

**PROPOSED ORDINANCE NO. 115 – 2017**

AN ORDINANCE AMENDING ORDINANCE NO. 28-2016, AS AMENDED,  
CONSTITUTING THE NASSAU COUNTY FIRE PREVENTION ORDINANCE.

WHEREAS, the Fire Commission has recommended certain changes to the Nassau County Fire Prevention Ordinance, Ordinance No. 28-2016; and

WHEREAS, the recommended changes are necessary and due in part to changes in regulations issued by the New York State Department of Environmental Conservation; now, therefore,

BE IT ORDAINED, by the County Legislature of the County of Nassau, as follows:

Section 1. Article XV of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby REPEALED.

§ 2. Section 1.8 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 1.8 Penalties**

Unless an Article of this Ordinance provides otherwise, any person, firm or corporation violating any provision of this Ordinance or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 one year 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.

§ 3. Section 3.1.2 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

- 3.1.2** Where there is a difference between the provisions of this Article and the standards referenced in this Article the provisions of this Article and/or the New York State Uniform Fire Prevention and Building Code shall apply. In the case of conflict between this Article and the New York State Uniform Fire Prevention and Building Code or any federal, state or Nassau County law, the more restrictive provision shall apply.

§ 4. Section 3.2 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

### **Section 3.2 Definitions**

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**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.

**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, tank vehicle and/or portable tank or container.

**BULK STORAGE FACILITY** – means a terminal where products 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.

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

**CARRIER** – means a person who transports and transfers products from one pipe or tank to another.

**DISCHARGE** – means an intentional or unintentional act or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of products 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.

**EXISTING FACILITY** – means a facility that had been constructed and was capable of being operated prior to the effective date of this Article.

**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.

**MARINE MOTOR FUEL-DISPENSING FACILITY** – means that portion of property where flammable 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 watercraft and shall include all other facilities used in connection therewith.

**MARINE TERMINAL** – means a product storage installation located adjacent to or bordering on navigable waters surrounding or within the County of Nassau.

**NON – STATIONARY TANK** – means any tank that is mobile in practice and design, including tanks on wheels, trolleys, skids, pallets or rollers.

**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.

**OPERATOR** – means any person who leases, operates, maintains, controls or supervises a facility.

**OUT OF SERVICE** – means a facility or portion thereof that is no longer in use.

**OWNER** – means any person who has legal or equitable title to a facility.

**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.

**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.

**PRODUCT** – means any flammable or combustible liquid, of any chemical composition, which use and storage is governed by this Article.

**SECONDARY CONTAINMENT** – means containment that prevents any materials spilled or leaked from reaching the land or water outside the containment area before cleanup occurs.

**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. **SPILL or SPILLAGE** – means any escape of products from the containers employed in the course of storage, transfer, processing or use.

**SPILL or SPILLAGE** – means any escape of products from the containers employed in the course of storage, transfer, processing or use.

**A SUBSTANTIALLY MODIFIED FACILITY** – means any existing facility that has been modified in one or more of the following ways; one or more stationary tanks has been added; an existing stationary tank has been replaced, reconditioned or permanently closed; or 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.

**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 , 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.

§ 5. Section 3.3.1 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby REPEALED.

§ 6. Section 3.3.3.10 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**3.3.3.10 Brush and Debris**

Weeds, grass, brush, trash and other combustible materials shall be kept not less than 10 feet from fuel-handling equipment.

§ 7. Section 3.4 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**Section 3.4 Reserved**

§ 8. Section 3.5.1 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby REPEALED.

§ 9. Section 3.5.2 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby REPEALED.

§ 10. Section 3.5.3 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby REPEALED.

§ 11. Section 3.5.4 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**Section 3.5.1 Communicating Device**

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 to the local fire department, police department or U.S. Coast Guard.

§ 12. Section 3.7.2.1 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**3.7.2.1** New and existing installations of flammable motor fuel dispensing systems shall have an automatic fire-extinguishing system using an extinguishing agent suitable for petroleum fires and installed in

accordance with NFPA 17 and their listings, and UL 1254 Standard for Pre-Engineered Dry Chemical Extinguishing systems. The fire protection system shall be connected to the fire alarm system, if provided, in accordance with the requirements of NFPA 72.

§ 13. Section 3.7.2.2 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**3.7.2.2** Design drawings are to be submitted in accordance with Section 3.12.12.2 and Article 24 of this Ordinance

§ 14. Section 3.8 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**Section 3.8    Reserved**

§ 15. Section 3.9.4.5 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**3.9.4.5** No motor fuel may be dispensed into or stored in an unapproved portable container as defined in Section 3.3.3.9 of this Ordinance. Motor fuel shall not be dispensed into portable tanks or cargo tanks.

§ 16. Section 3.9.4.7.5 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**3.9.4.7.5** Only dispensing nozzles of the self-closing type are permitted for self-Service dispensing devices.

§ 17. Section 3.9.4.8 is hereby added to Section 3.9.4 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016:

**3.9.4.8** Fueling of floating marine craft or berthed marine craft with Class I fuels at other than a marine motor fuel dispensing facility are prohibited.

§ 18. Section 3.12.2 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**3.12.2 Design Drawings Submission Required**

**3.12.2.1** In addition to the submission of design drawings required pursuant to Sections 3.5.1 of this Ordinance, the owner or operator shall submit design drawings to the Fire Marshal for review and pay the applicable fee set forth in Article XXII of this Ordinance if the design drawings are for the proposed installation, new construction, or modification of existing facilities and one or more of the following criteria is met:

1. An automatic fire suppression system is required, or an existing system is modified.
2. Flammable and/or combustible liquids are stored, handled, dispensed, mixed, transferred or packaged.
3. Emergency generators using a product as a fuel are installed.

**3.12.2.2** The design drawings, at a minimum, must conform to the requirements of Section 3.5.1 of this Ordinance. The Fire Marshal may require additional information on the design drawings to indicate compliance with this Article.

§ 19. Section 3.12.3 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby REPEALED.

§ 20. Section 3.13.1.1 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby AMENDED to read:

**3.13.1.1** Any person performing the following work shall secure the applicable license from the Fire Marshal in accordance with Article XX of this Ordinance installing, testing, inspecting or maintaining any automatic fire suppression system.

§ 21. Section 3.13.2.1.1 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016 is hereby REPEALED.

§ 22. Section 3.16 of Ordinance No. 28-16, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

### **Section 3.16 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New

York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 23. Section 4.7 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

#### **Section 4.7 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five-thousand (\$5,000) dollars for each and every offense. The imposition of a 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.

§ 24. Section 5.0 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

#### **Section 5.0 Scope**

This Article pertains to the storage, mixing and application of flammable finishes, powder coating and dip tanks. This article shall not apply to the use of aerosol products in containers up to 24-ounce capacity, that are not used continuously and repeatedly in the same location.

§ 25. Section 5.1.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**5.1.1** The following National Fire Protection Association (“NFPA”) Standards, are adopted in Nassau County and incorporated by Referenced into this Article:



NFPA 10	Standard for Portable Fire Extinguishers
NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 17	Dry Chemical Extinguishing Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 33	Standard for Spray Application Using Flammable or Combustible Materials
NFPA 34	Standard for Dipping, Coating, and Printing Processes Using Flammable or Combustible Liquids

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

§ 26. Section 5.3 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 5.3 Safeguards in Connection with Other Occupancies**

Finishing shops in buildings containing other occupancy shall be separated by a three (3) hour rated fire partitions or fire walls from other portions of the building; or a two (2) hour fire partition or fire wall and shall be equipped with an automatic sprinkler system in the occupancy.

§ 27. Section 5.4 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 5.4 Storage of Flammable Finishes in Finishing Shops**

**5.4.1** Quantities not exceeding, in the aggregate, fifty gallons with no container exceeding five gallons' capacity may be stored in flammable liquid storage cabinets. Storage cabinets shall be listed by the manufacturer or shall be designed and constructed to meet the requirements of NFPA 30.

- 5.4.2** Quantities in excess of fifty gallons shall be stored as described in NFPA 30 Flammable and Combustible Liquids Code and NFPA 33 Standard for Spray Application Using Flammable or Combustible Materials.

§ 28. Section 5.7 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 5.7 Ventilation**

- 5.7.1** Unless ventilated spray booths are used for all finishing operations, finishing rooms and mixing rooms shall be continuously ventilated during operation. Ventilation shall be such as to affect at least one complete change of air every three minutes.
- 5.7.2** Exhaust intakes in finishing rooms shall be located no higher than five (5') feet above the floor and shall discharge directly outside of building. All exhaust stacks and ducts shall be of substantial construction made tight, with joints overlapping a minimum of one inch (1"). They shall extend as directly as possible to the outside air, where the ductwork must pass through another room, the ductwork shall be enclosed in a one (1) hour fire rated assembly and be so arranged that the discharge or vapor and residue or fire therefrom will not endanger property. Exhaust termination outlets shall extend six foot (6') above the roof line, and be ten feet (10') away from any openings and 30 feet away from the property line. They shall not be connected to other ventilating or collecting systems. Exhaust stacks and ducts that convey flammable vapors passing through roof ceiling assemblies must follow clearances as per Mechanical Code of New York State. A minimum of six inches (6") clearance to any combustible.

§ 29. Section 5.9.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

- 5.9.1** Finishing shops shall be kept free from all unnecessary combustible materials and refuse. No combustible materials or refuse are to be within three (3) feet of a spray booth, or mixing room.

§ 30. Section 5.9.4 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

- 5.9.4** Filters must be changed as per manufactures recommendations or sooner as required.

§ 31. Section 5.10 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 5.10 Open Flames and Heating**

**5.10.1** No open flame shall be permitted in storage or mixing rooms, storage cabinets, finishing rooms or spray booths. Only indirect heating systems shall be used.

**5.10.2** All building heating equipment. All open flame or infrared tube heating equipment must be a minimum of 20 feet away from the booth and outside the hazard zones.

§ 32. Section 5.11 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 5.11 Grounding**

**5.11.1** All metal spray booths, dip tanks, bake ovens, mixers, filters, pumps, motors and shafting shall be electrically grounded, as per National Electric Code

§ 33. Section 5.12.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**5.12.1** Portable fire extinguishers shall be provided and maintained in compliance with NFPA 10, with a minimum rating of 40BC.

§ 34. Section 5.14.3 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**5.14.3** Spray booths shall be provided with exhaust systems of sufficient capacity to adequately remove vapors or residue. The 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 or vent. A stack or vent shall be properly supported and shall have at least a six (6) inch clearance where it passes through wooden floors, roofs, partitions or in close proximity to them or other combustible material.

§ 35. Section 5.14.9 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**5.14.9** No exposed combustible roof assemblies shall be in spray rooms including rooms where spray booths or mixing rooms are located. Where the spray room, spray booth or mixing room is closer than three (3) feet to the combustible roof assembly, a minimum of one (1) hour fire rating is required. If the spray room, spray booth or mixing room is greater than three (3) feet then one (1) layer of 5/8 sheet rock is required, to cover the roof assembly.

§ 36. Section 5.17.1.1 is hereby added to Section 5.17.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016:

**5.17.1.1** The automatic extinguishing system shall be installed by a qualified person, firm, business entity or corporation certified by the manufacturer of the system being installed.

§ 37. Section 5.21.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**5.21.1** Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 38. Section 6.1.4 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 6.1.3** Deviations from the NFPA Standards listed above or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

§ 39. Section 6.5.4 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**6.5.4** Every distribution point or distribution plant 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, and shall be checked for leaks before turning over/selling to the public. Excluding those with a water capacity of 2 ½ pounds or less.

**6.5.4.1** Each cylinder shall be weighed and checked for leaks before being deliver to the purchaser to insure that the cylinder is not filled beyond acceptable limits or has any leaks.

**6.5.4.2** Every LPG cylinder excluding those with a water capacity of 2 ½ pounds or less, shall be checked for leaks before turning over / selling to the public.

§ 40. Section 6.5.5.4 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**6.5.5.4** Reserved.

§ 41. The second section incorrectly numbered 6.5.5 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**6.5.6 Temporary or Emergency Use in Occupied Buildings**

Liquefied Petroleum Gas may be used in occupied buildings or structures attached to occupied buildings provided that:

**6.5.6.1** Containers in use shall be placed so as to ensure against tipping, and protected from physical damage.

**6.5.6.2** 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.

**6.5.6.3** Containers must be outside the building at an approved location.

**6.5.6.4** 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.

**6.5.6.5** An approved gas shut-off device as specified in the *Fuel Gas Code of New York State* 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.

**6.5.6.6** Approved carbon monoxide detection alarms shall be installed in all areas where heaters fueled by Liquefied Petroleum Gas are in use. Installation of detection alarms shall be in accordance with manufacturer's requirements.

**6.5.6.7** A permit is obtained from the Fire Marshal.

§ 42. Section 6.5.6 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**6.5.7 Supervision**

Temporary cooking equipment, heaters and other equipment acceptable to the Fire Marshal shall be supervised by a person approved by the Fire Marshal who has knowledge of the utilization of Liquefied Petroleum Gas. This person is to be in attendance at all times when heaters are in operation. Proper supervision is the responsibility of the person, firm and corporation using temporary heat.

§ 43. Section 6.5.7 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**6.5.8** All openings between an occupied portion and portion under construction where Liquefied Petroleum Gas is used are to be closed with material of at least one (1) hour fire rating.

§ 44. Section 6.5.8 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**6.5.9** Excess Flow Check Valve(s).

All containers, except cylinders with a maximum water capacity of 2-1/2 pounds, shall be equipped with an excess flow check valve to shut off the flow of gas if a hose is severed.

§ 45. Section 6.9 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 6.9 Certificate of Fitness Required**

Any person filling containers at distribution points where Liquefied Petroleum Gas is sold and/or transferred from one vessel into another, or offering prefilled liquefied petroleum gas cylinders to the public, shall hold a valid Certificate of Fitness issued by the Fire Marshal. The Requirements of Certificate of Fitness shall be in accordance with Article XX of this Ordinance. The fee for certificate of fitness is set forth in Article XXII of this Ordinance.

§ 46. Section 6.12 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 6.12 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 47. Section 7.5 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 7.5 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 48. Section 8.14 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 8.14 Penalties**

Any person or business entity other than a corporation violating any provisions of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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. However, no penalty for a violation of this Article shall exceed any penalty provided for by the State of New York in any law or regulation relating to carbon monoxide detection.

§ 49. Section 9.1.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 9.1.1** The following National Fire Protection Association (“NFPA”) Standards, are adopted in Nassau County and incorporated by reference into this Article:

NFPA 10	Standard for Portable Fire Extinguishers
NFPA 51B	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work



NFPA 70      National Electrical Code ®

The NFPA edition can be found in Article XXX Referenced Standards of this Ordinance.

§ 50. Section 9.9 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 9.9    Failing to Comply**

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

§ 51. Section 9.10 is hereby added to Section 9 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016:

**Section 9.10   Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 52. Table 10.8.1.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby REPEALED and REPLACED with:

**Table 10.8.1.1   PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	An operational permit is required: 1.To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments. 2.To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at

	commercial, industrial, governmental or manufacturing establishments.
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Corrosive materials

Gases	200 cubic feet at NTP
Liquids	55 gallons
Solids	1000 pounds
Explosive materials	<p>An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56.</p> <p>Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.</p>

Flammable materials

Gases	200 cubic feet at NTP (except cryogenic fluids and liquefied petroleum gases)
Liquids	<p>Flammable and combustible liquids. An operational permit is required:</p> <ol style="list-style-type: none"> <li>1.To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.</li> <li>2.To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: <ol style="list-style-type: none"> <li>2.1.The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.</li> <li>2.2.The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</li> </ol> </li> <li>3.To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</li> <li>4.To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.</li> </ol> <p>Exception: Fuel oil and used motor oil used for space heating or water heating.</p> <ol style="list-style-type: none"> <li>5.To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site</li> </ol>

	<p>pumps normally used for dispensing purposes.</p> <p>6.To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel–dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</p> <p>7.To place temporarily out of service (for more than 90 days) an underground, protected above–ground or above–ground flammable or combustible liquid tank.</p> <p>8.To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.</p> <p>9.To manufacture, process, blend or refine flammable or combustible liquids.</p> <p>10.To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.</p> <p>11.To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.</p>
Solids	100 pounds

#### Highly toxic materials

Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount

#### Oxidizing materials

Gases	504 cubic feet at NTP (including Oxygen)
Liquids	
Class 4	Any Amount
Class 3	1 gallon <sup>a</sup>
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds <sup>b</sup>
Class 2	100 pounds
Class 1	500 pounds

#### Organic peroxides

Liquids	
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Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required

Pyrophoric  
materials

Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount

Toxic  
materials

Gases	Any Amount
Liquids	10 gallons
Solids	100 pounds

Unstable  
(reactive)  
materials

Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds

Water-reactive

materials

Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

§ 53. Section 10.11 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 10.11 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 54. Section 11.6 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 11.6 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates

any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 55. Section 12.8 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 12.8 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 56. Section 13.12 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 13.12 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 57. Section 14.13 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

### **Section 14.13 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 58. Section 16.5 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

### **Section 16.5 Penalties**

Any person or business entity other than a corporation that fails to comply with any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a 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.

§ 59. Section 17.11.2 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

17.11.2 Any activation of the fire alarm system resulting in the response of the fire department or any fire department personnel, caused by a contractor or person who fails to either place the system on test or by contacting the local fire department dispatcher to take the fire alarm system out of service, during service of any fire protection system, shall be in violation of this Ordinance.

§ 60. Section 17.13 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016,  
is hereby AMENDED to read:

**Section 17.13 Penalties**

Any person or business entity other than a corporation violating any provisions of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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.

§ 61. Section 18.15 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016,  
is hereby AMENDED to read:

**Section 18.15 Penalties**

Any person or business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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.



§ 62. Section 19.10 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 19.10 Penalties**

Any person or business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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.

§ 63. Section 21.9 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 21.9 Penalties**

Any person, firm, or business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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 or permit to continue and each fifteen (15) days that the prohibited conditions are maintained shall constitute a separate offense.

§ 64. Section 22.3.3.2.3 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

<b>22.3.3.2.3</b>	New or Modified Automatic Fire Suppression System	\$ 550.00
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§ 65. Section 22.15 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 22.15 Reserved**

§ 66. Section 22.29 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 22.29 Article XXIX**

**22.29.1** Sprinkler and Standpipe System (Type 2) Inspection, Testing and Maintenance License Fees:

<b>22.29.1.1</b>	Initial Application	\$320.00
<b>22.29.1.2</b>	Renewal fee for each year valid	\$165.00

**22.29.2** Sprinkler and Standpipe System Testing Fees:

<b>22.29.2.1</b>	Functionality Test	\$550.00
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**22.29.3** Inspection, Testing and Maintenance Certificate of Fitness (Type 2) Fees:

<b>22.28.3.1</b>	Initial Application	\$330.00
<b>22.28.3.2</b>	Renewal fee for each year valid	\$70.00

§ 67. Section 23.8 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 23.8 Penalties**

Any person or business entity other than a corporation, violating any provision of this Article or NYCRR Title 19, or such other New York

State laws or regulations enacted or issued to replace NYCRR Title 19, 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.

§ 68. Section 24.20 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

#### **Section 24.20 Penalties**

Any person or business entity other than a corporation, violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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.

§ 69. Section 25.8 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

#### **Section 25.8 Penalties**

Any person or entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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.

§ 70. Section 26.2 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

#### **Section 26.2 Definitions**

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**FLAME EFFECT** – Combustion of flammable solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.

**COLD SPARK FOUNTAIN** – Any device that emits a shower or fountain of cold sparks.

**PERFORMANCE** – Enactment of a musical, dramatic, operatic, or other entertainment production. A performance can include encores.

**PRODUCTION** – Performances of a musical, dramatic, operatic or other series of shows.

**PYROTECHNICS** – 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.

**PYROTECHNIC DEVICE** – Any device containing pyrotechnic materials and capable of producing a special effect.

**PYROTECHNIC MATERIAL** – 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.

**PYROTECHNIC OPERATOR** – 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.

§ 71. Section 26.3.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

### **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 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 Article 28 of this Ordinance and a complete fire alarm and smoke and fire detection system installed in accordance with Article 17 of this Ordinance.

**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 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.

§ 72. Section 26.5 is hereby added to Article XXVI of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016:

**Section 26.5 Cold Spark Fountains**

Cold Spark Fountains must comply with section 26.3 and 26.4 of this Ordinance.

26.5.1 Fire Extinguishing Equipment. Portable fire extinguishers or other fire extinguishing appliances rated for “D” type fires shall be readily accessible any place a cold spark fountain is being stored, set up, displayed or used.

§ 73. Section 26.5 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 26.6 Failing to Comply**

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

§ 74. Section 26.6 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

### **Section 26.7 Penalties**

Any person or entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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.

§ 75. Section 27.3 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

### **Section 27.3 Penalties**

Any person or entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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.

§ 76. Section 28.3.1.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**28.3.1.1** Working design drawings 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 twenty-five (25) or less existing sprinkler heads shall not require design drawings 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 design drawing review fee and a Sprinkler Head Relocation Test Permit fee set forth in Article XXII of this Ordinance. Any deviation from such approved design drawings shall require the permission of the Fire Marshal. The original Fire Marshal's Copy of such approved design drawings or a Sprinkler Head Relocation Permit shall be on site during the installation, alteration, relocation, remodeling and testing of any sprinkler system equipment. Fire Marshal's copy shall remain on site following approval of the system by the Fire Marshal.

§ 77. Section 28.4.8 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**28.4.8** Design drawings for installations shall be stamped by a New York State Licensed Professional Engineer or New York State Registered Architect as required by the New York State Department of Education Law, Section 7209. A raised seal or stamp and signed letter from the engineer or architect on their professional letterhead shall accompany design drawings attesting to his/her seal/signature on design drawings attesting that design drawings and the entire submission package were reviewed. All signatures shall be original; facsimile or copied signatures shall not be accepted.

§ 78. Section 28.11 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

#### **Section 28.11 Penalties**

Any person or business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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.

§ 79. Section 29.11 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 29.11 Penalties**

Any person or business entity other than a corporation violating any provision of this Article or NYCRR Title 19, or such other New York State laws or regulations enacted or issued to replace NYCRR Title 19, 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.

§ 80. Section 30.1 of Ordinance No. 28-2016, as amended by Ordinance No. 100-2016, is hereby AMENDED to read:

**Section 30.1 NFPA- National Fire Protection Association**

<b>Standard</b>	<b>Title</b>	<b>Edition</b>
NFPA 10	Standard for Portable Fire Extinguishers	2013

NFPA 11	Standard for Low-, Medium-, and High-Expansion Foam	2010
NFPA 12	Standard on Carbon Dioxide Extinguishing Systems	2011
NFPA 12A	Standard on Halon 1301 Fire Extinguishing Systems	2009
NFPA 13	Standard for the Installation of Sprinkler Systems	2013
NFPA 14	Standard for the Installation of Standpipe and Hose Systems	2013
NFPA 15	Standard for Water Spray Fixed Systems for Fire Protection	2012
NFPA 16	Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems	2015
NFPA 17	Standard for Dry Chemical Extinguishing Systems	2013
NFPA 17A	Standard for Wet Chemical Extinguishing Systems	2013
NFPA 20	Standard for the Installation of Stationary Pumps for Fire Protection	2013
NFPA 24	Standard for the Installation of Private Fire Service Mains and Their Appurtenances	2013
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems	2014
NFPA 30	Flammable and Combustible Liquids Code	1984 & 2012
NFPA 30A	Code for Motor Fuel Dispensing Facilities and Repair Garages	2015
NFPA 31	Standard for the Installation of Oil-Burning Equipment	2011
NFPA 33	Standard for Spray Application Using Flammable or Combustible Materials	2011
NFPA 34	Standard for Dipping, Coating, and Printing Processes Using Flammable or Combustible Liquids	2011

NFPA 37	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines	2015
NFPA 51	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes	2013
NFPA 51B	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work	2014
NFPA 55	Compressed Gases and Cryogenic Fluids Code	2013
NFPA 58	Liquefied Petroleum Gas Code	2014
NFPA 70	National Electrical Code®	2014
NFPA 72	National Fire Alarm and Signaling Code	2013
NFPA 96	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations	2014
NFPA 101	Life Safety Code	2015
NFPA 110	Standard for Emergency and Standby Power	2013
NFPA 140	Motion Picture and Television Production Studio Soundstages, Approved Production Facilities and Production Locations	2008
NFPA 160	Standard for the Use of Flame Effects Before an Audience	2011
NFPA 170	Standard for Fire Safety and Emergency Symbols	2015
NFPA 231	Standard for General Storage	1998
NFPA 231C	Standard for Rack Storage of Materials	1998
NFPA 400	Hazardous Materials Code	2013
NFPA 495	Explosive Materials Code	2013

NFPA 701	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films	2010
NFPA 704	Standard System for the Identification of the Hazards of Materials for Emergency Response	2012
NFPA 720	Installation of Carbon Monoxide (CO) Detection and Warning Equipment	2015
NFPA 750	Water Mist Fire Protection Systems	2015
NFPA 1123	Code for Fireworks Display	2014
NFPA 1126	Standard for the Use of Pyrotechnics Before a Proximate Audience	2011
NFPA 2001	Clean Agent Fire Extinguishing System	2015

§ 81. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 82. This Ordinance shall take effect immediately.

