

Intro. Res. No. 1122-2009

Laid on Table 3/3/2009

Introduced by Legislators Eddington, Beedenbender, Lindsay, Losquadro, Browning and Gregory

**RESOLUTION NO. 295 -2009, ADOPTING LOCAL LAW
NO. 12 -2009, A LOCAL LAW TO ENSURE FIRE HYDRANT
OPERABILITY AND SAFE WATER PRESSURE LEVELS IN
SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 3, 2009, a proposed local law entitled, **“A LOCAL LAW TO ENSURE FIRE HYDRANT OPERABILITY AND SAFE WATER PRESSURE LEVELS IN SUFFOLK COUNTY;”** now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 12 -2009, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENSURE FIRE HYDRANT OPERABILITY AND
SAFE WATER PRESSURE LEVELS IN SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that ensuring the proper functioning of fire safety equipment in Suffolk County is essential to protecting public safety.

This Legislature also finds and determines that at a recent fire in a private co-operative community in Selden, firefighters experienced difficulty in performing their duties due to inadequate water flow coming from a fire hydrant.

This Legislature further finds and determines that fire hydrants and the water flow from hydrants in private residential communities within Suffolk County are not maintained by towns and villages, but are instead the responsibility of the private owner.

This Legislature finds that, pursuant to the New York State Fire Code §508.5.3, private fire hydrants are to be tested for operation and flow each year.

This Legislature determines that, while the towns and villages are the entities primarily involved in the inspection and maintenance of fire hydrants, Suffolk County has a role to play in making certain that all the necessary parties have the information they need to fight fires as safely and efficiently as possible.

Therefore, the purpose of this law is to require private residential communities to annually file a certification with Suffolk County that they have performed the required annual test of their fire hydrants and have provided the results of those tests to their town or village fire marshal and local fire department.

Section 2. Amendments.

Chapter 294 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 294, FIRE PREVENTION

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ARTICLE II, Testing of Fire Hydrants in Private Communities

§ 294-8. Definitions.

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

DEPARTMENT -- the Suffolk County Department of Fire Rescue and Emergency Services.

PRIVATE RESIDENTIAL COMMUNITY -- a residential community containing apartments, condominiums, townhouses, co-operative housing, and one or two family homes that utilize a private community water system, as defined in the Suffolk County Sanitary Code §760-601, and which is required to annually inspect and test fire hydrants pursuant to §508.5.3 of the New York State Fire Code.

OWNER -- the person(s) and/or corporation(s) that hold a possessory interest in a parcel of real property on which a private residential community is built, the person(s) or corporation(s) hired for the purpose of providing day to day management of a private residential community, or the person(s) responsible for ensuring that the annual fire hydrant testing is performed under the New York State Fire Code §508.5.3 for that specific property.

§ 294-9. Requirements.

- A.) The owner of a private residential community shall submit a copy of the report generated from its annual fire hydrant testing performed pursuant to the New York State Fire Code §508.5.3 to the town or village fire marshal and local fire department within thirty (30) days of receiving the original report. The aforementioned report shall include, but not be limited to, the water pressure level coming out of each hydrant as measured by pounds per square inch (psi) and a calculation of the number of gallons of water per minute from each hydrant based on a reading of 20 psi of flowing pressure.

- B.) The owner of a private residential community shall submit a complete sworn affidavit, the form of which shall be established by the Department, with the Department that said owner has performed the fire hydrant testing which must be conducted annually under the New York State Fire Code §508.5.3, and has filed a report containing the information described in Subsection (A) with its local town or village fire marshal and local fire department. This affidavit shall be filed with the Department within 15 days after the report described in Subsection (A) is filed with the town or village fire marshal or the local fire department.

§ 294-10. Penalties.

- A.) Owners who fail to file a report or an affidavit as required in Section 3 shall be subject to a civil penalty in an amount of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) for each day beyond December 31st that the affidavit remains unfiled with the Department. Each violation shall constitute a separate offense.
- B.) Any owner who submits a false, fictitious, or fraudulent statement to the Department shall be guilty of a Class A misdemeanor, punishable by a fine of not less than five hundred dollars (\$500) and not more than two thousand dollars (\$2,000), six (6) months' imprisonment, or both. Each violation shall constitute a separate offense.

§ 294-11. Enforcement.

The Department shall promulgate such rules and regulations as it deems necessary for the implementation and enforcement of any provisions of this chapter. Such rules shall govern the conduct of adjudicatory proceedings relating to the assessment of civil penalties herein authorized and such other penalties authorized under this article. Such rules shall further provide for due process procedural mechanisms and any other mechanisms deemed necessary by the Department.

ARTICLE III, [II] Servicing of Portable Fire Extinguishers and Automatic Fire Extinguishing Systems

§294 [8] 12. Legislative intent.

§294 [9] 13. Definitions.

§294 [10] 14. License required.

§294 [11] 15. Exempted operations.

§294 [12] 16. Minimum requirements to qualify for license and/or limited license.

§294 [13] 17. Servicing standards and procedures.

§294 [14] 18. Term of licenses; renewal: conditions; display required.

§294 [15] 19. Duplicate and supplementary licenses.

§294 [16] 20. Penalty for offenses; injunctive relief.

§294 [17] 21. Licensing board.

Section 3. Applicability.

This law shall apply to all fire hydrant operability tests required pursuant to the New York State Fire Code §508.5.3 for the calendar year 2009 and all such tests for each subsequent year.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to its' filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: April 28, 2009

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 15, 2009

After a public hearing duly held on May 12, 2009
Filed with the Secretary of State on June 1, 2009