

Chapter 112
FIRE PREVENTION

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[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor 8-9-1976 by L.L. No. 7-1976. Amendments noted where applicable.]

§ 112-1. Adoption of Fire Prevention Code.

There is hereby adopted by the Board of Trustees for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the whole of that certain code known as the "Fire Prevention Code," Edition of 1976, recommended by the American Insurance Association, a copy of which is annexed hereto as "Exhibit A" and is hereby made a part of this chapter (such code being hereinafter sometimes called the "Fire Prevention Code" or "code"), as amended and supplemented by the provisions of §§ 112-4 through 112-8 hereof. From the date on which this chapter takes effect the Fire Prevention Code as so amended and supplemented shall be controlling within the limited of the Village of Pelham Manor.

§ 112-2. Establishment and duties of Bureau of Fire Prevention.

- A. The Fire Prevention Code as amended and supplemented by the provisions of this chapter shall be enforced by the Bureau of Fire Prevention in the Fire Department of the Village of Pelham Manor, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
- B. The Chief of the Fire Department shall issue all licenses and permits required under this chapter.
- C. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary.

- D. A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor of the Village of Pelham Manor; it shall contain all proceedings under the code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the code which, in his judgment, shall be desirable.

§ 112-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CORPORATION COUNSEL — The Attorney for the Village of Pelham Manor.

MUNICIPALITY — The Village of Pelham Manor.

§ 112-4. Districts in which storage of explosives and blasting agents is prohibited.

The limits referred to in Section 12.5b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: The storage of explosives and blasting agents is hereby prohibited throughout all of the Village of Pelham Manor except for the temporary storage of such agents on a site pending their use for which a permit shall have been issued in accordance with Section 1.9 of the Fire Prevention Code.

§ 112-5. Storage of flammable liquids in aboveground tanks; bulk plants for flammable liquids.

Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks and construction of bulk plants for flammable or combustible liquids are prohibited:

- A. The limits referred to in Section 16.22a of the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited are hereby established as follows: The storage of flammable liquids in outside aboveground tanks is hereby prohibited in all districts established by Chapter 210, Zoning, of the Village of Pelham Manor other than Industrial Districts. All such tanks lawfully maintained immediately prior to the adoption of this chapter are hereby exempted from this section.
- B. The limits referred to in Section 16.61 of the Fire Prevention Code in which new bulk plants for flammable or combustible liquids are prohibited are hereby established as follows: The construction of new bulk plants for flammable or combustible liquids is hereby prohibited in all districts established by Chapter 210, Zoning, of the Village of Pelham Manor other than Industrial Districts.

§ 112-6. Restriction on storage of liquefied petroleum gases.

The limits referred to in Section 21.6 a of the Fire Prevention Code in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows: The bulk storage of liquefied petroleum gases is hereby prohibited in an districts established by Chapter 210,

Zoning, of the Village of Pelham Manor other than Industrial Districts. All such storage facilities lawfully maintained immediately prior to the adoption of this chapter are hereby exempted from this section.

§ 112-7. Establishment of fire lanes on private property devoted to public use.

Thirty-six-foot-wide fire lanes shall be marked and maintained in front of, at the sides of and at the rear of all structures on the property used and operated as a shopping center which is bounded on the north and northeast by Pelham Parkway and on the southeast by the Boston Post Road.

§ 112-8. Amendments to Fire Prevention Code.

The Fire Prevention Code is amended and supplemented in the following respects:

- A. Section 1.9 thereof, captioned "Permits," is hereby amended by inserting at the end thereof three additional paragraphs reading as follows:
- f. No permit may be issued for the manufacturing, transportation or use of explosives until the applicant has been examined by the Chief of the Fire Department to determine his competency to have, own, handle, sell, use, keep, possess, manufacture, transport, carry, deliver, discharge or store explosives and until such competency on the part of the applicant has been approved by the Chief of the Fire Department or the Board of Trustees and the manner in which said explosives are to be used, sold, stored, kept, possessed or discharged is likewise approved and until the applicant has supplied to the Chief of the Fire Department satisfactory proof that the applicant complied with Article 16 of the Labor Law of the State of New York and the Rules of the Board of Standards and Appeals of the Labor Department of the State of New York.
 - g. A permit, when issued, shall specify the particular job for which it is issued, its location and a date of expiration.
 - h. No permit shall be issued to an applicant who is not a citizen of the United States.
- B. Section 12.4 thereof, captioned "Bond Required for Blasting," is hereby amended to read as follows:

No permit may be issued until the applicant has agreed to indemnify all persons and the Village of Pelham Manor against loss, expense, cost or damage direct or indirect of any kind or nature to persons or property resulting from the applicant's manufacture, owning, storing, keeping, possessing, transporting, carrying, delivering, discharging or using of such explosives or from the prosecution of the work involving such explosives, directly or indirectly. This liability and responsibility upon the part of the applicant shall be absolute and shall not depend upon any question of negligence on his part, the part of his agents, servants or employees, or the part of the claimed and the neglect of anyone to direct the applicant to take any particular precaution or to refrain from doing any particular thing shall not excuse the applicant in case of any such damage. Before the issuance of any permit the applicant shall have filed with his application a bond approved by the Mayor or

Village Attorney indemnifying all persons and the Village of Pelham Manor, its agents, servants and employees against loss, expenses, cost or damage direct or indirect of any kind or nature to persons or property resulting from the manufacture, ownership, transportation, delivery, sale, discharge or use of such explosives in any manner, directly or indirectly or the prosecution of the work involving such explosives. This liability or responsibility upon the part of the applicant which must be covered by indemnity bond as set forth herein shall be absolute and shall not depend upon any question of negligence on his part, the part of his agents, servants or employees or the part of the claimant and the neglect of anyone to direct the applicant to take any particular precaution or to refrain from doing any particular thing shall not excuse the applicant in case of any such damage. The amount of said bond of indemnity shall in no event be less than \$40,000 or \$20,000 for each vehicle to be used in the transportation of explosives, whichever is greater, subject to the right of the Board of Trustees of the Village of Pelham Manor to require an indemnity bond in a greater sum or amount if in their discretion a bond in a greater amount is required for the safety and welfare of the village, its inhabitants or their property. The applicant shall also furnish the Village of Pelham Manor with a policy of insurance issued by an insurance company authorized to do and doing business in the State of New York, insuring the Village of Pelham Manor, its officers and the employees and the person or persons, corporation or corporations or contractor owning, manufacturing, carrying, transporting, storing, keeping, possessing, delivering, discharging or using said explosives and the person or persons, corporation or corporations, doing any blasting or causing said blasting to be done and the owner of the property whereon said explosives are being stored, kept, possessed, discharged or used or, where blasting is being done against liability for damages arising out of the ownership, manufacture, storage, possession, transportation, delivery, discharge or use of said explosives or where blasting is being done, in the sum of \$200,000 for property damage, including but not limited to explosion, collapse and underground damage, and \$200,000 for personal injuries, including death, for each person, and \$500,000 for each accident.

- C. Article 16, Division II, thereof, captioned "Tank Storage," is hereby amended by inserting at the end thereof an additional section reading as follows:

Section 112-16.28. Permit Required.

No tank shall be installed, altered or repaired nor shall any tank be cleaned unless a permit therefor shall have been issued by the Bureau of Fire Prevention.

§ 112-9. Modifications.

The Chief of the Fire Department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

§ 112-10. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Board of Trustees within 30 days from the date of the decision by filing with the said Board a written notice of appeal signed by the appellant or his attorney specifying the basis upon which the appeal is taken.

§ 112-11. New materials, processes or occupancies which may require permits.

The Building Inspector and the Chief of the Fire Department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The Chief of the Fire Department shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

§ 112-12. Penalties for offenses.

- A. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply herewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Trustees or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a violation punishable by a fine not exceeding \$250. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. [Amended 5-14-1979 by L.L. No. 1-1979]
- B. The application of Subsection A above shall not be held to prevent the enforced removal of prohibited conditions.

§ 112-13. Fees.

Section 31.01, Fees, is amended as follows:

**ARTICLE 31
FEES**

Section 31.01 Fees. [Amended 4-26-1976 by L.L. No. 2-1976]

- a. The following fees shall be paid when a permit is issued and at each renewal thereof: (The fees shall be as established by resolution of the Board of Trustees.)