new and existing Automatic Extinguishing Systems that are to protect cooking equipment that produces grease laden vapors shall be supplemented by a minimum of one (1) dry chemical portable fire extinguisher with a minimum 40-B:C rating. Extinguisher(s) shall be located so as to have a maximum travel distance not to exceed thirty (30) feet from the hazard. In addition, where there is any new installation of cooking equipment such as deep fat fryers or any appliance involving the use of combustible cooking media (vegetable or animal oils and fats), fire extinguishers rated for Class K fires shall be provided. Class K fire extinguisher(s) shall be located so as to have a maximum travel distance not to exceed thirty (30) feet from the hazard. A sign shall be posted in the same proximity as the Class K fire extinguisher stating that the fire protection system shall be activated prior to using the fire extinguisher. The class K fire extinguishers are in addition to the required minimum 40-B:C dry chemical extinguisher(s). ABC rated fire extinguishers are not permitted.

Section 21.6 License and Permit Required: Automatic Fire Extinguishing Systems.

(A) License.

All persons, firms, business entities or corporations installing, maintaining, constructing, modifying, altering, replacing or improving any Automatic Fire Extinguishing System as defined in this Ordinance shall obtain a license from the Fire Marshal of Nassau County.

1. Application and Fee.

Proper application shall be made on a form provided by the Fire Marshal. Submission of such information on such form as required by the Fire Marshal shall be submitted together with an annual fee. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance. A person operating under the license of a firm, business entity or corporation shall be in compliance with the provisions of this section. (Amended by Ord. No. 526, effective 12/3/90.)

2. Expiration.

The license issued herein shall expire one year from the date of such issuance unless prior thereto the license is revoked or suspended by the Fire Marshal.

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3. Revocation.

The license is subject to revocation by the Fire Marshal at any time when the license holder displays evidence of non-compliance with the provisions of the Nassau County Fire Prevention Ordinance.

4. Proof of Qualifications.

Every person, firm, business entity or corporation applying for a license shall furnish satisfactory proof to the Fire Marshal that he is familiar with materials, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturers recommendations pertaining to the particular system, materials, devices or operations he will be involved with and for which the license is issued. Proof shall include a written statement or certificate issued by the manufacturer. The license shall indicate those manufacturers systems which the licensee is qualified to install.

5. Investigation.

The Fire Marshal shall investigate every new application for a license. The investigation shall include a notarized statement attesting to knowledge of the use of materials, techniques, standards, laws and ordinances available to Automatic Extinguishing System.

6. Approval.

After consideration and approval of such application by the Fire Marshal, a license shall be issued on a form prepared by the Fire Marshal which shall authorize such installation, construction, replacement, maintenance or improvement of such Automatic Fire Extinguishing System.

Printed on the license in bold type shall be the following: "THIS LICENSE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

7. Refusal of License.

When the Fire Marshal determines that a person, firm, business entity or corporation has failed to meet the requirements for a license, he shall refuse to issue the license. An applicant may not apply again for the license within a ten (10) day period following the refusal.

8. Transferability.

Licenses shall not be transferable.

9. Renewal of License.

Prior to the expiration date, a license shall be renewed for another year; and the authority to install, maintain, construct, replace or improve any Automatic Fire Extinguishing System as defined in this Ordinance, shall continue in effect until such time within the year the Fire Marshal revokes or suspends such license. Applications for renewal of a license shall be filed in the same manner as an application for an original license. Each such application shall be accompanied by the applicable fees. The granting of a renewal of a license shall be accomplished in the same manner as for an original license.

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10. Change of Address.

Each person, firm, business entity, or corporation holding a license shall notify the Fire Marshal in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of said license.

11. The Fire Marshal may, at any time, require reasonable information of an applicant or a licensee, and may require the production of books and records which relate to the installation, maintenance, construction, replacement or improvement of any Automatic Fire Extinguishing system or the qualifications for compliance with this Ordinance by the applicant or licensee.

12. It shall be a violation of this Ordinance for any person, entity, or corporation to service, install, maintain, construct, or improve any Automatic Fire Extinguishing system without having been certified by its manufacturer and the Fire Marshal to service, install, maintain, construct, or improve such system. (Added by Ord. No. 18-2005, effective 2/11/05)

(B) Permit.

All Automatic Fire Extinguishing Systems hereinafter installed, replaced, altered, modified or improved require a permit, issued by the Nassau County Fire Marshal prior to the installation, replacement, alteration, or modification.

1. Application and Fee.

All persons, firms, business entities or corporation installing, constructing, replacing or improving Automatic Fire Extinguishing Systems in the County of Nassau, shall submit an application and payment of a fee for the permit. The fee to be charged for this section shall be in accordance with the fee schedule established in Article XXII of this Ordinance. The application and fee shall accompany the plans for the Automatic Fire Extinguishing System. (Amended by Ord. No. 526, effective 12/3/90.)

A. The permit shall be issued after the following:

- (i) The plans and application have been reviewed and approved by the Nassau County Fire Marshal.
- (ii) Hood(s) and duct(s) meet all requirements of the Nassau County Fire Marshal.
- (iii) Receipt of the fee by the Fire Marshal.

Section 21.7 Liability for Damages.

This Article shall not be construed to hold the County of Nassau, its officers or employees, responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein, or failure to inspect or reinspect as herein provided, or by reason of the approval or disapproval or any equipment authorized herein.

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Section 21.8 Failing to Comply

(Amended by Ord. No. 117, effective 8/10/01)

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 21.9 Penalties.

(A) Any person, firm, or business entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000.00) or, by imprisonment for not more than one (1) year or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation of permit to continue and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

(B) This Ordinance shall take effect immediately, for all new installations, additions, modifications, alterations or improvements.

Historical notes:

<i>Enacted by Ord. No. 70</i>	<i>Effective March 12, 1984</i>
<i>Amended by Ord. No. 526</i>	<i>Effective Dec. 3, 1990</i>
<i>Amended by Ord. No. 262</i>	<i>Effective Dec. 20, 1999</i>
<i>Amended by Ord. No. 117</i>	<i>Effective Aug. 10, 2001</i>
<i>Amended by Ord. No. 18</i>	<i>Effective Feb. 11, 2005</i>

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ARTICLE XXII

Schedule of Fees

22.1 General Provisions and Definitions.

22.1.1 The following fees shall be established for the permits, certificates, licenses, approvals, and other functions performed under this Ordinance and shall be payable to: Nassau County Treasurer. Such fees shall accompany each application for such permit, certificate, license, approvals or other fee-related Ordinance provision.

22.2 Article III Fees:

22.2.1 Flammable/Combustible Liquid Storage Tank Installers, or Removers, or Automatic Fire Suppression System License:

22.2.1.1 Initial Application Fee \$255.00

22.2.1.2 Annual Renewal Fee \$130.00

22.2.2 Flammable/Combustible Liquid Tank Testing Certificate of Fitness:

22.2.2.1 Initial Application Fee \$255.00

22.2.2.2 Annual Renewal Fee \$ 45.00

22.2.3 Flammable/Combustible Liquid Underground Storage Tank Testing Fee:

22.2.3.1 Per Tank System \$170.00

22.2.4 Flammable/Combustible Liquid Storage Tank Registration Fee:

22.2.4.1 Each Additional New or Replacement Tank \$170.00

22.2.4.2 Facility Registration Aggregate Gallonage:

22.2.4.2.1 Less than Five Thousand (5,000) gallons \$170.00

22.2.4.2.2 Five thousand (5,000) to less than
Ten thousand (10,000) gallons \$415.00

22.2.4.2.3 Equal to or greater than
Ten thousand (10,000) gallons \$575.00

22.2.5 Flammable/Combustible Liquid Storage Tank
Coating Thickness Test Fee \$450.00

22.2.6 Bulk Storage Facility Fees:

22.2.6.1 Loading Rack System Test \$450.00

22.2.6.2 Fixed Foam System Test \$450.00

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22.2.7	Storage of Flammable/Combustible Liquid Plan Review Fees:	
22.2.7.1	Base Plan Review Fee	\$170.00
22.2.7.2	Plan Review Option Fees:	
22.2.7.2.1	New Tank System and Piping (per tank)	\$820.00
22.2.7.2.2	New or Modified Island(s)	\$170.00
22.2.7.2.3	New or Modified Automatic Fire Suppression System	\$450.00
22.2.7.2.4	New or Modified Closed Circuit Television	\$170.00
22.2.7.2.5	New or Modified Self Service Conversion	\$255.00
22.2.7.2.6	Pump System Conversion and Piping	\$255.00
22.2.7.2.7	New or Modified Stationary Engine Installation	\$255.00
22.2.7.2.8	New or Modified Stationary Engine and Generator Installation	\$575.00
22.2.7.2.9	New or Modified Stage II Vapor Recovery	\$575.00
22.2.7.2.10	Building, Kiosk, Structure New or Modified	\$170.00
22.2.7.2.11	New or Modified Flammable/Combustible Liquid Storage/Handling	\$660.00
22.2.7.2.12	Required Retrofitting	\$330.00
22.2.7.2.13	Stamping of Extra Plans (More than four (4) sets), per set	\$ 20.00
22.2.7.2.14	Temporary Tank	\$255.00
22.2.7.2.15	New or Modified Marinas	\$255.00
22.2.7.2.16	New or Modified Product Piping System(s)	\$255.00
22.2.8	Inspection Fees:	
22.2.8.1	Automatic Fire Suppression System Inspection	\$450.00
22.2.8.2	Self Service Inspection	\$450.00
22.2.9	Flammable/Combustible Liquid Truck Permit:	
22.2.9.1	Initial Application Fee	\$255.00
22.2.9.2	Annual Renewal Fee	\$130.00

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22.2.10 Flammable/Combustible Liquid Dispensing Certificate of Fitness:

22.2.10.1 Initial Application Fee \$ 80.00

22.2.10.2 Annual Renewal Fee \$ 45.00

22.2.11 Flammable/Combustible Liquid Transport Certificate of Fitness:

22.2.11.1 Initial Application Fee \$255.00

22.2.11.2 Annual Renewal Fee \$ 45.00

22.2.12 Functionality Test Fee

22.2.12.1 Per Tank System \$160.00

22.3 Article VI Fees:

22.3.1 Liquefied Petroleum (LP) Gas Storage Permit Initial Application \$255.00

22.3.2 LP-Gas Storage Permit Annual Renewal \$130.00

22.3.3 LP-Gas Truck Permit Initial Application \$255.00

22.3.4 LP-Gas Truck Permit Annual Renewal \$130.00

22.3.5 LP-Gas Certificate of Fitness Initial Application \$255.00

22.3.6 LP-Gas Certificate of Fitness Annual Renewal \$ 45.00

22.3.7 Liquefied Petroleum Gas Plan Review Fees:

22.3.7.1 LP-Gas Water Capacity 0 to 99 Gallons \$ 20.00

22.3.7.2 LP-Gas Water Capacity 100 to 249 Gallons \$ 45.00

22.3.7.3 LP-Gas Water Capacity 250 to 499 Gallons \$ 85.00

22.3.7.4 LP-Gas Water Capacity 500 to 999 Gallons \$170.00

22.3.7.5 LP-Gas Water Capacity 1000 to 1999 Gallons \$415.00

22.3.7.6 LP-Gas Water Capacity 2000 Gallons or more \$820.00

22.4 Article XIV Fees:

22.4.1 Tents of any dimension exceeding ten (10) feet and smaller than twenty (20) feet. \$ 45.00

22.4.2 Tents of dimension twenty (20) feet or larger. \$ 85.00

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22.5 Article XVII Fees:

22.5.1 Automatic Fire Alarm System Fees:

- | | | |
|----------|--|-----------------|
| 22.5.1.1 | System Permit (Renewable every 3 years) | \$ 90.00 |
| 22.5.1.2 | Late Fee (per year) This fee is in addition to the renewal fee.
(Late Fee will be charged when permit is over due by more than 120 days.) | \$ 20.00 |

22.6 Article XVIII Fees:

- | | | |
|----------------|---|------------------------|
| 22.6.1 | Sprinkler <u>and Standpipe</u> System <u>Type I</u> Installers License Initial Application | \$255.00 |
| 22.6.2 | Sprinkler <u>and Standpipe</u> System <u>Type I</u> Installers License Annual Renewal | \$130.00 |
| <u>22.6.3</u> | <u>Sprinkler and Standpipe System Type II Inspection, Testing and Maintenance License - Initial Application</u> | <u>\$255.00</u> |
| <u>22.6.4</u> | <u>Sprinkler and Standpipe System Type II Inspection, Testing and Maintenance License - Annual Renewal</u> | <u>\$130.00</u> |
| <u>22.6.5</u> | Sprinkler and Standpipe System Permit <u>Initial Application</u> | \$170.00 |
| <u>22.6.6</u> | <u>Sprinkler and Standpipe System Permit Five Year Renewal</u> | <u>\$100.00</u> |
| <u>22.6.7</u> | Sprinkler System Rough Out Work Permit | \$170.00 |
| <u>22.6.8</u> | Sprinkler Head Relocation Test Permit | \$450.00 |
| <u>22.6.9</u> | Sprinkler and or Standpipe System Plan Review | \$450.00 |
| <u>22.6.10</u> | Sprinkler and or Standpipe System Inspection | \$450.00 |
| <u>22.6.11</u> | <u>Sprinkler and Standpipe System Fire Department Connection Test.</u> | <u>\$450.00</u> |
| <u>22.6.12</u> | Fire Alarm System and/or Fire Detecting System Plan Review | \$450.00 |
| <u>22.6.13</u> | Fire Alarm System and/or Fire Detecting System Inspection | \$450.00 |
| <u>22.6.14</u> | Fire Extinguishing Systems, using other than water, plan review (i.e... Halon, CO2, etc.) | \$450.00 |
| <u>22.6.15</u> | Fire Extinguishing Systems, using other than water, Inspection (i.e... Halon, CO2, etc.) | \$450.00 |
| <u>22.6.16</u> | Smoke and Fire Detection and Fire Alarm System Rough Out Work Permit | \$170.00 |

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22.6.17 Certificate of Fitness Type I - Installation

22.6.17.1 Initial Application **\$255.00**

22.6.17.2 Annual Renewal **\$ 45.00**

22.6.18 Certificate of Fitness Type II - Inspection, Testing and Maintenance

22.6.18.1 Initial Application **\$255.00**

22.6.18.2 Annual Renewal **\$ 45.00**

22.7 Article XXI Fees:

22.7.1 Hood and Duct Installers License Initial Application \$255.00

22.7.2 Hood and Duct Installers License Annual Renewal \$130.00

22.7.3 Hood and Duct Permit \$170.00

22.7.4 Hood and Duct System Plan Review \$450.00

22.7.5 Hood and Duct System Inspection \$450.00

22.7.6 Automatic Fire Extinguishing System
Installers License Initial Application \$255.00

22.7.7 Automatic Fire Extinguishing System
Installers License Annual Renewal \$130.00

22.7.8 Automatic Fire Extinguishing System Permit \$170.00

22.7.9 Automatic Fire Extinguishing System Plan Review \$450.00

22.7.10 Automatic Fire Extinguishing System Inspection \$450.00

22.8 Miscellaneous Fees:

22.8.1 To Amend or Duplicate Permits, Certificates
and/or Licenses \$ 45.00

22.8.2 Annual school inspection. Fees include, annual inspection, all re-inspections during 11-month period thereafter, completion of all forms, attendance at Board of Education meetings as required. A facility is defined as any free-standing building or structure, with walls and roof that can be secured. A facility may be any combination of building or structure that are connected by an enclosed connector corridor.

22.8.2.1 Each facility less than or equal to 2500 square feet. \$115.00

22.8.2.2 Each facility greater than 2500 square feet and
less than or equal to 10,000 square feet. \$160.00

22.8.2.3 Each facility greater than 10,000 square feet. \$385.00

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22.8.4	Photographs for Certificate of Fitness	\$ 5.00
22.8.5	Complete copy of the Nassau County Fire Prevention Ordinance.	\$ 20.00
22.8.6	Accelerated Plan Review (Not including overtime fee)	\$300.00
22.8.7	Accelerated Test or Inspection (Not including overtime fee)	\$300.00
22.8.8	Resubmitted plan review for any plans required by Articles III, XVIII or XXI of this Ordinance that have been rejected two or more times.	\$215.00
22.8.9	Group Rate Certificate of Fitness (all types)	
22.8.9.1	Initial Application submitted in a group of 25 persons or more (per application).	\$ 80.00
22.8.9.2	Renewal Application submitted in a group of 25 persons or more (per application).	\$ 25.00
22.9	Article XXIII Fees:	
22.9.1	Sales, Leasing and Servicing of Portable Fire Extinguishers License:	
22.9.1.1	Initial Application Fee	\$255.00
22.9.1.2	Annual Renewal Fee	\$130.00
22.9.2	Servicing of Portable Fire Extinguishers Certificate of Fitness:	
22.9.2.1	Initial Application Fee	\$255.00
22.9.2.2	Annual Renewal Fee	\$ 45.00
22.10	Article V Fees:	
22.10.1	Application of Flammable Finishes Plan Review Fee	\$450.00
22.10.2	Flammable Finish License Fees:	
22.10.2.1	Initial Application	\$255.00
22.10.2.2	Annual Renewal	\$130.00

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22.11 Article VII Fees:

22.11.1 Compressed Gasses Truck Fees:

22.11.1.1	Initial Application	\$255.00
22.11.1.2	Annual Renewal	\$130.00

22.11.2 Compressed Gasses Transport and Handling Certificate of Fitness Fees:

22.11.2.1	Initial Application	\$255.00
22.11.2.2	Annual Renewal	\$130.00

22.12 Article IX Fees:

22.12.1 Welding and Cutting Certificate of Fitness Fees:

22.12.1.1	Initial Application	\$255.00
22.12.1.2	Annual Renewal	\$ 45.00

22.13 Article XIII Fees:

22.13.1 Base fees for a load test of an emergency lighting system that utilizes an emergency generator.

22.13.1.1	Buildings having a ground floor area not larger than 2,500 square feet (per generator).	\$460.00
22.13.1.2	Buildings having a ground floor area larger than 2,500 but less than 5,000 square feet (per generator).	\$590.00
22.13.1.3	Buildings having a ground floor area that is 5,000 square feet or larger (per generator).	\$720.00

22.13.2 Base fees for a load test of an emergency lighting system that utilizes self-contained, battery-operated emergency light units.

22.13.2.1	One to twenty-five emergency light units	\$460.00
22.13.2.2	Twenty-six to fifty emergency light units	\$590.00
22.13.2.3	Fifty-one or more emergency light units	\$720.00

Buildings utilizing an emergency generator system or more than fifty emergency light units shall be subject to an additional charge of **\$75.00** per each floor that is above or below the ground floor.

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22.14 Article XXIV Fees:

22.14.1	Application and Permit	\$170.00
22.14.2	Plan Review	\$450.00
22.14.3	Site Inspection	\$450.00

22.15 Article XIX Fees:

22.15.1	Liquid and Solid Oxidizer Truck Fees:	
22.15.1.1	Initial Application	\$255.00
22.15.1.2	Annual Renewal	\$130.00
22.15.2	Liquid and Solid Oxidizer Permit Fees:	
22.15.2.1	Initial Application	\$255.00
22.15.2.2	Annual Renewal	\$130.00
22.15.3	Liquid and Solid Oxidizer Certificate of Fitness Fees:	
22.15.3.1	Initial Application	\$255.00
22.15.3.2	Annual Renewal	\$ 45.00

22.16 Article XXVI Fees:

22.16.1	Pyrotechnic Display Permit	\$ 65.00
22.16.2	Pyrotechnic Display Plan Review and Site Inspection	\$415.00

Historical notes:

<i>Enacted by Ord. No. 526</i>	<i>Effective Dec. 3, 1990</i>
<i>Amended by Ord. No. 299</i>	<i>Effective Sept. 14, 1992</i>
<i>Amended by Ord. No. 473</i>	<i>Effective Dec. 12, 1994</i>
<i>Amended by Ord. No. 117</i>	<i>Effective Aug. 10, 2001</i>
<i>Amended by Ord. No. 205</i>	<i>Effective Oct. 29, 2001</i>
<i>Amended by Ord. No. 124</i>	<i>Effective Oct. 31, 2002</i>
<i>Amended by Ord No. 24</i>	<i>Effective May 6, 2003</i>
<i>Amended by Ord No. 61</i>	<i>Effective Sept. 17, 2003</i>
<i>Amended by Ord No. 79</i>	<i>Effective Oct. 2004</i>
<i>Amended by Ord No. 3</i>	<i>Effective Jan. 2005</i>
<i>Amended by Ord No. 18</i>	<i>Effective Feb. 11, 2005</i>
<i>Amended by Ord No. 114</i>	<i>Effective Dec 12, 2005</i>
<i>Amended by Ord No. 95</i>	<i>Effective October 1, 2007 (Approved June 20, 2007)</i>
<i>Amended by Ord. No.3</i>	<i>Effective Jan. 31, 2008</i>
<i>Amended by Ord. No.178</i>	<i>Effective January 1, 2011 (Approved Oct. 5, 2010)</i>
<i>Amended by Ord. No.66</i>	<i>Effective February 1, 2013 (Approved June 18, 2012)</i>
<i>Amended by Ord. No.193</i>	<i>Effective February 1, 2013 (Approved Aug. 8, 2012)</i>

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ARTICLE XXIII

Sale, Leasing and Servicing of Portable Fire Extinguishers

23.1 General Provisions.

23.1.1 Adoption of Generally Accepted Standards.

23.1.1.1 Unless more restrictive provisions are specifically provided for in any other Local Law or Ordinance within the County of Nassau, the following National Fire Protection Association Standards:

NFPA 10-1990 Fire Extinguishers, Portable
NFPA 101-1991 Life Safety Code

shall be applicable throughout the County of Nassau. These Standards are hereby incorporated and shall be deemed to be a part of this Ordinance. Copies of said Standards are on file with the Clerk of the Board of Supervisors of the County of Nassau.

23.1.2 Compliance.

23.1.2.1 Compliance with Standards Except as Otherwise Prescribed.
Except as otherwise prescribed in this Ordinance compliance with applicable provisions of the Standard N.F.P.A. number

NFPA 10-1990 Fire Extinguishers, Portable
NFPA 101-1991 Life Safety Code

shall constitute compliance with this Article.

23.1.3 Purpose.

23.1.3.1 The purpose of this Article is to regulate the sale or leasing and servicing of portable fire extinguishers in the interest of safeguarding lives and property.

23.1.3.1 The activity of filling or charging a portable fire extinguisher prior to its initial sale by its manufacturer shall not be subject to this Article.

23.2 Definitions.

"Approved" - Acceptable to the Fire Marshal in conformity with standards in this Article.

"Certificate of Fitness" - A certificate or document issued by the Fire Marshal to an individual employed by a licensed firm for the purpose of servicing portable fire extinguishers.

"Closed Recovery System" - Equipment required for the recovery of dry chemical or halogenated agents so that the extinguishing agent is captured in a closed system.

"CTC" - Canadian Transportation Commission

"DOT" - United States Department of Transportation

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"Firm" - A firm is any person, partnership, corporation, or association.

"Fire Marshal" - The Fire Marshal of Nassau County.

"Hydrostatic Testing" - Pressure testing by hydrostatic methods.

"Internal Service Tag" - An adhesive-backed tag that can be bonded to the siphon tube of pressurized dry chemical portable fire extinguishers for the purpose of recording service information.

"Labeled" - Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the Fire Marshal and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

"Leased Fire Extinguisher" - For the purpose of this Article, a leased fire extinguisher shall be treated the same as an extinguisher that has been sold.

"License" - A certificate or document issued to a firm by the Fire Marshal or at the direction of the Fire Marshal for the purpose of the sale or leasing and servicing of portable fire extinguishers.

"Limited License" - A license issued to a firm engaged in servicing portable fire extinguishers that are owned and operated by that firm. This shall include industrial and other businesses servicing such equipment for use solely within their premises.

"Low-Pressure Extinguishers or Pressure Vessels" - Those units having an operating pressure of 500 psig (34.45 bars) or less.

"Listed" - Equipment or materials included in a list published by an organization acceptable to the Fire Marshal and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner. The means for identifying listed equipment may vary for each organization concerned with product evaluation, some of which do not recognize equipment as listed unless it is also labeled. The Fire Marshal should utilize the system employed by the listing organization to identify a listed product.

"Portable Fire Extinguisher" - A portable device containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire.

"Qualified Personnel" - Persons holding a valid Certificate of Fitness issued by the Fire Marshal in accordance with this Article.

"Recovery" - The act of removing dry chemical or halogenated agents from a fire extinguisher by means of a closed recovery system.

"Service and Servicing" - Servicing portable fire extinguishers includes any or all of the following: (1) maintenance, (2) recharging, and (3) hydrostatic testing.

"Shall" - Indicates a mandatory requirement.

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23.3 Licensing of Firms Selling or Leasing and Servicing Portable Fire Extinguishers.

23.3.1 Each firm engaged in the business of selling or leasing and servicing portable fire extinguishers shall be required to have a license issued by the Fire Marshal.

23.3.1.1 Any firm engaged in servicing portable extinguishers that are owned and operated by that firm may do so under a limited license issued by the Fire Marshal.

23.3.2 Each firm engaged in the business of servicing portable fire extinguishers shall meet the following minimum equipment and facilities requirements:

1. CO₂ receiver or cascade system for proper filling of CO₂ extinguishers;
2. Adequate hydrostatic test equipment for low-pressure cylinders;
3. Approved drying method for low-pressure cylinders after hydrotest;
4. Adequate safety cage (in shop) for hydrostatic testing of low-pressure cylinders;
5. Proper wrenches with non-serrated jaws or valve puller, hydraulic or electric;
6. Adequate inspection light for internal inspection;
7. Low-pressure hydrostatic test labels containing the information described in 23.4.4.3 (3.);
8. Halon 1211 supply, filling equipment, and closed recovery system;
9. Accurate weighing scales for extinguisher inspection and filling;
10. Accurate weighing scales for cartridge inspection and filling;
11. Adequate vise, for shop use;
12. Facilities for proper storage and adequate supply of extinguishing agents;
13. Equipment for leak testing of pressurized extinguishers;
14. Commercial dry nitrogen supply [-60°F (-51.1°C) dew point or less] and pressure regulator with supply and regulated pressure gages suitable for pressurizing portable fire extinguishers;
15. Adapters, fittings, and sufficient tools and equipment for properly servicing and/or recharging all extinguishers being serviced and recharged;
16. Adequate closed recovery system and storage to remove and store chemicals from extinguisher cylinders during servicing;
17. Adequate inventory of spare parts;
18. Manufacturers' service and maintenance manuals.

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23.3.2.1 Firms with a limited license shall only provide service for those types of extinguishers for which they have suitable equipment and parts.

23.3.2.2 Firms with limited licenses that do not perform low-pressure hydrostatic testing are not required to have hydrostatic test equipment or labels.

23.3.3 The above are minimum equipment and facility requirements for a licensee. If high-pressure hydrostatic testing is performed, the following additional equipment is required:

1. DOT or CTC approved hydrostatic test equipment for high-pressure testing and calibrated cylinder;
2. Adequate equipment for stamping test date on high-pressure cylinders [over 500 psi (34.45 bars)]. Die stamps must be a minimum of 1/4 in. (6.35 mm);
3. Approved drying method for high-pressure cylinders after static hydrostatic test.

23.3.3.1 Firms with limited licenses that do not hydrostatic test are not required to have hydrostatic test equipment.

23.3.4 A firm that performs hydrostatic tests on high-pressure cylinders must submit a copy of its DOT or CTC approval and renewals to the Fire Marshal.

23.3.5 Licensed firms must submit a Certificate of Insurance to the Fire Marshal indicating the following minimum requirements: comprehensive general liability and bodily injury and property damages, product liability, completed operations, and contractual liability.

23.3.5.1 A licensed firm that has such coverage as required by Section 23.3.5 shall notify the Fire Marshal of any change, lapse, or cancellation of coverage.

23.4 Selling or Leasing and Servicing of Portable Fire Extinguishers.

23.4.1 It is unlawful for any person, directly or through an agent, to sell, offer for sale, or give any make, type, or model of fire extinguisher, either new or used, unless the fire extinguisher is listed and labeled and meets or exceeds all of the requirements of one of the fire test standards and one of the appropriate performance standards shown below:

(a) Fire Test Standards: ANSI/UL711.CAN4-S508-M83

(b) Performance Standards:

1. CO₂ types: ANSI/UL 154, CAN4-S503-M83
2. Dry Chemical types: ANSI/UL 299, ULC-S504
3. Water types: ANSI/UL 626, CAN4-S507-M83
4. Halon types: ANSI/UL 1093, ULC-S512
5. Foam types: ANSI/UL 8

23.4.2 The identification of the listing and labeling organization, the fire test, and performance standard that the extinguisher meets or exceeds shall be clearly marked on each extinguisher, except extinguishers manufactured prior to January 1, 1986.

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23.4.3 An organization listing and labeling extinguishers used to comply with the requirements of this act shall utilize a third party certification program for portable fire extinguishers that meets or exceeds Underwriter Standard UL 1803. Factory follow-up on third party certified portable fire extinguishers except those certification organizations accredited by the Standards Council of Canada.

23.4.4 The selection, installation, inspection and servicing of portable fire extinguisher equipment shall be as specified in NFPA 10, except as modified below.

23.4.4.1 A new record tag shall be attached to the extinguisher when a new extinguisher is put into service or each time service is performed. The following information shall be recorded on a record tag:

1. Name and Certificate of Fitness number of persons who serviced the extinguisher;
2. Serial number of extinguisher;
3. Indication of the type of service performed;
4. Indication of the type of extinguisher involved;
5. Indication of the month and year that the service was performed;
6. The Words " DO NOT REMOVE ";
7. Name, address, phone number, and license number of firm performing the service.

23.4.4.2 Six-Year Maintenance Labels - Requirements.

23.4.4.2.1 Each six-year maintenance shall be recorded on a record tag consisting of a metallized decal which shall be affixed on the exterior of the extinguisher shell. Any six-year maintenance tag previously attached to an extinguisher shall be removed prior to affixing a new tag. The tag shall contain the following information:

- (a) The year and month that the six-year maintenance was performed.
- (b) The name of the firm.
- (c) The initials and Certificate of Fitness Number of the person performing the maintenance.

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23.4.4.3 When a low-pressure hydrostatic test is performed, it shall be recorded on a record label consisting of a metallized decal which shall be affixed on the exterior of the extinguisher shell. Any test labels previously attached to an extinguisher shall be removed prior to affixing a new label. The record label shall contain the following information:

1. The year and month that the test was performed;
2. The test pressure;
3. The name of the firm;
4. The initials and Certificate of Fitness number of the person performing the testing.

23.4.4.4 Internal Service Tags - Requirements.

23.4.4.4.1 In addition to any other tag required by this Article, an internal service tag shall be provided each time an extinguisher is opened up for any type of maintenance or for any purpose. The following types of extinguishers are exempt from this requirement:

1. Carbon Dioxide;
2. Halogenated agents;
3. Dry chemical external cartridge-operated types, and extinguishers containing water or water-type solutions.

23.4.4.4.2 The approved standard internal service tag shall be at least 1/2 inch X 3 1/2 inches (12.7 mm X 88.9 mm) on durable material either white or yellow in color with a pressure-sensitive adhesive backing conforming to the standards of UL 969, Marking and Labeling Systems.

23.4.4.4.3 Internal service tags shall bear the following information:

1. Certificate of Fitness number of the person who performed the service;
2. Month and year that the service was performed.

23.4.4.4.4 A new internal tag shall be provided for an extinguisher each time internal service is performed for any purpose.

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23.4.4.4.5 Internal service tags shall be affixed in the following manner:

1. Any tag previously attached shall be removed prior to affixing a new tag;
2. The area to which the tag is to be adhered shall be cleaned to remove all residue of any kind, including old adhesive from a previously attached tag;
3. The tag shall be placed within 1 inch (25.4 mm) of the top of the siphon tube below the valve assembly;
4. The adhesive side of the center point of the tag shall be tightly adhered against the tube;
5. The tag shall be pressed and adhered solidly around the tube and the writing must remain visible at all times. Under no circumstances shall the required information be written directly on the siphon tube.

23.4.4.5 Inverted water-type portable fire extinguishers (for example, soda acid, foam, antifreeze, etc.) shall not be hydrostatically tested and shall be removed from service at the time the test is due.

23.5 Licenses.

23.5.1 Application for License.

23.5.1.1 All firms, business entities, or corporations engaging in the sale, leasing or servicing of portable fire extinguishers shall obtain a license from the Fire Marshal. Application fee and proper application shall be made on a form provided by the Fire Marshal. Submission of such information on such form as required by the Fire Marshal shall be submitted together with a fee as prescribed in Article XXII of this Ordinance.

23.5.2 Expiration.

23.5.2.1 The license issued herein shall expire one (1) year from the date of such issuance unless prior thereto the license is revoked or suspended by the Fire Marshal.

23.5.3 Revocation and Suspension.

23.5.3.1 The license is subject to revocation or Suspension by the Fire Marshal at any time when the license holder displays evidence of non-compliance with the provisions of this Ordinance.

23.5.4 Transferability.

23.5.4.1 Licenses shall not be transferable to another holder or location.

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23.5.5 Renewal of License.

23.5.5.1 Prior to the expiration date a license as required by this Ordinance shall be renewed for another year and shall continue in effect unless the Fire Marshal revokes or suspends such license. Application for renewal of a license shall be filed in the same manner as an application for an original license. Each application shall be accompanied by applicable fees as set forth in Article XXII of this Ordinance. The granting of a renewal of a license shall be accomplished in the same manner as for an original license.

23.5.6 Change of Required Information.

23.5.6.1 Each firm, business entity, or corporation holding a license shall notify the Fire Marshal in writing of any change in name, in business, residential or other notification address, or any other required information within ten (10) days after such change. This notification shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

23.5.7 Replacement of License.

23.5.7.1 If a license is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement license. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

23.5.8 Annual Report of Firms Servicing Portable Extinguishers.

23.5.8.1 The holder of a license shall report annually, to the Fire Marshal, the name, address, license number, and Certificate of Fitness number of each qualified personnel in his employ.

23.5.9 Licenses may not be issued by the Fire Marshal until:

1. The applicant has submitted to the Fire Marshal evidence of statutory business registration or evidence of compliance with (list appropriate act or statute);
2. The Fire Marshal, or a person designated by him, has, by inspection, determined that the applicant possesses the equipment required for the license sought. The Fire Marshal shall give an applicant a reasonable opportunity to correct any deficiencies discovered by inspection;
3. The applicant has submitted to the Fire Marshal, proof of insurance as required by 23.3.5.

23.6 Certificate of Fitness

23.6.1 Each employee of a licensed firm who is engaged in servicing portable fire extinguishers, shall hold a valid Certificate of Fitness issued by the Fire Marshal.

23.6.1.1 An individual in training and having passed the written portion of the test, accompanied by and working directly with a Certificate of Fitness holder may service portable fire extinguishers.

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23.6.2 Application.

23.6.2.1 All applications for a Certificate of Fitness shall be filed with the Fire Marshal and accompanied by the applicable fee as prescribed in Article XXII of this Ordinance.

23.6.3 Proof of Qualifications.

23.6.3.1 Every person applying for a Certificate of Fitness shall furnish proof to the Fire Marshal that they are familiar with materials, formulas, tools, techniques, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials devices or operations he shall be involved with and for which the Certificate of Fitness was issued, by passing a written examination. He shall further prove that he is physically competent to perform any and all actions necessary or incidental to the operation for which the Certificate is issued, by passing a practical examination.

23.6.4 Investigation and Examination.

23.6.4.1 The Fire Marshal shall investigate every new application for a Certificate of Fitness. The investigation shall include a written examination to determine the applicant's knowledge and ability to select, install, inspect, and service portable fire extinguishers according to the information contained in NFPA 10, Standard for Portable Fire Extinguishers, and provisions of this Article. When the Fire Marshal determines that the applicant conforms to all the requirements of this Ordinance, he shall issue the Certificate of Fitness.

23.6.4.2 Limited licensees are exempt from examination regarding service outside of their scope of responsibility.

23.6.5 Force and Effect.

23.6.5.1 The Certificate of Fitness shall be given full force and effect for a period of one (1) year from the date of such issuance unless prior thereto the permit is revoked or suspended by the Fire Marshal.

23.6.6 Refusal of Certificate of Fitness.

23.6.6.1 When the Fire Marshal determines that a candidate has failed an examination for a Certificate of Fitness, he shall refuse to issue the Certificate of Fitness. An applicant may not apply again for the Certificate of Fitness within a ten (10) day period following the examination.

23.6.7 Transferability.

23.6.7.1 Certificate of Fitness shall not be transferable.

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23.6.8 Renewal of Certificate of Fitness.

23.6.8.1 Applications for renewal of a Certificate of Fitness shall be filed in the same manner as an application for an original certificate. Each such application shall be accompanied by applicable fees as prescribed in Article XXII of this Ordinance. The granting of a renewal of a Certificate of Fitness shall be accomplished in the same manner as for an original certification of fitness, except that any person continuously engaged in any activity for which a Certificate of Fitness is required, shall not, upon renewal, be required to take a written examination. However, a written examination shall be required for re-certification at intervals not to exceed five years from the last certification date.

23.6.9 Change of Address.

23.6.9.1 Each person holding a Certificate of Fitness shall notify the Fire Marshal in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of the person to give such notification shall constitute grounds for revocation of said Certificate of Fitness.

23.6.10 Replacement of Certificate of Fitness.

23.6.10.1 If a license is lost, mutilated or otherwise rendered unusable, the licensee shall request, within ten (10) days, in writing, to the Fire Marshal, a request for a replacement license. This request shall be accompanied by the appropriate fee as prescribed in Article XXII of this Ordinance.

23.6.11 Contents of Certificate of Fitness.

23.6.11.1 A Certificate of Fitness issued by the Fire Marshal shall be in the form of an identification card. Said card shall contain the following information to be valid:

1. The purpose of which the Certificate of Fitness has been issued;
2. The date the Certificate of Fitness is issued and the date of expiration;
3. Other information as may be necessary to properly identify the person to whom the Certificate of Fitness was issued;
4. The signature of the person to whom the Certificate of Fitness is issued;
5. The name and signature of the Fire Marshal who issued the Certificate of Fitness, or the Fire Marshal's name and countersignature of his designated representative;
6. Printed thereon in bold type the following:

"THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

23.6.12 Requirement to Display Certificate of Fitness.

23.6.12.1 Qualified personnel must have a valid Certificate of Fitness in their possession while engaging in servicing, and all qualified personnel must be able to produce their Certificate of Fitness upon demand.

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23.7 Failing to Comply

(Amended by Ord. No. 117, effective 8/10/01)

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

23.8 Penalties.

23.8.1 Any person or business entity other than a corporation, violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000.00) or, by imprisonment for not more than one (1) year, or both, for each and every violation. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$ 5,000.00) for each and every violation. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate violation.

Historical notes:

Enacted by Ord. No. 299 Effective Sept. 14, 1992
Amended by Ord. No. 117 Effective Aug. 10, 2001

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ARTICLE XXIV

General Building Requirements

Section 24.1 General Provisions.

24.1.1 Scope.

24.1.1.1 This Article applies to all new or existing construction with specific regard to sprinkler systems, fire alarm systems, fire detection systems, hood and duct systems, automatic fire extinguishing systems and any other area of fire prevention and safety where plans are required. The exception to this article is Class A1 or A2 (One or Two Family Dwellings) structures. (Amended by Ord. No. 413, effective 11/30/92.)

24.1.2 Definitions.

24.1.2.1 The following is a list of terms and definitions which will be used in this Article:

"Approved" - Acceptable to the Fire Marshal in conformity with standards in this Article.

"Fire Marshal" - The Fire Marshal of Nassau County.

"Shall" - Indicates a mandatory requirement.

Section 24.2 Plan Submission Required.

24.2.1 Filing of Plans.

24.2.1.1 Plans and application for all construction of all systems specified in Section 24.1.1, along with a copy of the original building permit application shall be submitted to the Fire Marshal's Office for approval prior to commencement of work. The plan shall include, but not limited to:

1. A plot plan showing locations of buildings;
2. Property lines;
3. All pertinent dimensions;
4. Full street address;
5. Section, Lot and Block;
6. Name, address and phone number of property owner and building owner;
7. Hydrant locations;
8. Fire safety equipment location;
9. Bear the seal and signature of a Professional Engineer or Architect licensed in the State of New York, on each drawing;
10. Be submitted in triplicate;
11. Be of standard drawing sizes of a minimum of 18" x 24" or 24" x 36" and a maximum of 36" x 54". (Amended by Ord. No. 413, effective 11/30/92.)

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24.2.1.2 Acceptance of plans for construction does not relieve the applicant from meeting requirements of any other law or ordinances of any other authority having jurisdiction. No construction of the type for which the plans were submitted (fire prevention or fire safety) shall be started until those plans are approved by the Fire Marshal. A copy of the approved plans shall be on the site during construction. The Fire Marshal shall be notified in writing when the construction is started and completed. (Amended by Ord. No. 413, effective 11/30/92.)

24.2.1.3 If any proposed installation, construction, or renovation does not commence within twelve (12) months of the date the plans were approved by the Fire Marshal, the plan approval shall be considered void and new plans shall be submitted for review and shall be considered for the requirement of a plan review fee as a new submission.

24.2.2 Application.

24.2.2.1 Application for plan review shall be made to the Fire Marshal on forms provided, and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for plan review shall be accompanied by such data as may be required by the Fire Marshal, and fees as prescribed in Article XXII of this Ordinance.

24.2.3 Review Fee.

(Amended by Ord. No. 61, effective 9/17/03)

24.2.3.1 There shall be a fee imposed for the review and process of any plans submitted to the Fire Marshal's Office. The fee shall be submitted at the time of plan submission. This fee shall be in addition to any other fee required by this Ordinance. The plan review fee shall be a one time non-refundable fee as prescribed in Article XXII of this Ordinance, per submission. Revised plans for installation, construction or renovation of facilities or equipment that have not exceeded the requirements of Section 24.2 above, shall be considered part of the original submission, but will not alter or extend the time period given to commence the approved proposed scope of work.

24.2.3.2 Accelerated Plan Review. Upon request and subject to the availability of personnel therefor in the Office of the Fire Marshal, the Office of the Fire Marshal may review plans on an accelerated basis. Such accelerated plan review shall be completed within ten working days from the date such plans are received by the Fire Marshal.

24.2.3.3(a) Initial Submission of Plan or Plans. The fee for accelerated plan review set forth in Article XXII of this Ordinance shall be payable upon application for such review and shall be additional to an amount equal to the hourly overtime rate for each Fire Inspector conducting such review multiplied by a minimum of four hours labor. If such review shall take longer than four hours, there shall be an additional charge, payable following such accelerated review, equal to the hourly overtime rate for each Fire Inspector conducting such review multiplied by the number of labor hours additional to the initial four-hour period. If such accelerated plan review is not completed within ten working days, the Fire Marshal shall waive any fees charged in connection with such accelerated review.

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(b) Re-submission. The fee for accelerated review of any plan or plans that have been previously reviewed on an accelerated basis and rejected shall be equal to the hourly overtime rate for each Fire Inspector conducting such review multiplied by a minimum of four hours labor. If such review shall take longer than four hours, there shall be an additional charge, payable following such accelerated review, equal to the hourly overtime rate for each Fire Inspector conducting such review multiplied the number of labor hours additional to the initial four-hour period.

(c) No plan or plans reviewed on an accelerated basis shall be released until all fees have been paid.

Section 24.3 Certification Required.

24.3.1 Upon completion of construction and prior to occupancy the system shall be certified as follows: (Amended by Ord. No. 413, effective 11/30/92.)

1. Persons submitting certifications to this office shall;
 1. Be a Licensed Professional Engineer in the State of New York and;
 2. Have witnessed the construction or the construction was witnessed by a direct employee of the person submitting the certification and;
 3. Sign and seal all papers submitted and;
 4. Upon request submit evidence of expertise of the type of work being certified and;
 5. Upon request submit field notes, diary records or other supplementary information as may be required.

24.3.2 Submissions.

24.3.2.1 Submissions shall consist of a set of As-Built drawings along with a statement indicating that all construction is in accordance with the approved plans. Deviations or non-conformance shall be submitted in writing and approved in writing by this office prior to construction. All plans and statements shall be signed and sealed by a Licensed Professional Engineer. All submissions shall be made in duplicate.

Section 24.4 Site Inspection.

24.4.1 A site inspection shall be conducted by the Fire Marshal. A fee for this inspection shall be submitted prior to the inspection. The fee is prescribed in Article XXII of this Ordinance.

Section 24.5 Failing to Comply

(Amended by Ord. No. 117, effective 8/10/01)

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

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Section 24.6 Penalties.

24.6.1 Any person or business entity other than a corporation, violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000.00) or, by imprisonment for not more than one (1) year, or both, for each and every violation. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000.00) for each and every violation. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate violation.

This Ordinance shall take effect immediately.

Historical notes:

<i>Enacted by Ord. No. 299</i>	<i>Effective Sept. 14, 1992</i>
<i>Amended by Ord. No. 413</i>	<i>Effective Nov. 30, 1992</i>
<i>Amended by Ord. No. 117</i>	<i>Effective Aug. 10, 2001</i>
<i>Amended by Ord. No. 61</i>	<i>Effective Sept. 17, 2003</i>

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Article XXV

Fire Drill and Evacuation Plans

Section 25.0 Scope.

This article shall specify the requirements that will provide for the proper means of evacuation of an area or building by and of its occupants in case of fire or other emergency in the least possible time.

Section 25.1 Application

This article shall apply to all buildings classified as C1, C2 or C3 as defined by the New York State Uniform Fire Prevention and Building Code greater than three stories in height with an occupant load of more than 100 persons above or below street level or more than a total of 500 persons in the entire building.

Section 25.2 Responsibilities

The owner or agent in charge of the building shall be responsible for the following:

- a) They shall insure that there is an evacuation plan for that specific building. The plan shall include but not be limited to the following:
 - (1) Each tenant shall have a designated evacuation route and a secondary evacuation route.
 - (2) The daily occupants of the building shall be familiar with and trained in the established plan. Each tenant shall designate one or more employees to be responsible for insuring that all occupants of that tenancy have evacuated their area. In the event the responsible employee is not present, an alternate employee shall be designated in advance to assume the duties.
 - (3) The daily occupants of the building shall make every reasonable effort to insure that transient occupants are directed to a means of egress or refuge with the daily occupants.
 - (4) Training and retraining classes shall be held on a quarterly basis for all daily occupants. A record of this training and those attending shall be maintained for inspection for three years from the date of training.
 - (5) Each building required to be in compliance with this article shall educate multiple staff members to insure that each tenant is evacuated upon the sounding of an evacuation alarm. A written record of identifying who these staff members are shall be maintained by the building management.
 - (6) Evacuation drills shall be conducted in conjunction with the building occupants on a semi-annual basis. A record of these drills shall be maintained for inspection by the building management for three years after the date of the drill.
- (b) The owner or the agent in charge shall designate an on-site employee to supervise the evacuation. This employee shall respond to a designated area to receive evacuation information from the tenants. This person shall also be responsible to pass on the evacuation information to the responding fire department.

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- (c) The owner or agent in charge shall periodically review the evacuation plan to insure that the plan is current and all tenants are familiar with the plan.
- (d) The owner or agent in charge shall have a copy of the written plan available for inspection.

Section 25.3 Filing of Plans.

Every owner shall file a current copy of the evacuation plan established pursuant to this Article with the local fire department having jurisdiction over the building that is the subject of the plan.

Section 25.4 Failure to Comply.

No person, business entity or corporation shall fail to comply with any order or regulation made under this Article.

Section 25.5 Penalties.

In the event that any person, or business entity other than a corporation violates any provisions of this section, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment for no more than one (1) year, or, both, for each and every offense. A corporation violating any provisions of this section, or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00) for each and every offense.

Section 25.6 Effective Date.

This ordinance shall take effect immediately.

Historical Notes:

Enacted by Ord. No. 117 Effective Aug. 10, 2001

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Article XXVI

Pyrotechnic Displays and Open Flame Devices in Assembly Occupancies

Section 26.0 Scope. This Article applies to the indoor use of pyrotechnics and open flame effects in conjunction with theatrical, musical, sports or similar productions before a proximate audience, performers or support personnel in Assembly Group A occupancies, as defined in § 202 of chapter 2 of the Fire Code of New York State. This Article shall not apply to the outdoor use of pyrotechnics and fireworks.

Section 26.1 Definitions.

- (i) "Flame effect" shall mean the combustion of flammable solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.
- (ii) "Performance" shall mean the enactment of a musical, dramatic, operatic, or other entertainment production. A performance can include encores.
- (iii) "Production" shall mean all the performances of a musical, dramatic, operatic or other series of shows.
- (iv) "Pyrotechnics" shall mean controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.
- (v) "Pyrotechnic device" shall mean any device containing pyrotechnic materials and capable of producing a special effect.
- (vi) "Pyrotechnic material" shall mean a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation. Such a chemical mixture consists predominantly of solids capable of producing a controlled, self-sustaining, and self-contained exothermic chemical reaction that results in heat, gas, sound, light, or a combination of these effects. The chemical reaction functions without external oxygen.
- (vii) "Pyrotechnic operator" shall mean an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects. The operator is also responsible for storing, setting up, and removing pyrotechnic materials and devices after a performance.

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Section 26.2 General Provisions.

26.2.1 Adoption of Generally Accepted Standards.

Unless more restrictive provisions are specifically provided for in any other federal, state or local law or ordinance within the County of Nassau, the following National Fire Protection Association Standards shall be applicable throughout the County of Nassau and are incorporated and deemed to be a part of this Article:

NFPA 1126 – 1996 Standard for the Use of Pyrotechnics before a Proximate Audience;
NFPA 101 – 2000 Life Safety Code;
NFPA 10 – 1998 Portable Fire Extinguishers;
NFPA 160 – 2001 Standard for Flame Effects before an Audience.

26.2.2 Compliance with other Laws, Ordinances or Standards Except as Otherwise Provided.

Except as otherwise prescribed in this Article, compliance with the New York State Penal Law, Fire Code of New York State, New York State Labor Law, NFPA 1126, NFPA 101, NFPA 10, and NFPA 160, shall constitute compliance with this Article. In the event that such ordinance and other laws or standards contain differing requirements, the regulations that are more restrictive shall apply.

Section 26.3 Pyrotechnic Displays.

No person or entity shall be permitted to use pyrotechnics in Nassau County except as provided by this Article and in compliance with all relevant federal, state and local laws and ordinances and NFPA 1126.

26.3.1 Prohibitions.

26.3.1.1 Smoking.

Smoking is prohibited within 50 feet of a pyrotechnic device. “NO SMOKING PYROTECHNICS” signs in letters at least two inches high shall be conspicuously posted in vicinity of pyrotechnic material or devices.

26.3.1.2 Sources of Ignition

All sources of ignition, including, but not limited to open flames, fire-producing devices, hot surfaces, frictional heat, radiant heat, and electrical and mechanical sparks, are prohibited in the vicinity of pyrotechnics, except where such sources of ignition are required for the firing of pyrotechnics.

26.3.1.3 Liquefied Petroleum Gas.

The use of liquefied petroleum gas, propane, butane, methane, etc. in connection with pyrotechnics is prohibited unless such use is specifically approved in writing by the Nassau County Fire Marshal.

26.3.1.4 Fire Protection Systems Required.

The use of pyrotechnics is prohibited in any building not protected throughout with an automatic fire sprinkler system installed in accordance with National Fire Protection Association Standard NFPA 13 and a complete fire alarm and smoke and fire detection system installed in accordance with National Fire Protection Association Standard NFPA 72.

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26.3.1.5 Minimum Ceiling Height Required.

The use of pyrotechnics is prohibited in any building with a ceiling height less than twenty-five (25) feet from the display level, except that the Nassau County Fire Marshal and the Nassau County Police Department Arson/Bomb Squad may waive this prohibition where there is not a substantial risk to life safety or where alternatives to maintain an equivalent level of safety are prescribed.

26.3.2 Notification.

No person or entity shall be permitted to use pyrotechnics in Nassau County without first notifying the Nassau County Fire Marshal and the Nassau County Police Department Arson/Bomb Squad in writing at least 30 days prior to the use of such pyrotechnics within the county and obtaining a permit pursuant to this Article.

26.3.3 Proof of Qualifications.

No person or entity shall be permitted to use pyrotechnics in Nassau County without first demonstrating to the satisfaction of the Nassau County Fire Marshal and the Nassau County Police Department Arson/Bomb Squad that the pyrotechnic operator is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations to be used in connection with a pyrotechnics display and that such person or entity is physically competent to perform any and all actions necessary or incidental to the use of pyrotechnics.

26.3.4 Permits.

26.3.4.1 Permit required.

No person or entity shall use pyrotechnics without first having obtained a permit from the Nassau County Fire Marshal. Only those persons or entities possessing a valid license issued by the New York State Department of Labor to possess, handle, own, transport, display or otherwise use pyrotechnics shall be eligible to obtain a permit issued by the Nassau County Fire Marshal. Such permit shall be issued solely at the discretion of the Nassau County Fire Marshal upon submission of pyrotechnic plans, proof of qualifications, proof of insurance and a permit application in such form as prescribed by the Fire Marshal, together with a non-refundable fee as prescribed in Article XXII of this ordinance. Such permit shall be valid for the duration of a production as long as the permitted use of such pyrotechnics remains the same for each performance of the production; provided, however, that any such permit shall expire no later than six months following the date of issuance by the Nassau County Fire Marshal.

26.3.4.2 Posting of Permit.

A permit issued pursuant to this article shall be conspicuously posted or be available for inspection at the production site. The owner or manager of such site shall be responsible for ensuring that a permit has been obtained and is posted or available for inspection in accordance with this section prior to the use of pyrotechnics.

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26.3.5 Plans.

26.3.5.1 Plan, Specifications and Approvals Required.

No person or entity shall use pyrotechnics without first submitting to the Nassau County Fire Marshal and the Nassau County Police Department Arson/Bomb Squad, and receiving written approval for, plans for the use of pyrotechnics. Such plans shall specify the proposed layout of the display and shall include, but not be limited to, the location of all pyrotechnic devices to be used for a production, the control panel, the storage area and the proximity of the display to the audience, the ceiling height of the occupancy, the location of fire extinguishing equipment, the number of pyrotechnic devices and type of pyrotechnics to be used, and whether the source of ignition will be electrically controlled or open flame. The submission of plans shall be accompanied by a non-refundable plan review fee as established in Article XXII of this Ordinance. Any deviation from such plans in a performance shall require the permission in writing of the Nassau County Fire Marshal and the Nassau County Police Department Arson/Bomb Squad and may require the submission of new plans for approval. The original "Inspector's Copy" of such approved plans shall be on site

26.3.6 Flame proofing.

All props, curtains, displays, and wall and ceiling coverings used in conjunction with pyrotechnics shall be made of flame retardant material in accordance with the Fire Code of New York State. A certificate of flame-proofing for any such props, curtains, displays, and wall and ceiling coverings shall be available on the premises for inspection.

26.3.7 Fire Extinguishing Equipment.

Portable fire extinguishers or other fire extinguishing appliances shall be readily accessible any place pyrotechnics are stored, set up, displayed or used. In addition, a minimum of one two-and-one-half-gallon pressurized water extinguisher and one twenty-pound class BC dry chemical type fire extinguisher shall be provided on each side of the pyrotechnics display area and one twenty-pound class BC dry chemical type fire extinguisher shall be at the control panel. The permittee shall ensure that a minimum of two (2) persons who have a working knowledge of such fire extinguishers are present while the pyrotechnics are being handled, used or removed. Such persons shall be provided with the means to communicate with each other and the pyrotechnic operator and to notify the fire department in order that fire hazards may be identified and controlled, early signs of unwanted fire detected, and alarms of fire raised when necessary.

26.3.8 Inspection of Display Site.

No person or entity shall use pyrotechnics unless such pyrotechnic materials and pyrotechnic devices have first been inspected and approved by the Nassau County Fire Marshal and the Nassau County Police Department Arson/Bomb Squad. There shall be a fee for such inspection charged in accordance with Article XXII of this Ordinance. Any deviation from the pyrotechnic plans following a final inspection is subject to an additional inspection.

26.3.9 Proof of Insurance required.

No person or entity shall be permitted to use pyrotechnics without first submitting a certificate of insurance to the Nassau County Fire Marshal indicating comprehensive general liability, bodily injury, property damage, product liability, completed operations, and contractual liability coverage in the amount of not less than five million dollars (\$5,000,000.00) per occurrence.

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26.3.10 Liability.

This Article shall not be construed to hold the County of Nassau, its officers or employees, responsible for any damages to persons or property by reason of the inspection or re-inspection authorized herein, or failure to inspect or re-inspect as herein provided, or by reason of the approval or disapproval of any equipment or plan authorized herein.

Section 26.4 Open Flame Effects.

No person or entity shall kindle, maintain, authorize, permit or condone any open flame, flaming device or other flame effect, except as specifically permitted by the Fire Code of New York State and approved in writing by the Nassau County Fire Marshal, and only after taking all reasonable precautions to prevent injury to occupants and the ignition of combustible materials and in compliance with the provisions of this Article.

26.4.1 Fire Extinguishing Equipment.

Portable fire extinguishers or other fire extinguishing appliances shall be readily accessible where open flame effects or flaming devices are used.

Section 26.5 Failing to Comply.

No person or entity shall fail to comply with any order or regulation made under this Article.

Section 26.6 Penalties.

Any person or entity other than a corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made hereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) or, by imprisonment for not more than one (1) year, or, both, for each and every offense. A corporation violating any provision of this Article, or failing to comply therewith, or violating or failing to comply with any order or regulation made hereunder, shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000.00) for each and every offense. The imposition of the penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

Historical Notes:

Enacted by Ord. No. 24 Effective May 6, 2003

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Article XXVII

Tests and Inspections

Section 27.0 Scope.

This Article shall apply to all tests and inspections required by this Ordinance including but not limited to any test and inspection required for fire protection systems, fire detection systems, fire extinguishing systems, flammable or combustible storage tanks or piping systems, or flammable gas systems; provided, however, that this Article shall not apply to Emergency Lighting Tests.

Section 27.1 Approval and Acceptance Tests.

Any fire protection system, fire detection system, fire extinguishing system, flammable or combustible storage tank or piping system or flammable gas system, shall only be placed into service following approval of such system by the Fire Marshal. Such approval shall be granted in the discretion of the Fire Marshal upon: 1) the submission by the installer of any such system of a written statement to the Fire Marshal indicating that the subject system has been installed in accordance with approved plans, manufacturer's specifications and nationally recognized standards; and 2) the completion of a final acceptance test or inspection of the subject system. The test or inspection of any system pursuant to this Article shall be scheduled to be performed by the installer of such system and witnessed by the Fire Marshal as required by this Ordinance. There shall be a test and inspection fee charged as set forth in Article XXII of this Ordinance.

Section 27.2 Accelerated Test or Inspection Fees.

27.2.1 Upon request and subject to the availability of personnel therefore in the Office of the Fire Marshal, the Office of the Fire Marshal may conduct a test or inspection as required by section 27.1 of this Article on an accelerated basis. Such accelerated test or inspection shall mean for the purposes of this section any test or inspection that requires overtime work by the Fire Marshal personnel in order to expedite any test and inspection required by Section 27.1 of this Article.

27.2.2 The fee for an accelerated test or inspection as set forth in Article XXII of this Ordinance shall be payable upon application for such accelerated test or inspection, and shall be additional to an amount equal to the hourly overtime rate for each Fire Inspector conducting such test or inspection multiplied by a minimum of four hours labor. If such test or inspection shall take longer than four hours, there shall be an additional charge, payable following such test or inspection, equal to the hourly overtime rate for each Fire Inspector conducting such test or inspection multiplied by the number of labor hours additional to the initial four-hour period. No final approval shall be issued by the Fire Marshal pursuant to this Article unless all required fees have been paid.

27.2.3 There shall be a penalty equal to the full fee for any test or inspection required by this Article payable by any person or entity who cancels any test or inspection less than one business day in advance of the date on which such test or inspection has been scheduled to take place or any contractor who fails to appear at the scheduled time to perform such test or inspection.

Historical Notes:

Enacted by Ord. No. 61 Effective Sept. 17, 2003