

FIRE PREVENTION

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ARTICLE II Underground Storage of Flammable Liquids

- S 22-1. (Reserved)**
- S 22-2. Bureau of Fire Prevention created.**

A Bureau of Fire Prevention, to consist of five resident taxpayers, is hereby created. One member shall be the Chief of the Fire Department, two members shall be Trustees of the village, and the remaining two members shall be firemen who hold no village office. The Mayor shall be an ex officio member of the Bureau. The terms of the two trustees who are members of the Bureau shall terminate with the term of the Mayor selecting them. The respective terms of two firemen members other than the Fire Chief first appointed shall be one and two years from and after their appointments. Their successors shall be appointed for terms of two years from and after the expiration of the terms of their predecessors in office. The Bureau shall operate under the direction of the Chief of the Fire Department who shall be its executive officer. In the event that the Chief of the Fire Department is not a taxpayer, the Fire Council shall designate a member of the Fire Department who is a taxpayer to act in his place as executive officer of this Bureau. Such Chief of Fire Council appointee is empowered and authorized to assign such and as many members of the Fire Department to make inspections

and perform other fire prevention work hereinafter provided for as he deems necessary for the proper performance of the functions and duties of the Bureau.

S 22-3. General duties.

A. It shall be the duty of the Bureau of Fire Prevention to enforce or cause to enforce or cause to be enforced all laws and ordinances of the state and village covering the following:

- (1) The prevention of fires.
- (2) The storage and use of explosives and flammables.
- (3) The installation and maintenance of automatic and other fire-alarm systems and fire-extinguishing equipment.
- (4) The maintenance and regulations of fire escapes.
- (5) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters and all other places in which numbers of persons work, live or congregate from time to time for any purpose.
- (6) The investigation of causes, origin and circumstances of fires.
- (7) The conducting of fire prevention campaigns and the preparation and circularization of fire prevention literature.

B. It shall have such other powers and perform such other duties as are set forth in other sections of this ordinance and as may be conferred and imposed upon it from time to time by law.

S 22-4. Power to inspect buildings and structures.

The Bureau of Fire Prevention is hereby empowered and authorized, at any and all reasonable times and as often as necessary, to enter upon and into any premises, building and structure within the limits of the Village of Attica, New York, except the interior of private dwellings, private garages, barns other accessory buildings on private property used for private purposes only, for the purpose of examining and inspecting the same to ascertain the condition thereof with regard to the presence and arrangements of deposits of any articles, materials, substances, goods, wares of merchandise which may have a tendency to create danger of or from fire in such premises, building or structure, or to create danger in case of fire on or in the same, or personal injury to or loss of life of the occupants of or persons on or in such premises, building or structure; also with regard to the condition, size arrangement and efficiency of any and all appliances, for protection against fire on or in such premises, building or structure; also any

violations of any ordinances of the village or town or regulations of the State of New York affecting of dealing with fire hazard. Any person refusing to permit such entrance and inspection or who shall interfere with or hinder the same shall be guilty of a violation of this ordinance. Assistants shall report in writing to the Chief the result of their inspections.

S 22-5. Powers to order removal of fire hazards.

If the Chief of the Bureau of Fire Prevention or those acting under or for him, shall find upon such inspections of such premises, building or structure, and rubbish, debris, waste or inflammable or combustible materials and that the same is not so arranged or disposed of as to afford reasonable safeguard against the danger of fire, or shall find that the articles, materials, goods, wares and merchandise, on or in such premises, building or structure, are so arranged and disposed that the occupants thereof or persons rightfully in or on the same would not, because of such arrangement and disposition, be afforded reasonable access to the exits of such premises, building or structure in case of fire, or shall find that by reason of such arrangement or disposition the members of the Fire Department would unnecessarily or unreasonably be interfered with in the exercise of their duties in and about such premises, building or structure in the case of fire in the same, the Chief may order in writing the removal of such rubbish, debris, waste or inflammable or combustible materials from such premises, building or structure, or the disposing or arranging of the same on or in such premises, building or structure in such manner as will remove such danger from fire. He may also order in writing that such articles, materials, goods, wares or merchandise be so arranged and disposed of in such premises, building or structure that the occupants thereof, or the persons rightfully in or on the same, will be afforded all reasonable access to the exits from the same in case of fire, and the members of the Fire Department will be afforded all reasonable facilities for the discharge of their duties in and about such premises, building and structure in the case of fire.

S 22-6. Powers to order appliances installed or placed in proper condition.

Whenever the Chief of the Bureau of Fire Prevention or those acting under him or for him shall find any building or other structure which for want of repair, lack of or insufficient fire escapes, automatic or other fire-alarm apparatus or fire-extinguishing equipment or by reason of age or dilapidated condition, or from any other cause is especially liable to fire or is so situated as to endanger other property or the occupants thereof, or whenever any officers shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or occupants thereof, he or they shall order such dangerous condition or materials to be removed or remedied, and such orders shall forthwith be complied with by the owner or occupant of such premises or building.

S 22-7. Right to appeal—final order.

Should any owner, lessee or occupant of any premises, building or structure, or the owner or person in control of any materials, goods, wares or merchandise, consider himself aggrieved by the orders of the Chief of the Bureau of Fire Prevention, he may within ten (10) days after such order has been served on him, appeal to the Board of Trustees, who shall thereupon make such order in the premises as they may deem right and reasonable, and such order shall be final.

S 22-8. Orders of the Chief, duties of owners, etc.

The orders provided for in SS 22-5,6 and 7 shall be directed to the owner, lessee or occupant of such premises, building or structure, or to the owner or person in control of the articles, materials, goods, wares or merchandise herein referred to, as the circumstances may require. The service of order or notice, required in this ordinance, shall be made by mailing a copy thereof to the last known address of the owner of the premises in question or his duly authorized agent, or by mailing or by delivering a copy thereof to the owner, occupant or person in charge, or by delivering a copy thereof to any person of suitable age and discretion in charge or apparently in charge of the premises, or, if no person be found in charge of the premises, then by affixing a copy of such order or notice in a prominent place on the exterior of such premises. It is hereby made the duty of such owner, lessee or occupant of such premises, building or structure, and of such person in control of such articles, materials, goods, wares and merchandise, or the owner thereof, to comply with such order or orders within the time and in the manner prescribed.

S 22-9. When inspections shall be made.

It shall be the duty of the Bureau of Fire Prevention to inspect as often as necessary, but not less than once a year in outlying districts and four (4) times a year in the closely built portions of the village, all buildings, premises and public thoroughfares, except the interior of private dwellings, private garages, barns and other accessory buildings on private property used for private purposes only.

S 22-10. Investigation of cause and circumstance of fire.

The Bureau of Fire Prevention shall investigate the cause, origin and circumstances of every fire occurring in the village by which property has been destroyed and damaged, and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigation shall be begun immediately upon occurrence of such a fire by the Chief of the Fire Department who shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and the prosecution of the case. Every fire shall be reported in writing to the Bureau

of Fire Prevention within two (2) days after the occurrence of the same by the Chief of the Fire Department of his agent. Such report shall be in such form as shall be prescribed by the Chief and shall contain a statement of all facts relating to the cause, origin and circumstances of such a fire, and extent of the damage thereof, and such other information as shall be required.

S 22-11. Records to be kept.

The Chief of the Bureau of Fire Prevention shall sign, or cause to be signed, all notices and orders required to be issued from the Bureau, and shall keep a record of the same. He shall also keep or cause to be kept, a proper record of all inspections, investigations, or examinations made by the Bureau, including the date of inspection, investigation or examination and a summary of the violation or violations found to exist, if any; the date of the service of the order or notice, a memorandum of the final disposition of all violations found to exist and a proper record of all other transactions and operations of the Bureau.

S 22-12. Liability for costs and expenses.

In the event of a fire resulting directly or indirectly from any omission or neglect to comply properly with any written order of the Chief as provided in this ordinance, any such owner, lessee, occupant or person culpable or negligent in respect thereto shall be liable to the Village of Attica, New York, for the payment of all costs and expenses of the Fire Department incurred in and about the use of employees, apparatus and materials in the extinguishment of any fire resulting from such cause. The amount of such costs and expenses shall be fixed by the Board of Trustees, and shall be collected by it in a civil action wherein the Village of Attica shall be plaintiff and the party culpable or negligent as above set forth shall be defendant. When collected such costs and expenses shall be paid into the village treasury and credited to the fire fund.

S 22-13. Fire drills in schools.

It shall be the duty of the Chief of the Bureau to require teachers of public, private and parochial schools and educational institutions to have one (1) fire drill each month and to keep all doors and exits unlocked during school hours.

S 22-14. Definitions.

OWNER, LESSEE, OCCUPANT, PERSON IN CONTROL OF or PERSON—As used in this ordinance shall mean and include one (1) or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

S 22-15. Penalties.

Any persons, owner, lessee or occupant of a building, structure or premises or any person in control of articles, materials, goods, wares and merchandise hereinbefore referred to, or the owner thereof, who shall violate any of the provisions of this ordinance, or any rule, order or regulation made in pursuance thereof shall, upon conviction thereof, be subject to a fine of not less than five dollars (\$5) nor more than twenty-five dollars (\$25.) or to imprisonment for not less than six (6) nor more than thirty (30) days, or to both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense. It shall be the duty of the Chief of the Fire Bureau to make the necessary complaint and information to the proper authority to enforce the provisions of this ordinance.

S 22-16. When effective.

This ordinance is to take effect after due posting and publication pursuant to law.

ARTICLE II

**Underground Storage of Flammable Liquids
[Adopted 8-4-77 as L.L. No. 3-1977]**

S 22-17. Bulk storage; time limit for compliance.

All bulk storage of flammable liquids within the village limits of the Village of Attica shall be in underground tanks to be approved by the Board of Trustees. Any person presently storing flammable liquids in violation of this section shall be given sixty (60) days from the effective date of this local law in which to comply.

S 22-18. Permit required; applications.

It shall be unlawful for any person to store or cause to be stored flammable liquids within the corporate limits of the Village of Attica without first having obtained and having in force and effect a permit for the storing of such flammable liquids. Permits shall be granted or denied by the Board of Trustees. All permits shall state the nature of the flammable liquid, the maximum quantity to be kept, the date of issuance and the location of the storage and shall require that underground storage be in accordance with the Fire Prevention Code of the American Insurance Association. Applications for permits shall be made through the Village Clerk who will transmit them to the Board of Trustees.

S 22-19. Definitions.

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

FLAMMABLE LIQUIDS – Gasoline and any liquid which has a flash point of one hundred degrees Fahrenheit (100 F.) or less, as determined by a Tagliabue or equivalent closed cup test device.

PERSON – Includes any person owning or in control of a flammable liquid and shall include one (1) or more persons of either sex, natural person, corporations, partnerships, joint-stock companies and all other entities of any kind capable of being sued.

S 22-20. Penalties for offenses.

Any person violating any of the provisions of this local law shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars (\$100.) for each offense or by imprisonment of not more than fifteen (15) days, or both such fine and imprisonment. Each day of continued violation shall constitute a separate offense. In addition, any and all persons who violate any of the provisions of this local law or who shall omit, neglect or refuse to do any act required by this local law shall, for each and every such violation or noncompliance, forfeit and pay a civil or criminal penalty of fifty dollars (\$50.). The imposition of any civil or criminal penalties for any violation of this local law shall not prevent the enforced removal of conditions prohibited by this local law or the taking of such other action as may be authorized by law. This local law may be enforced by injunction.

S 22-21. When effective.

This local law shall take effect immediately upon the filing of certified copies as required by S 27 of the Municipal Home Rule Law.

