

LOCAL LAW NO. 1, 1984

**A LOCAL LAW IMPLEMENTING THE NEW YORK STATE UNIFORM FIRE PREVENTION
AND BUILDING CODE OF THE STATE OF NEW YORK**

ADOPTED BY TOWN OF CAMBRIA TOWN BOARD MARCH 1, 1984

Be it enacted by the Town Board of the Town of Cambria as follows:

Section 1. Applicability

This local law shall provide the basic method for administration and enforcement of the State Fire Prevention and Building Code in the Town of Cambria and shall establish powers, duties and responsibilities in connection therewith.

Section 2. Effective Date

This local law shall be effective as of the 1st day of January 1984.

Section 3. Administration

- (a) The Fire Prevention and Building Code is hereby adopted by the Town of Cambria and shall be enforced by the Town Board of the Town of Cambria.
- (b) The Town Board shall designate fire inspectors and code enforcement officers.
- (c) The Town Board may adopt rules and regulations for administration and enforcement of this code not to be in conflict with the Uniform State Fire Prevention and Building Code, this local law or any other provision of law.

Section 4. Partial Invalidity

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 5. Variance

The Cambria Town Board shall have power to vary any of the provisions of the Fire Prevention Code, after having first conducted a hearing, 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 variance when granted or allowed shall be entered upon the records of the town and a signed copy shall be furnished the applicant.

Section 6. New Materials, Processes or Occupancies which may Require Permits.

The Town Board will 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 enumerated in said code. The Fire Prevention Bureau shall post such list on the Town Bulletin Board and distribute copies thereof to interested persons.

Section 7. Penalties

- (a) Failure to comply with any provision of the New York State Fire Prevention and Building Code, this local law, rules and regulations adopted pursuant to this local law, or a violation order shall be deemed a violation and the violator shall be liable for a fine of not more than \$1000.00, or imprisonment not to exceed one year, or both, and each day such violation continues shall constitute a separate violation. Notice shall be served either personally or by registered mail with an order to remedy the condition and a time stated for correcting the violation.
- (b) An action or proceeding in the name of the Town of Cambria may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the State Fire Prevention and Building Code, this local law, rule or regulation adopted pursuant to this local law or a violation order or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

Section 8. Repeal of Conflicting Ordinances

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this local law are hereby repealed. This local law also repeals Article VIII, Section 1301 and 1302 of the Zoning Ordinance of the Town of Cambria.

Section 10.1. Title

This local law shall be known as the State Fire Prevention and Building Code of the Town of Cambria, County of Niagara and State of New York.

Section 10.2. Intent of Code

It is the intent of this code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises.

Section 10.3. Application of Code

- (a) The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property.
- (b) Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the Department of Transportation (DOT), nor as applying to the military forces of the United States.

Section 10.4. Authority to Enter Premises

- (a) Fire Prevention Inspectors and code enforcement officers from the Town of Cambria may, at all reasonable hours, enter any building or premises for the purpose of making any inspection, or investigation which, under the provisions of this code, he or they may deem necessary to be made, subject to the laws of the State of New York and the provisions of the New York State Uniform Fire Prevention and Building Code.
- (b) Fire Prevention Inspectors and code enforcement officers from the Town of Cambria shall be permitted by the owner, lessee, manager or operator of any building or premises to enter and inspect their building or premises at the time and for the purpose stated in this section.

Section 10.5 Inspection of Building and Premises and Training Officials

(a) It shall be the duty of the Fire Prevention Inspectors and code enforcement officers to inspect buildings and premises except the interiors of dwellings as directed and scheduled by the Fire Prevision Bureau for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of this code and of any other ordinance effecting the fire hazard.

(b) Fire Inspectors and enforcement officers appointed by the Town Board of the Town of Cambria shall have the duty to enforce the Fire Prevention and Building Code of the Town of Cambria.

Section 10.6 Orders to Eliminate Dangerous or Hazardous Conditions

Whenever any of the Fire Prevention Inspectors or code enforcement officers as mentioned in Section 10.4 shall find in any building or upon any premises dangerous or hazardous conditions or materials, he or they shall recommend that the Town Board order such dangerous conditions or materials to be removed or remedied in such a manner as may be specified by the Town Board.

Section 10.7 Service of Orders

(a) The service of orders for the correction of violations of this code shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises or in case of no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of said order, or, if such owner is absent from the jurisdiction of the officer making the order, by sending such copy by registered mail the owner's last known post office address.

(b) If building or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this code shall apply to the occupant thereof, except where the rules or orders require the making of additions or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed upon between the owner and the occupant.

Section 10.8 Records of Fires

A report on each and every fire occurring within the Town of Cambria shall be furnished by the respective fire company to the Town Board on a monthly basis. Such report shall be complete and include the probably cause, damage, injuries and/or deaths and estimated loss and such other information as is pertinent thereto.

Section 10.9 Liability for Damages

This code shall not be construed to hold the Town of Cambria, its officers, agents or employees responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or the permit issued herein provided or by reason of the approval or disapproval of any equipment authorized herein.

Section 10.10 State Fire Prevention Code

The New York State Uniform Fire Prevention and Building Code and all duly adopted amendments thereto, rules and regulations of the State of New York are included herein in their entirety.