

Chapter 15

(R E S E R V E D)

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1950

1951

1952

1953

Chapter 16

(R E S E R V E D)

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Chapter 17

DANCE HALLS AND CABARETS¹

§ 17-1. Definitions.

§ 17-2. Public dance halls and cabarets: licensing.

§ 17-3. Membership corporations, clubs, associations and societies.

§ 17-4. Licenses; application.

§ 17-5. Hours of operation.

§ 17-6. Revocation of license.

§ 17-7. Inspection before and after issuing license.

§ 17-8. Temporary permits; fee.

§ 17-9. License for a public dance.

§ 17-10. When effective.

[HISTORY: Adopted Rye Town Board 3-17-70. Amendments noted where applicable.]

§ 17-1. Definitions.

When used in this ordinance, the words:

PUBLIC DANCE HALL — Shall mean any room, place or space in the Town of Rye in which dancing is carried on and to which the public may gain admission, either with or without the payment of a fee, excepting, how-

¹ Editor's Note: See also Ch. 4, Amusements; and Ch. 19, Entertainment, Carnivals, Gaming Devices.

ever, premises owned, occupied or used by a religious, charitable, eleemosynary institution or educational corporation or institution.

PUBLIC DANCE or BALL — Shall mean any dance or ball of any nature or description to which the public may gain admission.

CABARET — Shall mean any room, place or space in the Town of Rye in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink.

RESIDENTIAL DISTRICTS — Referred to herein are as defined in the Zoning Ordinance of the Town of Rye.¹

§ 17-2. Public dance halls and cabarets: licensing.

No person, firm or corporation shall conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, in the unincorporated area of the Town of Rye, a public dance hall or a cabaret unless the premises wherein the same is conducted, maintained or operated are licensed in the manner prescribed by this ordinance.

§ 17-3. Membership corporations, clubs, associations and societies.

A membership corporation, club, association or society which permits musical entertainment, singing, dancing or other form of amusement in premises wherein food or drink is directly or indirectly sold to its members, or their guests, or to the public, shall be subject to the conditions and provisions of this ordinance.

¹ Editor's Note: See Ch. 66, Zoning.

§ 17-4. Licenses; application.

The license prescribed by this ordinance shall be issued by the Rye Town Clerk who shall keep a record thereof. Application for such license shall be made on a form containing such information as may be determined by the Town Board. The fee for each such license shall be one hundred dollars (\$100.) for each year or fraction thereof. All licenses issued between the first day of April and the 30th day of September, inclusive, of any year shall expire on the 31st day of March of the succeeding year; and all licenses issued between the first day of October and the 31st day of March, inclusive, shall expire on the 30th day of September following. There shall be kept posted at the main entrance of every place licensed pursuant to this ordinance a certificate of such license. No such license shall be issued unless the place for which it is issued complies with all laws and ordinances and with the rules and regulations of the Building Department, the Police Department, Fire Department and the Westchester County Health Department, and, in the opinion of the Town Board, is a safe and proper place to be used as a public dance hall, cabaret or club, and the person or persons seeking such license is or are deemed by the Town Board to be fit or proper persons, and the license shall state "This license is revokable" on the face thereof and shall be issued only upon the payment of the fee therefor.

§ 17-5. Hours of operation.

No music shall be played or dancing permitted on premises licensed by this ordinance between the hours of 1:00 A.M. and 1:00 P.M. on mornings of days following Saturdays, holiday eves and holidays. No person other than proprietors or employees shall be permitted to remain in such premises between the hours of 3:00 A.M. and 8:00 A.M. on such days, except that nothing herein contained shall prevent regular guests of hotels,

or overnight or permanent guests of clubs from remaining on such premises at all times. On all other days no music shall be played or dancing permitted between the hours of 1:00 A.M. and 1:00 P.M., except that in residential districts no music shall be played or dancing permitted between the hours of 12:00 midnight and 1:00 P.M. No persons other than proprietors or employees, or overnight or permanent guests, shall be permitted to remain in such premises between the hours of 2:00 A.M. and 8:00 A.M. except that in residential districts no persons other than employees, or overnight or permanent guests, shall be permitted to remain on the premises between the hours of 1:00 A.M. and 8:00 A.M. The Town Board in its discretion may permit any premises licensed pursuant to this ordinance to be open to the public between such hours on special occasions.

§ 17-6. Revocation of license.

A license may be revoked by the Town Board for any violation of law or upon the grounds that disorderly, obscene or immoral conduct is permitted on the licensed premises, or said license may be revoked for other good cause. The Town Clerk, upon direction of the Town Board, shall cause to be served upon such parties as they may deem to be interested therein such reasonable notice as they may determine to be proper of its intention to revoke such license. There shall be included in or attached to such notice a statement of the facts constituting the violation charged. Such parties shall be entitled to a hearing before the Town Board.

§ 17-7. Inspection before and after issuing license.

No license shall be issued until the Town Board shall have caused an inspection to be made of the premises to be licensed, and until the Town Board is satisfied that such place complies

with all laws and ordinances of the town and the rules and regulations of all departments of the town, and that the person or persons seeking such license is or are fit and proper persons. The Town Board shall also cause to be made such inspection as may be necessary to ascertain whether the places licensed are maintained in compliance with law. For the purpose of facilitating the inspection prescribed by this section, the Town Board is authorized to call upon the head of any department of the town, and such department and its employees shall make such inspection as may be required. The Town Board and the employees of any department assigned to make inspections under this ordinance shall be permitted to have access to all public halls and cabarets at all reasonable times.

§ 17-8. Temporary permits; fee.

Pending the investigation of any application and the final disposition thereof, the Town Board is hereby authorized to issue a temporary thirty-day permit, which may be renewed from time to time, upon such terms and conditions as may be fixed by the Town Board. A fee of ten dollars (\$10.) shall be paid for each such temporary permit. A temporary permit may be revoked in the manner set forth in § 17-6 of this ordinance.

§ 17-9. License for a public dance.

No public dance hall shall be leased or hired out, and used, for the purpose of holding a public dance or ball unless the person, association or corporation intending to hold such public dance or ball shall apply for and receive from the Town Board a permit to hold same. Such permit shall be issued only upon condition that the dance or ball shall be held in accordance with the rules and regulations adopted by the Town Board. Such Town Board is authorized to adopt reasonable rules and regula-

tions for the holding of such public dances and balls, and for the purpose of preventing thereat any disorderly or immoral behavior or conduct calculated to disturb the public peace or safety. Application for such permit shall be made to the Town Board upon such forms as it may prescribe. A fee of ten dollars (\$10.) shall be paid for each such permit. Such permit may at any time be revoked by the Town Board in case it appears probable that the public dance or ball for which permit has been issued will not be conducted in accordance with such rules and regulations. Permits granted under this section shall be subject to the closing hours heretofore set forth unless an exception is specifically granted in the permit.

§ 17-10. When effective.

This ordinance shall become effective ten (10) days after first publication and posting thereof.

DOGS, POULTRY, HORSES, ETC.

Chapter 18

DOGS, POULTRY, HORSES AND EQUINE LIVESTOCK

**ARTICLE I
Dogs**

- § 18-1. Dogs at large; penalty.
- § 18-2. Impounding, claiming and disposing of dogs.
- § 18-3. Licensing not affected.
- § 18-4. When effective.

**ARTICLE II
Poultry**

- § 18-5. Keeping of poultry prohibited.
- § 18-6. Penalties for offenses.

**ARTICLE III
Horses or Equine Livestock**

- § 18-7. Permit required for the housing or harboring of certain animals.
- § 18-8. Setback requirements.
- § 18-9. Keeping of horses or equine livestock; conditions.
- § 18-10. Nonconforming uses.
- § 18-11. Penalties for offenses.

[HISTORY: Adopted Rye Town Board 7-17-51. Amendments noted where applicable.]

ARTICLE I

Dogs

§ 18-1. Dogs at large; penalty. [Amended 3-21-61; 2-20-68]

Dogs, whether licensed or not, shall be subject to the following restrictions:

- A. No person owning, harboring or having custody of a dog shall permit such dog to be at large in the Town of Rye, outside of any incorporated village, elsewhere than on the premises of the owner, except to be on the premises of another person with the knowledge and assent of such other person.
- B. The owner, harbinger or person having the custody of a dog in the Town of Rye, outside of any incorporated village, which is not on the premises of the owner or on the premises of another person with the knowledge and assent of such person, shall control and restrain such dog with a chain or a leash not exceeding six (6) feet in length.
- C. Failure to comply with this Article shall be deemed a violation and shall be punishable by a fine of not more than twenty-five dollars (\$25.) or by imprisonment of fifteen (15) days. [Amended 6-20-78]

§ 18-2. Impounding, claiming and disposing of dogs. [Amended 6-20-78]

- A. Any dog so running at large shall be liable to be impounded by the police or the Dog Warden duly appointed pursuant to the Agriculture and Markets Law of the State of New York. The procedure to be followed for impounding and for the destroying of a dog shall be in accordance with the provisions of the Agriculture and Markets Law § 114 and 114-a in that dogs so seized must be held, redeemed and disposed of as set forth therein.
- B. If a seized dog is tagged (licensed), the seizing officer must give immediate personal notice in writing to the owner or a member of his family of at least eighteen (18) years of age.

- E. Manure shall be kept in weatherproof containers at least fifty (50) feet away from all adjoining property lines.
- F. All premises where horses or equine livestock are housed or harbored shall conform to all standards and requirements of the Westchester County Department of Health and the Westchester County Sanitary Code.
- G. Every owner of a horse or other equine livestock shall keep the animal(s) under restraint at all times and shall not permit said animal(s) to be at large on any street, sidewalk, walk or public place in the Town of Rye, outside any incorporated village. A horse or equine livestock shall be deemed at large when it is off the property of its owner and not under the restraint of and obedient to the orders of a competent person of suitable age and discretion. No horse or equine livestock shall be permitted on the sidewalks and walks within the Town of Rye, outside any incorporated village.

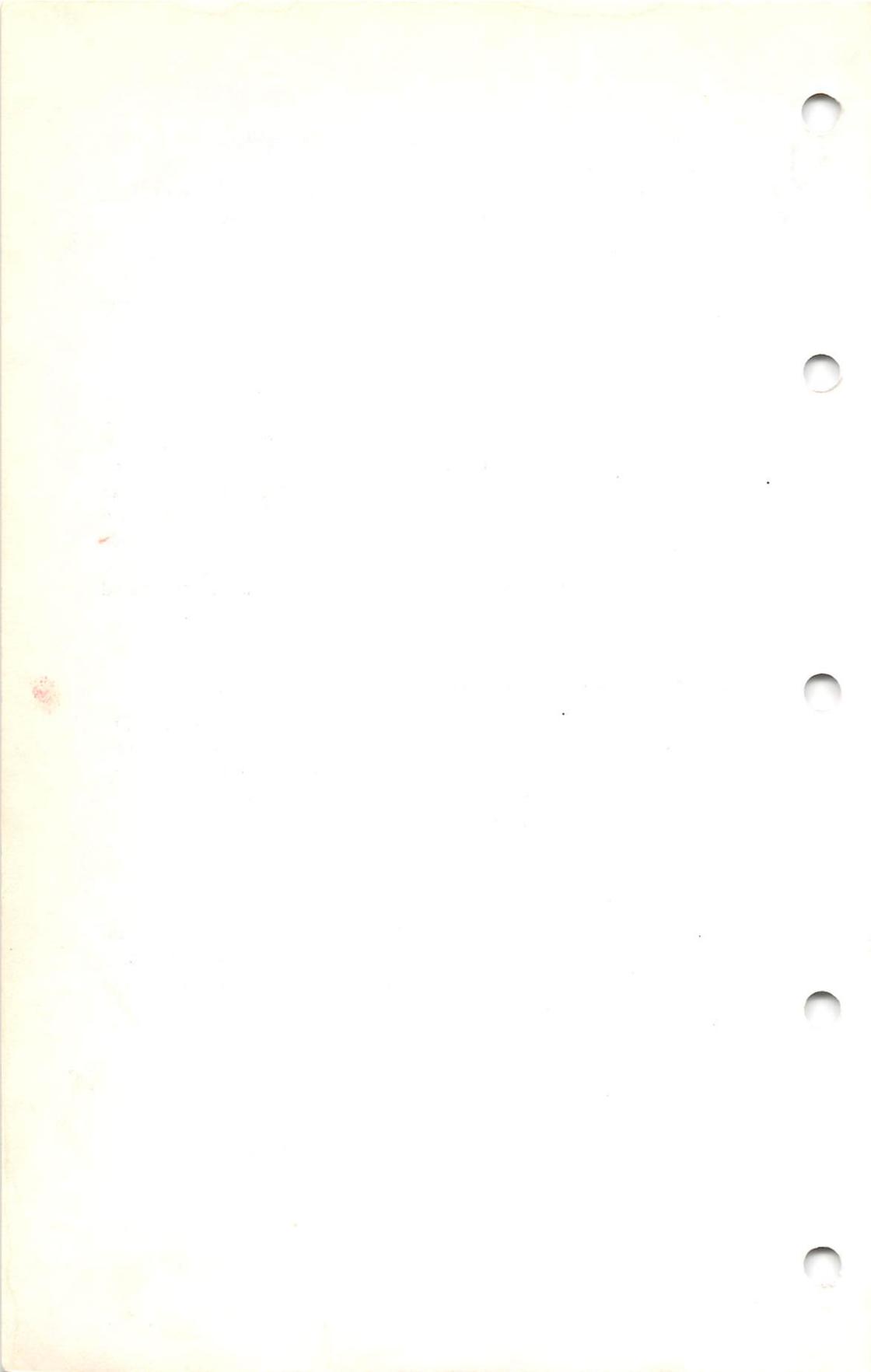
§ 18-10. Nonconforming uses.

Nonconforming uses may continue, provided that they comply with the standards and requirements of the Westchester County Department of Health and the Westchester County Sanitary Code, for one (1) year from the adoption date of the ordinance, at which time they will terminate.²

§ 18-11. Penalties for offenses.

Any person violating this Article shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.). Each violation of this Article shall constitute disorderly conduct and a person violating this Article shall be a disorderly person.

² Editor's Note: This Article was added by an ordinance adopted 6-21-77.



The owner may redeem the dog within twelve (12) days by paying to the Town Clerk the two-dollar cost-of-seizure fee. The cost of care and feeding must be borne by the town. If not so redeemed, the seizing officer shall sell or destroy the dog. The two-dollar cost-of-seizure fee and money collected from the sale of seized dogs must be remitted to the Commissioner of Finance, Westchester County, monthly, together with other dog license fees.

*amended
by
State
Law*

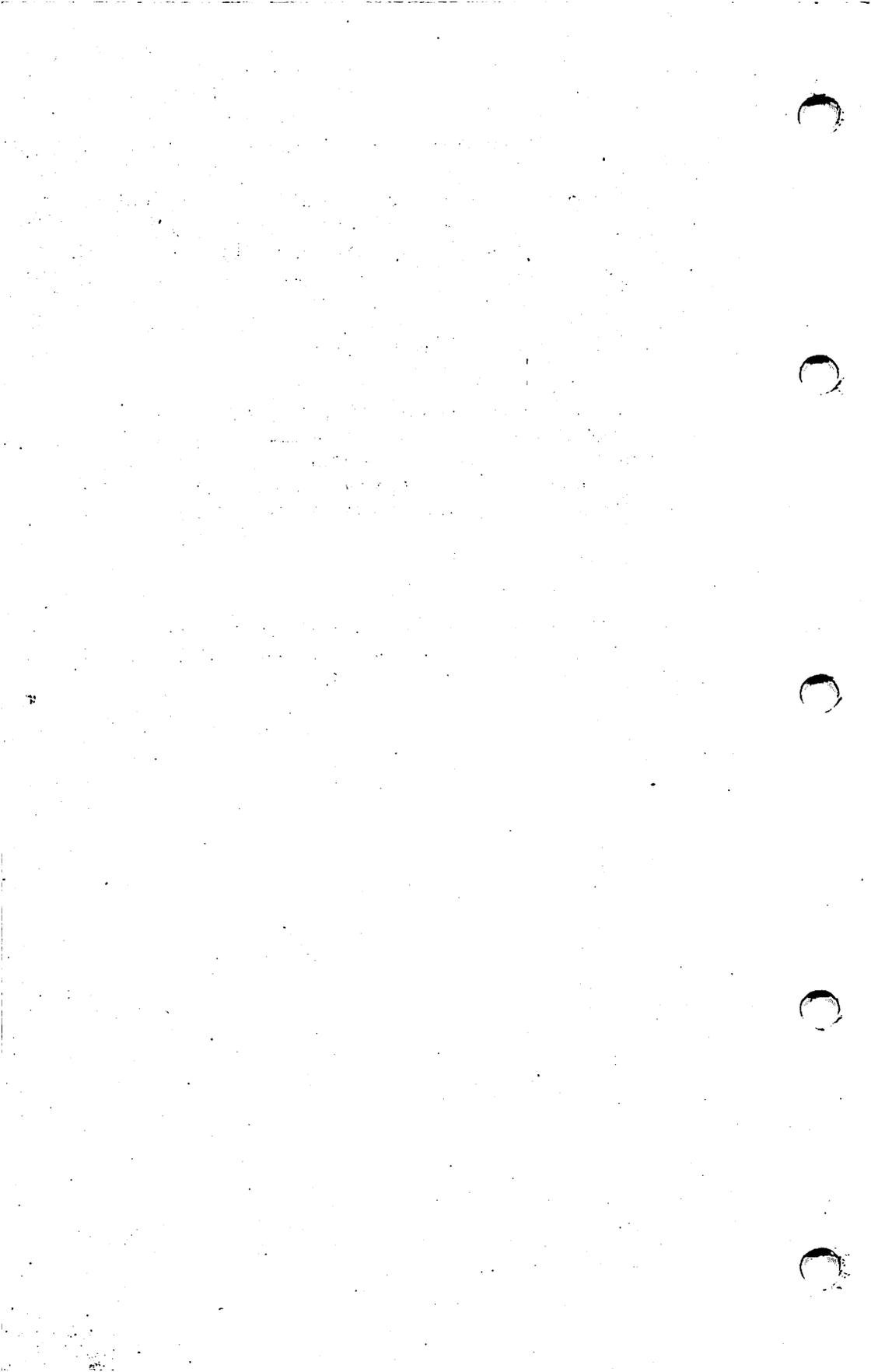
- C. If a seized dog is untagged (unlicensed), the provisions of the Agriculture and Markets Law § ~~114~~, shall apply. The conditions set forth above must be followed except that no notice must be given to the owner, the cost-of-seizure fee is five dollars (\$5.), and the redemption period is five (5) days.

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§ 18-3. Licensing not affected.

The foregoing sections shall in nowise be deemed to change or alter in any respect laws, ordinances or regulations covering the licensing of dogs within the Town of Rye.

(Cont'd on page 1803)



§ 18-4. When effective.

This ordinance shall take effect immediately upon its adoption, publication and posting as provided by law.

ARTICLE II
Poultry
[Added 6-21-77]

§ 18-5. Keeping of poultry prohibited.

- A. No building or structure shall be erected or plot of ground be used in the Town of Rye, outside any incorporated village, for the purpose of maintaining or conducting or raising chickens, ducks, turkeys, pigeons or poultry of any kind.
- B. Nonconforming uses may continue for three (3) months from the adoption date of the ordinance, at which time they will terminate.¹

§ 18-6. Penalties for offenses.

A violation of this Article shall be an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.) and shall constitute disorderly conduct, and the person violating same shall be a disorderly person.

ARTICLE III
Horses or Equine Livestock
[Added 6-21-77]

§ 18-7. Permit required for the housing or harboring of certain animals.

No building, structure or premises shall be erected, altered or used in any residence district for the housing or harboring of bovines, swine, goats, rabbits, foxes or mink, except where authorized by special permit from the Town Board.

¹ Editor's Note: This Article was added by an ordinance adopted 6-21-77.

§ 18-8. Setback requirements.

No accessory building or structure, or part thereof, used for the housing of fowl or domestic animals other than dogs or cats shall be less than fifty (50) feet from any lot line in any district.

§ 18-9. Keeping of horses or equine livestock; conditions.

- A. The housing or harboring of horses or equine livestock shall be permitted in any residential district on the following conditions:
- (1) Such housing or harboring shall be accessory to the principal use of the property residence.
 - (2) Such activity shall be conducted for the use of residents only.
 - (3) The boarding or rental of horses or other equine livestock shall not be permitted.
 - (4) No horse or other equine livestock shall be housed or harbored on any plot less than one (1) acre in size, and no more than two (2) horses or other type of equine livestock shall be permitted per one (1) acre or major fraction thereof, and in no event to exceed eight (8) horses or other equine livestock.
- B. No barns, stables or other roofed structure or accessory building for the sheltering of horses or equine livestock shall be located within fifty (50) feet of any side yard line or rear yard line, nor shall any structure be located within the front yard which lies between the principal residential structure and the street.
- C. All corrals, runs or other open areas shall be enclosed by a fence of at least five (5) feet in height. Such fence shall be located more than five (5) feet from any side yard line or rear yard line and shall not be located within any front yard which lies between the principal residential structure and the street.
- D. There shall be at least one hundred ten (110) square feet of stall area for each horse or equine livestock.

ENTERTAINMENT, CARNIVALS, ETC.

Chapter 19

ENTERTAINMENTS, CARNIVALS, GAMING DEVICES

ARTICLE I

Entertainments, Carnivals

- § 19-1. Carnivals, shows, etc.
- § 19-2. Sound amplification; television.
- § 19-3. Effect of partial invalidity.
- § 19-4. Penalties.
- § 19-5. Effective date.

ARTICLE II

Gaming Devices

- § 19-6. Legislative declaration.
- § 19-7. Definitions.
- § 19-8. Gaming devices prohibited.
- § 19-9. Violations.
- § 19-10. Validity.
- § 19-11. Effective date.

[HISTORY: Adopted Rye Town Board 5-31-66.]

ARTICLE I

Entertainments, Carnivals**§ 19-1. Carnivals, shows, etc.**

No athletic sport, game, exhibition, show, entertainment, carnival, flying horses or dance platform shall be held, maintained or erected on any lot or street within the town without a permit issued by the Town Clerk upon authorization of the Supervisor and Town Board. The permit shall be granted only when the request therefor is accompanied by the written consent of two-thirds ($\frac{2}{3}$) of the residents within three hundred (300) feet of the lot, lots or street on which the athletic sport, game, exhibition, show, entertainment, carnival, flying horses or dance platform are to be held or erected. Before the permit is issued there shall be paid to the Town Treasurer a fee of ten dollars (\$10.) for each permit granted for a period of less than one (1) week, which shall be deposited to the credit of the general fund subject to the order of the Supervisor and Town Board. Provided, however, that if the permit is sought to raise funds for a public purpose or for educational, charitable or religious uses, no fee shall be charged.

§ 19-2. Sound amplification; television.

It shall be unlawful for any person to conduct any program through any sound-amplifier device or television equipment intended to be heard or seen by the public on the street outside of the premises on which such device or equipment is located, or to erect or maintain any aerial, antenna or similar equipment over any street or public place or public building except pursuant to the permit issued by the Supervisor and Town Board.

§ 19-3. Effect of partial invalidity.

If any provision or portion of this code be declared invalid by any court of competent jurisdiction such invalidity shall not affect the remainder of the code.

§ 19-4. Penalties.

Any person violating any provision of this code for which no specific penalty has been provided shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.) or by imprisonment in such place of confinement as may be provided by law, not exceeding ninety (90) days, or by both fine and imprisonment, in the discretion of the court hearing the case.

§ 19-5. Effective date.

This ordinance shall become effective ten (10) days after first publication and posting thereof.

**ARTICLE II
Gaming Devices**

§ 19-6. Legislative declaration.

It is hereby declared that the possession, maintenance and operation in the Town of Rye, outside the limits of the incorporated Village of Port Chester and incorporated Village of Mamaroneck of gaming devices, as herein defined are a menace to the public health, morals, safety and general welfare of the people of the town, and that such gaming devices encourage and foster gambling among adults and children, tend to cause juve-

nile delinquency and corrupt the morals of children, breed crime, rackets and gangsterism. The necessity of legislative intervention by the enactment of the provisions of this ordinance is hereby declared as a matter of legislative determination.

§ 19-7. Definitions.

Whenever used in this ordinance:

PERSON — Shall mean and include one (1) or more individuals, a partnership, company, an association of persons and a corporation.

GAMING DEVICE — Shall mean and include:

- A. Any game involving any element of chance which is caused to operate or may be operated as a result of the insertion of any piece of money or coin or the insertion of any object for which a fee, charge or other consideration is imposed, directly or indirectly.
- B. Any machine, apparatus or punchboard, whether manually, mechanically, electrically or otherwise operated and whether or not affixed or attached to or installed in any premises, or place, in or upon which machine or apparatus or punchboard, a game involving any element of chance, may be played by one (1) or more persons, singly or collectively.

§ 19-8. Gaming devices prohibited.

It shall be unlawful for any person, by himself or by an agent or employee, to possess or maintain a gaming device or permit the maintenance or operation of any such gaming device in any

§ 19-8 ENTERTAINMENT, CARNIVALS, ETC. § 19-11

premises or place within the Town of Rye, outside the corporate limits of the Village of Port Chester and the Village of Mamaroneck.

§ 19-9. Violations.

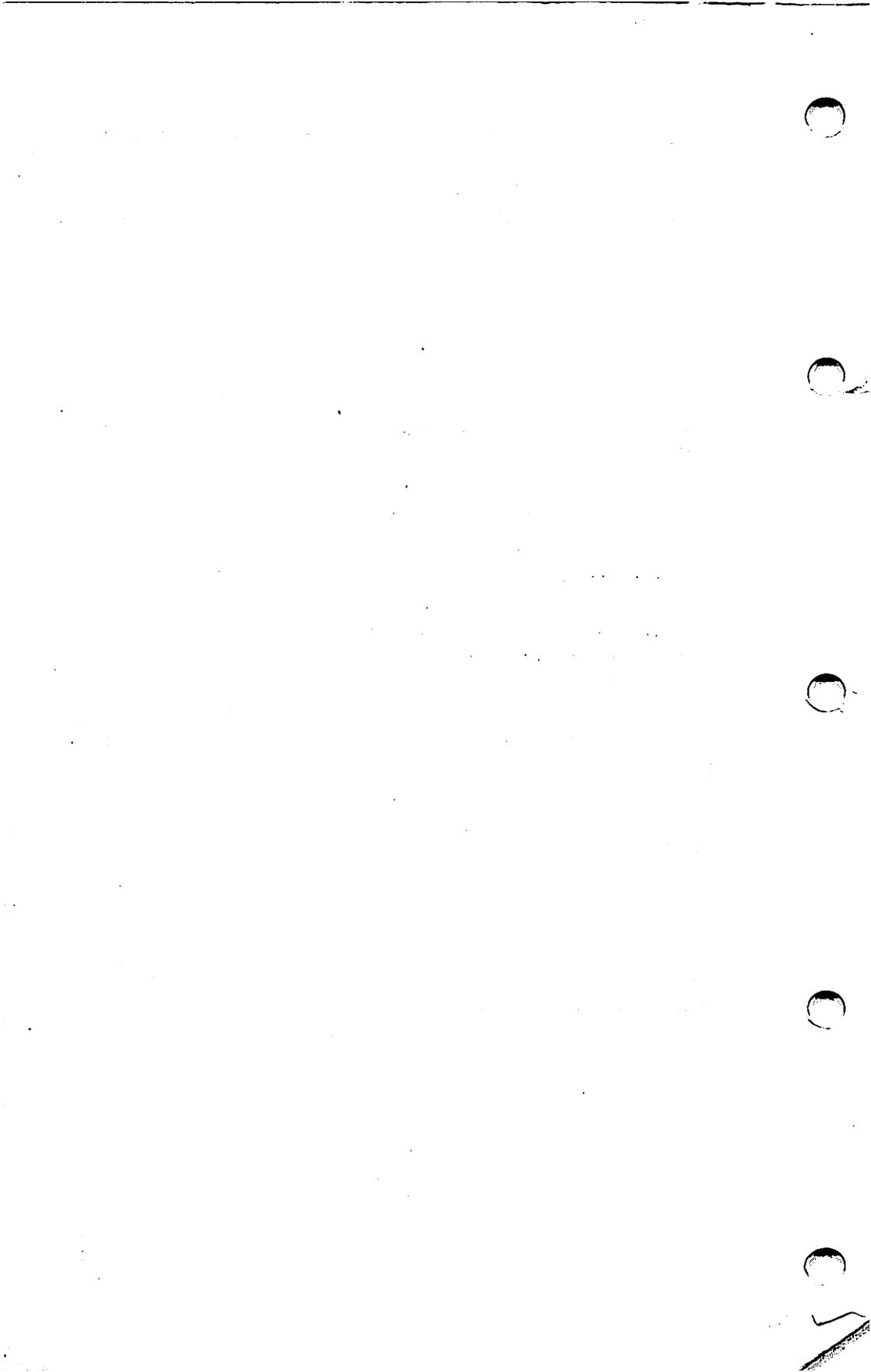
Violation of any provision of this ordinance is hereby declared to be a misdemeanor. Any person, firm, corporation, partnership or association of persons found guilty of violation of any of the provisions of this ordinance may be punished by a fine not to exceed one hundred dollars (\$100) or by imprisonment not to exceed six (6) months, or both, for each and every offense.

§ 19-10. Validity.

If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

§ 19-11. Effective date.

This ordinance shall become effective ten (10) days after first publication and posting thereof.



Chapter 20

(R E S E R V E D)

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Chapter 21

(R E S E R V E D)

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Chapter 22

ELECTRICAL CONTRACTING

ARTICLE I

Board of Electrical Control

§ 22-1. Membership of Board.

§ 22-2. Appointment of Board.

§ 22-3. Duties of Board.

§ 22-4. Meetings of Board.

§ 22-5. Quorum of Board.

ARTICLE II

Registration and Licensing of Electrical Contractors

§ 22-6. "Electrical Contractor" defined.

§ 22-7. Unlawful to do business as electrical contractor without license.

§ 22-8. Application for registration.

§ 22-9. Fee for registration and license.

§ 22-10. Issuance of license.

§ 22-11. Renewal of application.

§ 22-12. Expiration of licenses.

§ 22-13. Revocation of registration and license.

§ 22-14. Reinstatement of registration.

ARTICLE III

Authority of Building Inspector

§ 22-15. To issue permits and make inspections.

§ 22-16. To deputize inspectors.

§ 22-17. To discontinue electric current.

ARTICLE IV

Permits

- § 22-18. Permit required.
- § 22-19. Forms of permit.
- § 22-20. Form of application for permit.
- § 22-21. Permits issued to licensed contractors only.
- § 22-22. Recognition of out-of-town licenses.

ARTICLE V

Inspection and Certificates

- § 22-23. Inspection when work is completed.
- § 22-24. Temporary and preliminary certificates.
- § 22-25. Notice of defects.
- § 22-26. Concealed installations.
- § 22-27. Connection to electric service.
- § 22-28. Review of decisions of Building Inspector.
- § 22-29. Approved methods.

ARTICLE VI

Liability, Separability, Penalties, Effective Date

- § 22-30. Liability for damage.
- § 22-31. Saving clause.
- § 22-32. Violations and penalties.
- § 22-33. When effective.

[HISTORY: Adopted Rye Town Board 4-16-57.]

ARTICLE I
Board of Electrical Control

§ 22-1. Membership of Board.

There is hereby created a Board of Electrical Control whose members shall serve without compensation, and who shall be appointed by the Town Board. The Board shall be composed of three (3) members, one (1) regularly engaged in the electrical contracting business, one (1) an electrician, and one (1) a licensed New York State architect or professional engineer or builder of at least five (5) years' practical experience.

§ 22-2. Appointment of Board.

Within thirty (30) days after the passage of this ordinance, the Town Board shall appoint the members of said Board, one (1) of whom shall serve for one (1) year, one (1) for two (2) years, and one (1) for three (3) years. Within thirty (30) days prior to the expiration of the term of each member, the Town Board shall appoint a new member of the Board to succeed the retiring member who shall thereafter serve for three (3) years.

§ 22-3. Duties of Board.

It shall be the duty of this Board to receive from the Town Clerk all applications for the registration of electrical contractors, and to examine the applicants for the registration of electrical contractors, and to examine the applicants as to their competency; to conduct public hearings on any complaints made by the Building Inspector against any electrical contractors; to review electrical matters in dispute between the Building Inspector and property owners, electrical contractors or others, in case of appeal; and to render a written report in all matters brought before it to the Town Board.

§ 22-4. Meetings of Board.

A regular meeting of the Board shall be held each month at a time and place to be determined by the Board. Special meetings may be called at any time by the Chairman on three (3) days' notice to the members by mail, and he shall call a special meeting on written request of the Building Inspector.

§ 22-5. Quorum of Board.

Two (2) members of the Board shall constitute a quorum, and the votes of a majority of all members shall be necessary for official action.

ARTICLE II

Registration and Licensing of Electrical Contractors

§ 22-6. "Electrical Contractor" defined.

ELECTRICAL CONTRACTOR — As used in this ordinance means any person, firm or corporation engaged in the business of installing or altering by contract, or otherwise, electrical wiring devices and equipment for the utilization of electricity supplied for light, heat or power. "Electrical Contractor" shall not apply to public utility corporations installing electric wiring devices or equipment for its own use, nor to employees of electrical contractors doing or supervising electrical work.

§ 22-7. Unlawful to do business as electrical contractor without license.

It shall be unlawful for any person, firm or corporation to engage in the business of electrical contracting in the manner herein set forth without being registered and licensed.

§ 22-8. Application for registration.

Any person, firm or corporation desiring to engage in the business of an electrical contractor shall apply in writing to the Town Clerk for registration, upon a form to be provided for by the Town Clerk, which shall set forth the name and place of business of the person, firm or corporation making the application, his or their experience, and such other detailed information as may be required.

§ 22-9. Fee for registration and license.

The fee for registration and license shall be twenty-five dollars (\$25.), of which five dollars (\$5.) shall be paid to the Town Clerk at the time of filing the application for registration. The remaining twenty dollars (\$20.) of the fee shall be paid to the Town Clerk at the time the license is issued.

§ 22-10. Issuance of license.

Upon approval of the application for registration by the Board of Electrical Control and upon receipt of the required fee, the Town Board may issue to the applicant a license to do business; the Town Clerk shall upon application of the electrical contractor and upon payment of a fee of two dollars (\$2.) issue a certified copy of said license for filing in other municipalities. The license to be issued to an individual or if a firm or corporation to an officer or executive of such firm or corporation only.

§ 22-11. Renewal of application.

If the Board of Electrical Control shall disapprove of the application for registration, the applicant may again apply for registration after three (3) months shall have elapsed from the date of such disapproval, or said applicant may appeal to the Town Board.

§ 22-12. Expiration of licenses.

Each license issued by the Town Board shall expire on December 31 of every year, but shall be renewed for the succeeding year, upon payment to the Town Clerk of a renewal fee of five dollars (\$5.) before the expiration of the license.

§ 22-13. Revocation of registration and license.

The Building Inspector, upon receipt of evidence that any electrical contractor has wilfully or persistently violated this ordinance, shall file with the Board of Electrical Control a complaint against such electrical contractor. Thereupon the Board shall set the time and place for a public hearing and shall notify the electrical contractor complained of by registered mail, at his last-known address, not less than five (5) days prior to the date of the hearing. If the Board of Electrical Control, after hearing evidence concerning the matters set forth in the complaint, shall determine that such electrical contractor has wilfully or persistently violated this ordinance, then the Board of Electrical Control shall report its determination to the Town Board, who shall have power to revoke the license.

§ 22-14. Reinstatement of registration.

After revocation of the registration of an electrical contractor, a new application for registration may be made after three (3) months from the date of revocation have elapsed, the applicant fulfilling the requirements and paying the fee required of an original applicant.

ARTICLE III

Authority of Building Inspector¹

§ 22-15. To issue permits and make inspections.

The Building Inspector is hereby empowered to issue permits for electrical installations to licensed electrical contractors and to make inspections of electrical work.

¹ Editor's Note: For appointment, etc., of Building Inspector, see § 14-2 p. 1404 of Ch. 14, Building Code.

§ 22-16. To deputize inspectors.

The Building Inspector is empowered and authorized to deputize in any instance any regular inspector of the New York Board of Fire Underwriters to inspect any electrical installation such as is referred to in § 22-23 hereof and to report on the same to the Building Inspector, provided such inspection and report is without compensation from the town.

§ 22-17. To discontinue electric current.

The Building Inspector or Fire Department is hereby empowered to disconnect any electrical current, after notification to the owner, or his recognized agent, or the occupant, when the current, in his or its opinion, is dangerous to life or property or when it may interfere with work of the Fire Department.

ARTICLE IV

Permits

§ 22-18. Permit required.

No electrical work shall be done without a permit. No wiring, devices or equipment for the transmission, distribution or utilization of electric energy for light, power or heat shall be installed within or on any structure, nor shall any alteration or addition be made in any existing wiring, devices or equipment, without first securing a permit therefor, except as follows:

- A. For the replacement of lamps or fuses, or the connection of portable devices to suitable permanently wired receptacles.
- B. For maintenance and repair work on premises where one (1) or more electricians are regularly employed for the purpose.

- C. For the installation of electric wiring devices or equipment installed by or for a public utility corporation for its own use in the generation, transmission, distribution and use of electrical energy, or for telephone or telegraph transmission.
- D. For town electrical work done under supervision of department heads.

§ 22-19. Forms of permit.

All permits shall be issued in the form of a poster which shall bear the name of the licensed contractor to whom it is issued, and shall bear a permit number. This permit shall be placed on the premises in which installation is to be made, adjacent to the service meter or to the future location of the service meter.

§ 22-20. Form of application for permit.

Application for a permit shall be made to the Building Inspector on forms supplied by him to the electrical contractor.

§ 22-21. Permits issued to licensed contractors only.

No permit for the installation or alteration of any electric wiring devices or equipment shall be issued to any person, firm or corporation unless such a person, firm or corporation has been registered as an electrical contractor and holds a license.

§ 22-22. Recognition of out-of-town licenses.

Any holder of a bona fide license issued by a municipality outside of the Town of Rye may deposit a certified copy of such license with the Town Clerk, and may thereafter at any time during period of such license receive a license from the Town

Clerk upon the payment of five dollars (\$5.), provided the municipality issuing his license recognizes, in a reciprocal manner, licenses issued by the Town Clerk of the Town of Rye to electrical contractors, and provided further that such electrical contractors shall be subject to all provisions of this ordinance.

ARTICLE V
Inspection and Certificates

§ 22-23. Inspection when work is completed.

Upon completion of an electrical installation which has been authorized by permit, the electrical contractor shall notify the Building Inspector who shall inspect the installation promptly. If it is found to be fully in compliance with the provisions of this ordinance, said Building Inspector shall issue a certificate of approval, or may endorse his approval upon the certificate of approval issued by the New York Board of Fire Underwriters for the same work. Such certificates, when so issued, or when so endorsed, shall be delivered to the electrical contractor to whom permit for the work was issued, and shall constitute authorization for connection to the electric service and the use of the installation.

§ 22-24. Temporary and preliminary certificates.

A certificate may be issued authorizing the connection and use of temporary work for a stated time and a preliminary certificate may be issued authorizing the connection and use of certain specified portions of an uncompleted installation; both such certificates shall be revocable at the discretion of the Building Inspector.

§ 22-25. Notice of defects.

If upon inspection any installation is found not to be in accord with this ordinance, the Building Inspector shall at once notify the electrical contractor.

§ 22-26. Concealed installations.

When any part of an installation is to be concealed from view by the permanent placement of parts of the buildings, the electrical contractor shall notify the Building Inspector, in writing, and such parts of the installation shall not be concealed until they have been inspected, or until forty-eight (48) hours, exclusive of Sundays and legal holidays, shall have elapsed from the receipt of such notification by the Building Inspector, provided that on large installations where the concealment of parts of the installation proceeds continuously, the electrical contractors shall give the Building Inspector due notice and inspections shall be made periodically without further notice.

§ 22-27. Connection to electric service.

It shall be unlawful for any person, firm or corporation to make connection from a source of electrical energy to any electrical installation for which a permit is required, or which has been disconnected or the use of which has been ordered discontinued by the Building Inspector, until a certificate of approval, as aforesaid, has been issued authorizing the connection and use of such installation.

§ 22-28. Review of decisions of Building Inspector.

When the Building Inspector condemns all or any part of an electrical installation, the owner may, within thirty (30) days after receiving written notice of such condemnation, file with the Board of Electrical Control a petition in writing for review of said action, upon receipt of which the Board of Electrical Control at its next regular meeting shall determine if the said electrical installation complies with this ordinance.

§ 22-29. Approved methods.

No certificate of approval shall be issued unless the electric light, power or heating installations are in strict conformity

with the provisions of this ordinance, the Laws of the State of New York, and the rules and regulations issued in accordance therewith, and unless they are in conformity with approved methods of construction for safety to life and property. The rules and regulations in the National Electric Code and in the National Electric Safety Code, both as approved by the American Standards Association, shall be the standard for such approved methods, as amended from time to time and as actually in force and effect at the time of any ruling.

ARTICLE VI

Liability, Separability, Penalties, Effective Date

§ 22-30. Liability for damage.

This ordinance shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any electric wiring, electric devices or electric equipment for damages to person or property caused by any defect therein, nor shall the town be held as assuming any such liability by reason of the inspection authorized herein, or certificate of approval issued or endorsed as herein provided.

§ 22-31. Saving clause.

If any Article, section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the Article, section, paragraph, subdivision, clause or provision so adjudged and the rest of this ordinance shall remain valid and effective.

§ 22-32. Violations and penalties.

Any person or corporation violating any provision of this ordinance shall be subject to a penalty in an amount not exceeding one hundred dollars (\$100.) for such offense. In addition to the

penalty, the violation of any provision of this ordinance shall constitute disorderly conduct, and the person or corporation violating the same shall be a disorderly person.

§ 22-33. When effective.

This ordinance shall take effect ten (10) days after publication and posting thereof as required by law.

Chapter 23

(R E S E R V E D)

This Reserve chapter page is part of your Code. It has been inserted here to allow for the integration of future enactments, the subject of which will fall alphabetically into this part of the Code.

Chapter 24

EROSION AND SEDIMENT CONTROL

- § 24-1. Title.
- § 24-2. Statutory authorization.
- § 24-3. Findings of fact.
- § 24-4. Purpose.
- § 24-5. Definitions.
- § 24-6. Applicability; administration.
- § 24-7. Application procedure for permit; permit provisions.
- § 24-8. Preservation of vegetation.
- § 24-9. Duties of Town Engineer.
- § 24-10. Exceptions.
- § 24-11. Effects of failure to comply; penalties for offenses.
- § 24-12. Right of entry.
- § 24-13. Conflicts; severability; when effective.

[HISTORY: Adopted Rye Town Board 3-17-81. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations and topsoil removal — See Ch. 26.
Zoning — See Ch. 68.
Land subdivision regulations — See Appendix, Part II.

- § 24-1. Title.

This ordinance shall be known and cited as the "Erosion and Sediment Control Ordinance of the Town of Rye."

§ 24-2. Statutory authorization.

This ordinance is enacted pursuant to the town's authority to promote the public health, safety and general welfare of its citizenry under the New York State Municipal Home Rule Law, § 10, and the New York State Environmental Conservation Law, Article 36.

§ 24-3. Findings of fact.

The public health, safety and general welfare of the Town of Rye can be adversely affected by flooding, erosion and sedimentation of streams and natural watercourses. The flood hazard areas of the town are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, public expenditures for flood protection and relief and impairment of the tax base. The Flood Damage Prevention Ordinance,¹ enacted September 25, 1979, addresses this problem. However, erosion and sediment deposition in the waters of the town increase this flooding, contribute to nonpoint pollution and adversely affect fish and marine life. Therefore, in order to protect the citizens and property of the town, a program of preventative and remedial activity is required for erosion control and minimization of sediment.

§ 24-4. Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare by:

- A. Controlling, restricting or prohibiting activities which endanger health, safety or property in times of flood or cause increased flood heights or velocities in watercourses and floodplains.
- B. Controlling, restricting or prohibiting the alteration of natural floodplains, stream channels and natural protective

¹ Editor's Note: See Appendix, Part II, Land Subdivision Regulations, Article II, Floodplain Management Regulations.

barriers, including vegetation, which are involved in the accommodation of floodwaters.

- C. Controlling, restricting or prohibiting land uses and activities which increase nonpoint-source pollution due to erosion and sedimentation.
- D. Preserving natural resources which aid in prevention of flooding, especially natural vegetation and wetland areas.
- E. Ensuring that future use of land and water is made in accordance with the most appropriate procedures and principles for control of erosion and sedimentation.

§ 24-5. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common English usage to give effect to the purpose set forth in § 24-4.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BEST MANAGEMENT PRACTICES — Procedures and methods pertaining to construction activities which are intended to minimize water pollution, retain valuable topsoil and prevent erosion and sedimentation, such as those practices contained in the Best Management Practices Manual.

BEST MANAGEMENT PRACTICES MANUAL — The manual published by the County of Westchester in November of 1979, and amended from time to time, containing best management practices and entitled "Best Management Practices Manual for Construction Related Activities, Standards and Specifications."

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to construction of buildings or other structures and mining, dredging, filling, grading, paving, excavation or drilling.

FLOOD — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN — The land area susceptible to inundation by the base flood.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

LAND-DISTURBING ACTIVITY — Any change to land which may result in soil erosion from water or wind and the movement of soil into waters or onto lands, including but not limited to clearing, grading, excavating, transporting and filling of land.

MUNICIPAL PERMIT — Any permits, grants or licenses issued by the Town of Rye, including but not limited to building, grading, demolition, clearing and excavation permits and subdivision and site plan approvals.

PERSON — Includes any individual or group of individuals, corporation, partnership, association or any other entity, including state and local governments and agencies, authorities or other political subdivisions thereof.

SOIL CONSERVATION PLAN — A plan drawn up by a New York State licensed and registered engineer or the District Conservationist of the Westchester County Soil and Water Conservation District showing how a permit applicant will use his land and control erosion and sedimentation during and after construction.

SUBDIVISION — Any tract of land which is divided into two (2) or more habitable building sites or parcels on any site along an existing or proposed street, highway, easement or right-of-way or other means or proposed means of access, road or street, for sale, lease or rent, regardless of whether the sites are to be sold or offered for sale or leased

for any period of time, are described by metes and bounds or by reference to a map or survey of the property or by any other method of description. "Subdivision" also has any meaning it presently has under the laws of the Town of Rye.

TOWN OF RYE or TOWN — The unincorporated portion of the Town of Rye.

WATERCOURSE — Any body of water which has been classified by the New York State Department of Environmental Conservation in 6 NYCRR.

§ 24-6. Applicability; administration.

- A. This ordinance shall apply to all municipal permits issued under any law of the Town of Rye or issued by the Town of Rye pursuant to any other law.
- B. The Town Engineer is hereby designated as the agent for administering and implementing the provisions of this ordinance.
- C. The Best Management Practices Manual of the County of Westchester shall be used as a guide in the issuance of all municipal permits and for all work done pursuant to town authority.

§ 24-7. Application procedure for permit; permit provisions.

- A. Every person seeking any municipal permit for permission to conduct any land-disturbing activity within the town shall indicate which best management practices he intends to use to minimize erosion and sedimentation caused by that activity. Such applicant shall also list any water-courses which may be affected by the proposed activity or which are within five hundred (500) feet of the site of the proposed activity.
- B. Any municipal permit for land-disturbing activity shall be conditioned by the following provisions:

- (1) Development shall preserve salient natural features, keep cut and fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and rate of velocity of surface water runoff as specified in the permit issued by the Town Engineer, based upon the Best Management Practices Manual.
- (2) Disturbed soils shall be stabilized as soon as practicable and in any event within the time specified in the permit.
- (3) Temporary vegetation and/or mulching shall be used to protect exposed land areas during development.
- (4) The permanent (final) vegetation and mechanical erosion control measures shall both be installed within the time specified in the permit.
- (5) Provisions shall be made to dispose of the increased runoff caused by changed soil and surface conditions during and after development in a manner which minimizes danger of flooding; where necessary, the rate of surface water runoff shall be mechanically retarded.
- (6) Until a disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures, as more specifically may be determined in any particular instance by the Town Engineer.
- (7) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
- (8) Cuts and fills shall not endanger adjoining property nor divert water onto the property of others without permission.
- (9) All fills shall be compacted to provide stability of material and to prevent undesirable settlement.
- (10) Fills shall not encroach on natural watercourses, constructed channels or floodways.

- (11) Fills placed adjacent to or having an impact upon natural watercourses, constructed channels or flood-plains shall have suitable protection against erosion during periods of flooding, as determined by the Town Engineer.
 - (12) During grading operations, appropriate measures for dust control shall be exercised.
 - (13) Grading equipment shall not be allowed to enter into or cross any watercourse, except in accordance with the terms of the permit issued by the Town Engineer.
- C. No site plans or development for which the minimum number of parking spaces required by the Town Zoning Ordinance² exceeds one hundred (100), no subdivisions of five (5) or more lots and no subdivisions requiring any new street or the extension of municipal facilities shall be approved unless the following requirements are met:
- (1) A soil conservation plan, prepared by a licensed professional engineer, shall be submitted to the Town Engineer who may approve, approve with conditions or disapprove it. The Town Engineer shall submit a copy of such soil conservation plan to the Westchester County Soil and Water Conservation District for review and comment prior to his action, as has been the town's custom in the past.
 - (2) The applicant shall certify to the Town Engineer that such plan will be followed.
- D. Applications for any permits involving any land-disturbing activity which involves excavation of five thousand (5,000) cubic yards, shall be referred by the Town Engineer to the Westchester County Soil and Water Conservation District for review and comment, as has been the town's custom in the past.
- E. All development shall be undertaken so as to create no increase in rate of surface water runoff greater than the rate of such runoff existing prior to the development.

² Editor's Note: See Ch. 66, Zoning.

However, where such increase in rate of runoff may be allowed without adverse consequences for control of flooding, erosion and sedimentation, upon request of an applicant, the Town Engineer shall determine that an increase in the rate of runoff will be allowed, will not be allowed or will be allowed upon compliance with specified conditions, with reference to the Best Management Practices Manual.

§ 24-8. Preservation of vegetation.

Vegetation, including but not limited to trees, ground cover and aquatic vegetation, is important for retention of soil and prevention of sedimentation. Municipal permits for activities which will interfere with such vegetation shall be conditioned upon the following:

- A. The applicant shall be guided by the requirements of the Best Management Practices Manual and shall follow such specific requirements as the Town Engineer shall determine.
- B. The applicant shall restore vegetative cover in disturbed areas as directed by the Town Engineer.
- C. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
- D. Whenever feasible, natural vegetation, and in particular trees, shall be retained, protected and supplemented.
- E. The permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable, but in no event after the time specified by the Town Engineer in the permit.

§ 24-9. Duties of Town Engineer.

The duties of the Town Engineer under this ordinance include, but are not limited to, the following:

§ 24-9 **EROSION AND SEDIMENT CONTROL** § 24-11

- A. Have copies of the Best Management Practices Manual available in the office of the Town Engineer for public use, inspection, copying and referral.
- B. Seek technical assistance from the Westchester County Soil and Water Conservation District, as provided in the memorandum of understanding between the town and the district, dated April 24, 1972.

§ 24-10. **Exceptions.**

The provisions of this ordinance do not apply to permits, authorities and licenses for the following activities, provided that best management practices shall be employed wherever possible:

- A. Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
- B. Any emergency activity so deemed by any governmental body.
- C. Ordinary repair and maintenance of existing structures or alterations which do not involve substantial improvements.

§ 24-11. **Effects of failure to comply; penalties for offenses.**

- A. No certificate of occupancy shall be issued for any structure covered by this ordinance unless the terms and conditions of this ordinance have been complied with to the satisfaction of the Town Engineer.
- B. **Violations.**
 - (1) If the Town Engineer determines that there exists a violation of the terms and conditions of any municipal permit issued pursuant to this ordinance, written notification of such violation shall be given to the permit holder by the Town Engineer by posting a copy at the site of the development and by mailing a copy by mail to the permit holder's last known address.

- (2) All such notifications of violations shall contain the time, place and nature of the violation, the time within which the violation must be corrected, a statement that the permit will be suspended or revoked if the permit holder fails to correct the violation, a statement that the permit holder may ask for a hearing before the Town Board if the permit is suspended or revoked and an explanation of the possible penalties.
 - (3) If the permit holder requests a hearing on the suspension or revocation of his permit, the Town Board shall hold such hearing within a reasonable period of time, but not less than sixty (60) days. At least ten (10) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the town.
 - (4) If the permit holder fails to correct any violation of the terms and conditions of a municipal permit issued pursuant to this ordinance within the time period specified, or within thirty (30) days, the Town Board may cause the violation to be corrected. The cost thereof shall be assessed against the land or property upon which the violation occurred by the Town Engineer. Such amount shall be an assessment against the land or property, it shall be levied against the land or property in such manner as town taxes are levied and it shall constitute a lien upon the land or property affected.
- C. Nothing herein contained shall interfere with the authority of the Town Engineer to summarily suspend and revoke any municipal permit, pending a hearing on the merits, if in the Town Engineer's opinion the immediate protection of the public health, safety and general welfare demands such summary action; provided, however, that the permit holder shall be entitled to a hearing by the Town Board, with notice as provided in § 24-11B(3) above, as soon after such summary action as is practicable, but in no event later than thirty (30) days after.

§ 24-11 EROSION AND SEDIMENT CONTROL § 24-13

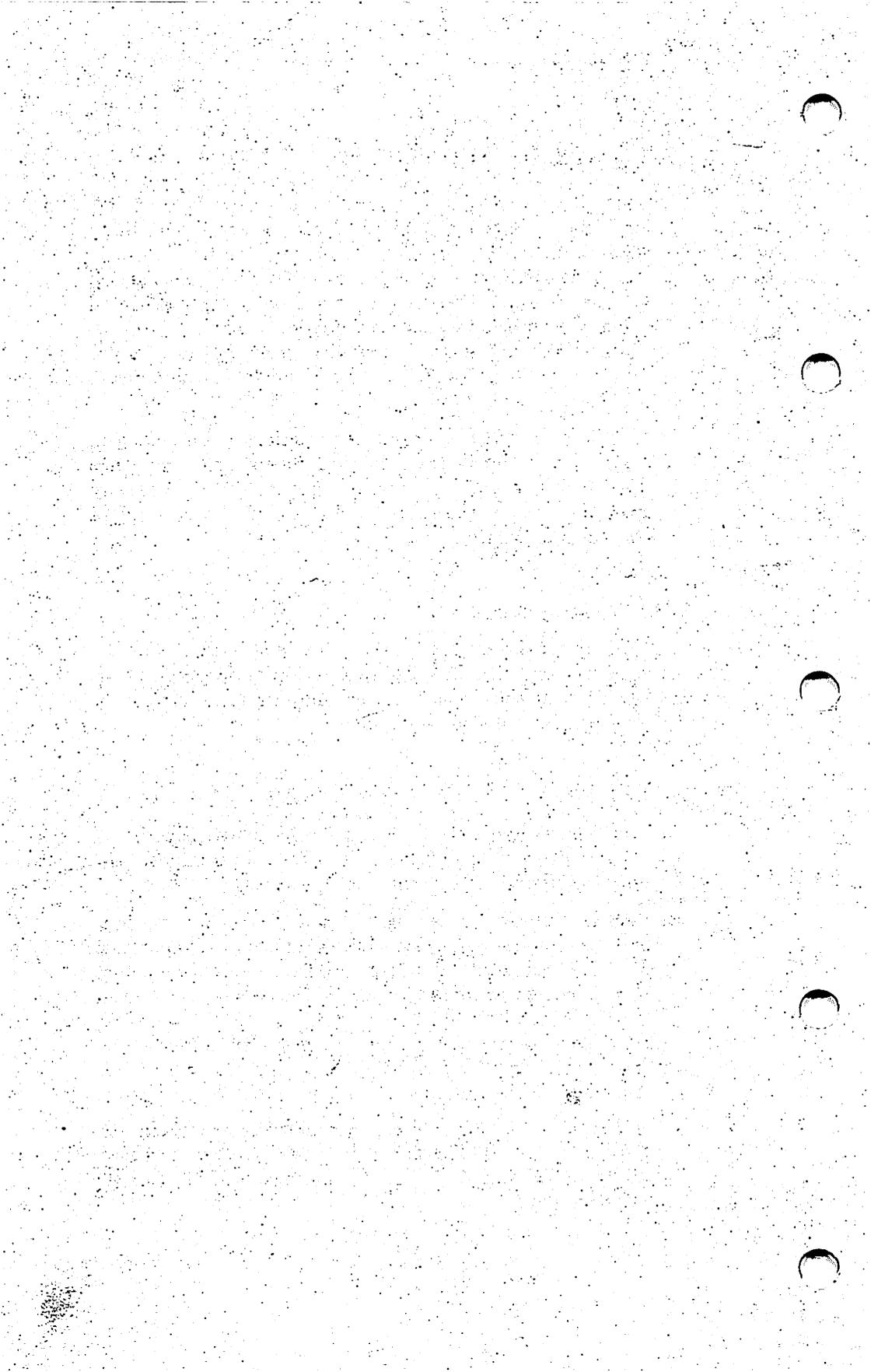
- D. Any person who violates any of the provisions of this ordinance and who has continued the conduct giving rise to such violation for a period of more than thirty (30) days after the time limit specified in the written notification pursuant to § 24-11B herein, shall be liable for a civil penalty of not more than two hundred dollars (\$200.) for the original violation and an additional civil penalty of not more than fifty dollars (\$50.) for each additional day during which such violation continues.
- E. The Town of Rye may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this ordinance or the terms and conditions of any permit granted hereunder.

§ 24-12. Right of entry.

The Town Engineer may enter upon any land or water for the purpose of making any investigation, examination, survey or other activity that the Town Engineer may deem necessary for any of the purposes of this ordinance.

§ 24-13. Conflicts; severability; when effective.

- A. Conflicts. Wherever this ordinance is inconsistent with any other ordinance of the Town of Rye, whichever imposes the more stringent restrictions shall prevail.
- B. Severability. The provisions of this act shall be severable, and if any clause, sentence, paragraph, subdivision or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part thereof directly involved in the controversy in which such judgment shall have been rendered.
- C. Effective date. This ordinance shall take effect ten (10) days after due publication as provided by law and shall apply to all municipal permit applications filed after the effective date.



Chapter 25

EXCAVATIONS — HIGHWAYS

- § 25-1. Permit required; applications.
- § 25-2. Deposit or bond required.
- § 25-3. Digging up and replacing pavement.
- § 25-4. Cost of openings.
- § 25-5. Definition.
- § 25-6. Penalties.
- § 25-7. Repeal of inconsistent ordinances.
- § 25-8. When effective; publication.

[HISTORY: Adopted Rye Town Board 3-19-31.
Amendments noted where applicable.]

- § 25-1. Permit required; applications.

No person shall be allowed to excavate, open or dig any trench, ditch or hole in any portion of any public highway in the Town of Rye, outside the incorporated Villages of Port Chester, Rye¹ and Mamaroneck, without first making written application for permission therefor to the Clerk of said town at least forty-eight (48) hours before it is desired to make such opening, and then obtaining a permit therefor signed by said Clerk, in the form substantially as follows:

No. _____ Town of Rye
Date _____

Permission is hereby granted the undersigned to open a trench in Street or Avenue for the purpose of upon the following conditions: The undersigned agrees, in consideration of the granting hereof, that he will not

¹. Editor's Note: Now the City of Rye.

permit or suffer said opening to remain open any longer than is absolutely necessary for the proper doing of the work to be done and for which this permit is granted; that he will at all times keep such opening properly and sufficiently guarded against danger or accident to any person; that he will keep the same well and sufficiently lighted at night, with at least two (2) lanterns; that when said work is finished he will restore said highway to as good condition as it was originally and be responsible for settlement of the ground for any cause for at least six (6) months; and that he will save said town harmless from all damages in connection with such opening or by reason thereof.

And the undersigned, having deposited with said town the sum of dollars (\$), the estimated cost of the work, agrees that in the event that said amount be not sufficient to cover the cost of opening and restoring said highway to its original condition, he will pay said town the difference between said sum so deposited and the cost of so opening and restoring said highway.

And the undersigned having filed a bond with the Town of Rye as herein provided and not having made any deposit, agrees to pay to the Town of Rye the entire cost of opening and restoring said highway to its original condition.

..... L. S.

In the presence of

.....
Received Dollars (\$)
for the above license.

.....
Town Clerk

§ 25-2. Deposit or bond required.

Before receiving such permit, such applicant shall in the alternative deposit the estimated cost of removing and replacing the pavement as provided herein, for such permit or

file a bond, the amount, form and surety thereof to be approved by the Town Board of the Town of Rye to indemnify and save harmless the said Town of Rye from all damage to persons and property caused by work done under any permit issued pursuant to this ordinance.

§ 25-3. Digging up and replacing pavement.

The Superintendent of Highways of the Town of Rye shall cause any pavement to be removed, and thereupon the licensee shall proceed to do and complete without delay the work desired, and shall, when filling in the excavation, thoroughly tamp the same, notifying the Superintendent of Highways, in the meanwhile, of the time when such work will be done. Said Superintendent of Highways shall cause the pavement where removed to be replaced in its original condition over the opening made and for a distance of one (1) foot on each side thereof and shall present to the Town Board of the Town of Rye at its next regular meeting his report of the expense of taking up and replacing such pavement. The difference, if any, between such expense and the amount deposited shall within six (6) months be returned to the person on whose application such work was done and the balance retained by the town to reimburse it for its expenses. If the amount deposited is not sufficient to cover said expenses, then the person upon whose application such work was done shall, on demand, pay said town the difference. If the applicant shall have filed a bond in lieu of a deposit, as herein provided, such applicant shall on demand pay to the town the entire expense of the work done.

§ 25-4. Cost of openings. [Amended 9-20-49]

The charge to be made by the Town of Rye and to be paid by each applicant for the privilege of opening any highway pursuant to this ordinance shall be fifteen dollars (\$15.) per square yard, where the highway is paved with concrete, either reinforced concrete or other pavement on concrete base; three

dollars (\$3.) per square yard where highway opened is paved with macadam; seven dollars and fifty cents (\$7.50) per square yard where concrete gutters are to be disturbed; one dollar and fifty cents (\$1.50) per lineal foot where stone paved gutters are to be disturbed; three dollars (\$3.) per lineal foot when any type of curb is to be disturbed; three dollars (\$3.) per square yard for blacktop shoulders to be disturbed; one dollar and fifty cents (\$1.50) per lineal foot for shoulder areas to be disturbed (lateral); one dollar and fifty cents (\$1.50) per lineal foot for longitudinal trenching without sheathing (outside pavement); three dollars (\$3.) per lineal foot for longitudinal trenching with sheathing; seventy-five cents (\$0.75) per square foot for all types of sidewalk openings. Minimum amount of deposit: twenty-five dollars (\$25.).

§ 25-5. Definition.

PERSON — As used in this ordinance shall mean to 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.

§ 25-6. Penalties.

Any person who himself, or itself, or by his or its agent or employee, shall violate any of the provisions of this ordinance, or any order, code, rule or regulation made in pursuance thereof, shall be guilty of a misdemeanor and liable to a penalty not exceeding in any one (1) case of violation fifty dollars (\$50.) to be recovered with costs, and shall upon conviction of such violation be subject to a fine or not less than ten dollars (\$10.) nor more than fifty dollars (\$50.) or to imprisonment for not less than ten (10) days nor more than fifty (50) days, or to both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense.

§ 25-7. Repeal of inconsistent ordinances.

Any ordinance or part of any ordinance inconsistent with the provisions of this ordinance is hereby repealed.

§ 25-8. When effective; publication.

This ordinance shall take effect at the earliest date allowed by law, and the Town Clerk of the Town of Rye is authorized and directed to have the same published in the Port Chester Daily Item and posted in at least three (3) public places in the Town of Rye pursuant to law.

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Chapter 26

EXCAVATIONS AND TOPSOIL REMOVAL

- § 26-1. Excavations restricted.
- § 26-2. Permit required; application; building plan.
- § 26-3. Excavation regulations.
- § 26-4. Bond required.
- § 26-5. Permit fee.
- § 26-6. Expiration of permit.
- § 26-7. Permit exemption.
- § 26-8. Violations and penalties.
- § 26-9. Separability.
- § 26-10. When effective.

[HISTORY: Adopted Rye Town Board 5-21-42.]

- § 26-1. Excavations restricted.

No excavation for purposes other than the construction of a wall, building or part thereof shall be commenced except in conformity with the provisions of this ordinance.

- § 26-2. Permit required; application; building plan.

- A. Before any excavation for purposes other than the construction of a wall, building or part thereof, farming or public use, is commenced and top soil, earth, sand, gravel, rock or other substance is removed from the ground, the owner or lessee of the premises, or agent of either, shall

Editor's Note: See also Ch. 25, Excavations — Highways, p. 2501, supra.

obtain a written permit therefor and for that purpose shall file with the Building Inspector of the Town of Rye an application in duplicate for a permit containing a detailed statement of the proposed work and a plan setting forth in detail the extent of the proposed excavation. Such statement and plan shall state and show the exact condition of the plot or premises before and after the proposed excavation.

- B. Each application for such permit shall be accompanied by a building plan as drawn to scale, giving the location and dimensions of the premises upon which it is proposed to excavate and the location of any existing buildings; also a sworn statement in writing giving the full name and address of the owner of the premises.

§ 26-3. Excavation regulations.

No such excavation shall be made within ten (10) feet of any street line, nor unless adequate barricades are erected and maintained, and adequate provisions made for the prevention of flying dust, and unless the excavation is immediately refilled with clean nonburnable fill containing no garbage, refuse, offal or any deleterious or unwholesome matter, and dust-down or its equal is spread to prevent dust from flying, and such premises are graded to the level of the abutting highway; provided further, that in case of the removal of topsoil there shall be left at least four (4) inches of topsoil upon the surface from which topsoil is removed and the area from which topsoil is taken shall be immediately reseeded with rye or other fast-growing vegetation until growth is established.

§ 26-4. Bond required.

Before the issuance of a permit, the one to whom the permit is to be issued shall execute and file with the Town Clerk a bond, approved by the Town Board of the Town of Rye in

an amount to be fixed by said Board, but not less than two thousand dollars (\$2,000.) with a surety company as surety and conditioned for the faithful performance of the conditions contained in this ordinance, the observance of all municipal ordinances and to indemnify the Town of Rye and/or the Superintendent of Highways for any damage to town property.

§ 26-5. Permit fee.

The Building Inspector of the Town of Rye shall charge and collect for the aforesaid permit a fee of ten dollars (\$10.) for an area not exceeding five thousand (5,000) square feet, twenty-five dollars (\$25.) where an area exceeds five thousand (5,000) square feet, plus one dollar (\$1.) for each additional five thousand (5,000) square feet or fraction thereof.

§ 26-6. Expiration of permit.

Such permit shall expire by limitation thirty (30) days from the date of its issue unless extended.

§ 26-7. Permit exemption.

Nothing contained in this ordinance shall require a person to obtain a permit or prevent a person from removing topsoil from one (1) part of his lands to another part of the same premises when such removal is necessary as an accessory use or is made for the purpose of improving said property.

§ 26-8. Violations and penalties.

Every violation of the provisions of this ordinance shall be punishable by a fine not to exceed one hundred dollars (\$100.) or by imprisonment for not more than three (3) months or by both such fine and imprisonment.

§ 26-9. Separability.

If any provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected thereby.

§ 26-10. When effective.

This ordinance shall take effect immediately.

Chapter 27

(R E S E R V E D)

This Reserve chapter page is part of your Code. It has been inserted here to allow for the integration of future enactments, the subject of which will fall alphabetically into this part of the Code.

6473-6472

FIRE PREVENTION

Chapter 28

FIRE PREVENTION

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[HISTORY: Adopted Rye Town Board 5-31-66. Amendments noted where applicable.]

ARTICLE I
Scope

- § 28-1. Short title.

This ordinance shall be known and titled as the "Fire Prevention Code of the Town of Rye," and shall apply to the territory of the town outside of the incorporated villages situated in said town, for the purpose of protection and preservation of the property of the town and of its inhabitants.

§ 28-2. Application.

The storage, handling and use of dangerous and hazardous materials and the prevention of hazardous conditions shall be in conformity with the most approved methods and practices for safety of life and property, and it shall be unlawful to install in connection therewith any material, fitting or device which has not been approved. Except as may be otherwise provided in this code, the regulations, recommendation and tests of the National Fire Protection Association, American Society for Testing Materials, National Board of Fire Underwriters, American

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Standards Association and other similar organizations, as revised from time to time, shall be deemed to be such most approved methods and practices.

§ 28-3. Exceptions.

Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military or naval forces of the United States and the State of New York.

§ 28-4. Interpretation.

This code shall be construed liberally to secure the beneficial interests and purposes thereof so that public safety will be secured and substantial justice done.

§ 28-5. Fire Chief's representative.

- A. The Fire Chief, with the approval of the Board of Fire Commissioners, may designate competent members of the Fire Department to make inspections, keep records, or perform any other duty required by this code and any inspection or order given by such designated members shall have the same force and effect as if performed or given by the Fire Chief personally.
- B. The Fire Chief shall make periodical inspections of mercantile and manufacturing establishments, schools, colleges, churches, theatres, or other places of a public or semi-public character, each hospital or place of detention and each multiple dwelling, apartment house or tenement build-

ing, and shall designate wherever necessary, first aid fire appliances in or near boiler rooms, kitchens of restaurants or hotels, clubs and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, garages sections, and other places of a generally hazardous nature. Such appliances shall consist of automatic alarm systems, fixed, wheeled or portable chemical extinguishers of a type suitable for the probable class of fire, or suitable asbestos blankets, manual or automatic covers or the introduction of an inert gas. In specially hazardous processes or excessive storage, safety appliances of more than one (1) type may be required or special systems installed.

§ 28-6. Fire limits.

The fire limits shall include all districts designated in the Building Zone Ordinance and Building Code and amendments thereof as industrial districts and business districts.

ARTICLE II

Definitions

§ 28-7. Definition of terms.

For the purpose of this code, the following terms whenever used are declared to have the meaning as set forth herein :

PERSON — Wherever used in this code shall be construed to include person, persons, firm, partnerships, clubs or corporations.

COMMISSIONERS — Wherever used in this code shall be deemed to mean the Board of Fire Commissioners of the Town of Rye.

FIRE CHIEF — Wherever used in this code shall be deemed to mean the Chief of the Fire Department of the Town of Rye, or the person duly authorized to act in his absence.

APPROVED — Refers to approval by the Board of Fire Commissioners, the Fire Chief or by the Building Official, as a result of investigations and tests conducted by them or by reason of accepted principles or tests by the National Board of Fire Underwriters or the Underwriters' Laboratories, Inc., or the United States Bureau of Standards, or other similar nationally recognized organizations.

BUILDING OFFICIAL — Refers to the officer in charge with the enforcement of the Building Code and Building Zone Ordinance.

REPAIR — Shall be construed to include any alteration, structural change or the performance of any act necessary or requisite to make any building or structure or any part thereof, found by the Fire Chief or Building Official to be a dangerous building within the purview of this code, comply with and conform to the requirements of law.

OWNER — Shall be construed to include the record owner of the title to any premises within this town and also anyone exercising the rights of ownership therein at the time of the making of any order with respect thereto by the Fire Chief or Building Official, and shall include a lessee of the entire building or structure (other than a single family private dwelling) or a mortgagee or assignee in possession.

NUISANCE — Shall be held to embrace public nuisances as known at common law or in equity jurisprudence.

Whatever is dangerous to human life or detrimental to health and whatever dwelling is overcrowded or is not provided with adequate means of ingress and egress or is not sufficiently supported or ventilated, are also severally in contemplation of this code, nuisances. All such nuisances are hereby declared illegal.

OCCUPIED (or OCCUPANCY) — As applied to any building, or dwelling unit shall be construed as though followed by the words “or intended, arranged or designed to be occupied (or occupancy).”

DWELLING UNIT — As used herein shall be construed to mean a building or portion of a building occupied by one (1) family.

PUBLIC HALL — Is a hall, corridor, stairway, or passageway not within a dwelling unit. A “public vestibule” is a corridor not within a dwelling unit provided access to a stair or elevator and not exceeding in width seven (7) feet nor in running length two (2) times the width of the stair or the elevator shafts opening upon it. A “public room” or “public part” of a building is a portion of said building used or designed or intended to be used in common by the occupants of two (2) or more dwelling units in such building or by persons who are not tenants of said building, or exclusively for mechanical equipment of such building or for storage purposes. A “living room” is a room which is not a public hall, public vestibule, public room or other public part of a dwelling, provided however, that every room used for sleeping purposes shall be deemed a living room. Water-closet compartments, bathrooms, cooking spaces less than forty-nine (49) square feet in area, and halls, corridors and passageways entirely within a dwelling unit shall not be deemed to be living rooms.

CELLAR or BASEMENT DWELLING UNIT — Is a space in a residence building, any part of which is below the grade of the property nearest to such space.

TOILET — Shall be construed to include a wash basin and a water closet, including the space occupied by them, together with all proper water connections.

OR and AND — As used herein may be construed interchangeably, where such meaning is necessary to effectuate the purpose of this code.

PERSON — May include a partnership, corporation, association or trustee. Where necessary the singular shall include the plural and the plural the singular.

PERSONS INTERESTED — As used herein shall be construed to include the owner, occupant, mortgagee, lessee, agent and all other persons interested in the property to which such words refer, as shown by the records of the Clerk of the County of Westchester New York, Division of Land Records.

TENEMENT HOUSE — Is any house or building or portion thereof, which is either rented, leased, let or hired out, to be occupied or is occupied, in whole or in part, as the home or residence of three (3) families or more living independently of each other, and doing their cooking upon the premises, and includes apartment houses, flat houses and all other houses so occupied.

ARTICLE III Relating to Fires

§ 28-8. False alarms.

No person shall wilfully give or cause to be given, or made, any false alarm of fire, or injure or interfere with fire apparatus or the fire-alarm system.

§ 28-9. Behavior at fires.

No person shall be insubordinate or disorderly at fires, or obstruct the operations of the Fire Department, or wilfully neglect or refuse to obey, or attempt to prevent or obstruct the execution of the orders of the Police Department or the officers of the Fire Department.

ARTICLE IV**Miscellaneous Fire Hazards****§ 28-10. Bonfires.**

It shall be unlawful for any person to burn trash, lumber, straw leaves, or other combustible materials on any street, alley or lot within the fire limits without having obtained written permission therefore from the Fire Chief. All rubbish fires, whether within or outside of the fire limits, must be constantly attended and extinguished before sunset.

§ 28-11. Heating and lighting.

No heating apparatus with an open flame, and no artificial lighting system other than incandescent electric lights shall be used in any warehouse where rags, excelsior, hair or other flammable or combustible materials are stored; nor in any shop or factory used for the manufacture, repair or renovating of mattresses or bedding, nor in any establishment for the upholstery of furniture.

No person shall take into any building or other place where highly flammable, combustible or explosive material is kept, an open flame unless such light or flame shall be well secured and in a glass globe, wire mesh cage or similar approved device.

§ 28-12. Smoking.

No person shall smoke in garages, gasoline stations or in buildings or premises where flammable material is kept. A notice of such prohibition stating the penalty for violation thereof shall be kept posted in such buildings or premises where so ordered by the Fire Chief.

ARTICLE V**Maintenance of Premises Free from Flammable Material****§ 28-13. Definitions.**

For the purposes of this Article, the following terms whenever used are declared to have the meanings as set forth herein:

FLAMMABLE MATERIALS — Combustible rubbish of all kinds, including waste paper, excelsior, rags, straw, newspapers, magazines, wooden and fibre boxes and containers; products of the making of repairs or alterations, including shavings, boards, planks and other combustible wastes thereby produced; flammable liquids not in original sealed containers or safety containers including paint, varnish, turpentine, linseed oil, volatile oils and brushes, rags and other implements used in applying such liquids; mattresses, bedding, wooden and wicker furniture, upholstery and other household furnishings when stored awaiting disposition or sale unless stored in storage warehouses.

RESIDENCE BUILDINGS — Apartment houses, community houses, hotels, two-family houses, boarding houses, rooming houses, dormitories and buildings of residence character converted to public purposes such as meetings and civic or charitable activities.

§ 28-14. General.

Flammable material shall not be maintained, stored, concealed, or accumulated in any yard, court, cellar, basement, room or enclosure unless safeguarded or protected as hereinafter provided. Flammable material shall be removed and disposed of with due promptness. The maintenance, storage, concealment or accumulation of flammable material is hereby deemed to constitute a fire hazard.

§ 28-15. Storage in residence buildings.

- A. In Residence Buildings, painters' and carpenters' supplies and materials in reasonable quantities necessary for ordinary repairs and maintenance may be stored in the cellar or basement but only in a workshop or room separated from other portions of the building by fire-resistive construction. The walls of such room shall be of masonry not less than six (6) inches in thickness; the ceiling shall, where not of fireproof construction, be covered with metal or other fire-resistant lath and one (1) inch of portland cement or gypsum, plaster; openings communicating with other portions of the building shall be protected by approved fireproof doors capable of withstanding the action of fire for one (1) hour. Such rooms shall be maintained locked against unauthorized users. Approved safety receptacles shall be provided for oily or greasy rags or waste, volatile liquids and like hazardous articles within such rooms.
- B. The storage of trunks, hand baggage, surplus furniture, household effects and like property of persons residing on the premises is forbidden in residence buildings except in space separated from other portions of the building with construction as prescribed in this section for work-

shops. Where separate stalls, lockers or bins are provided within such space, the dividing partitions shall not be solidly constructed but shall have sides of incombustible open mesh, screening or lattice which will not affect the effectiveness of a fire-hose stream. Such stalls, lockers or bins shall not be greater in depth than fifteen (15) feet from the passageway giving access thereto, and material shall not be stored within more than two (2) feet of the ceiling thereof.

- C. The Building Official shall not issue a permit for the erection of any new residence building, as defined in this Article, unless storage spaces or workshops are indicated in detail on the plans if it is intended to provide storage spaces or workshops. Storage spaces or workshops in existing multiple dwellings shall not be constructed until a permit to make such alteration has been applied for and has been issued.
- D. Storage spaces and workshops in residence buildings which do not conform to the requirements herein contained shall be made to conform upon the determination by the Building Official or the Fire Chief that such nonconformity constitutes a hazard to the safety of life and property and upon notice of this determination to the owner of such residence building.

§ 28-16. Inspection.

The Fire Chief or his representative, the Building Official or the Police Department shall at any reasonable hour be permitted access to the basement, cellar or storage spaces of any building or premises for the purpose of inspecting the condition thereof with respect to the storage of combustible material, and they and each of them shall have the right to order or cause the removal from the building and premises of any flammable material constituting a fire hazard and stored or maintained in violation of this Article.

**ARTICLE VI
Special Hazards**

§ 28-17.1. Permits; fees. [Added 2-17-77¹]

- A. Bowling establishments, refinishing pins and alleys: fifty dollars (\$50.).
- B. Dry cleaning or dry-dyeing establishments: twenty dollars (\$20.).
- C. Bulk storage or sale of flammable liquids: fifty dollars (\$50.).
- D. Hazardous chemicals: fifty dollars (\$50.).
- E. Compressed gases or liquid petroleum: twenty-five dollars (\$25.).
- F. Places of assembly: twenty-five dollars (\$25.).
- G. Public garage: twenty dollars (\$20.).
- H. Service or filling stations (per pump): ten dollars (\$10.).
- I. Bulk storage of paints, varnish, oils (hardware stores and paint stores): twenty dollars (\$20.).

§ 28-17.2. Storage of combustible containers.

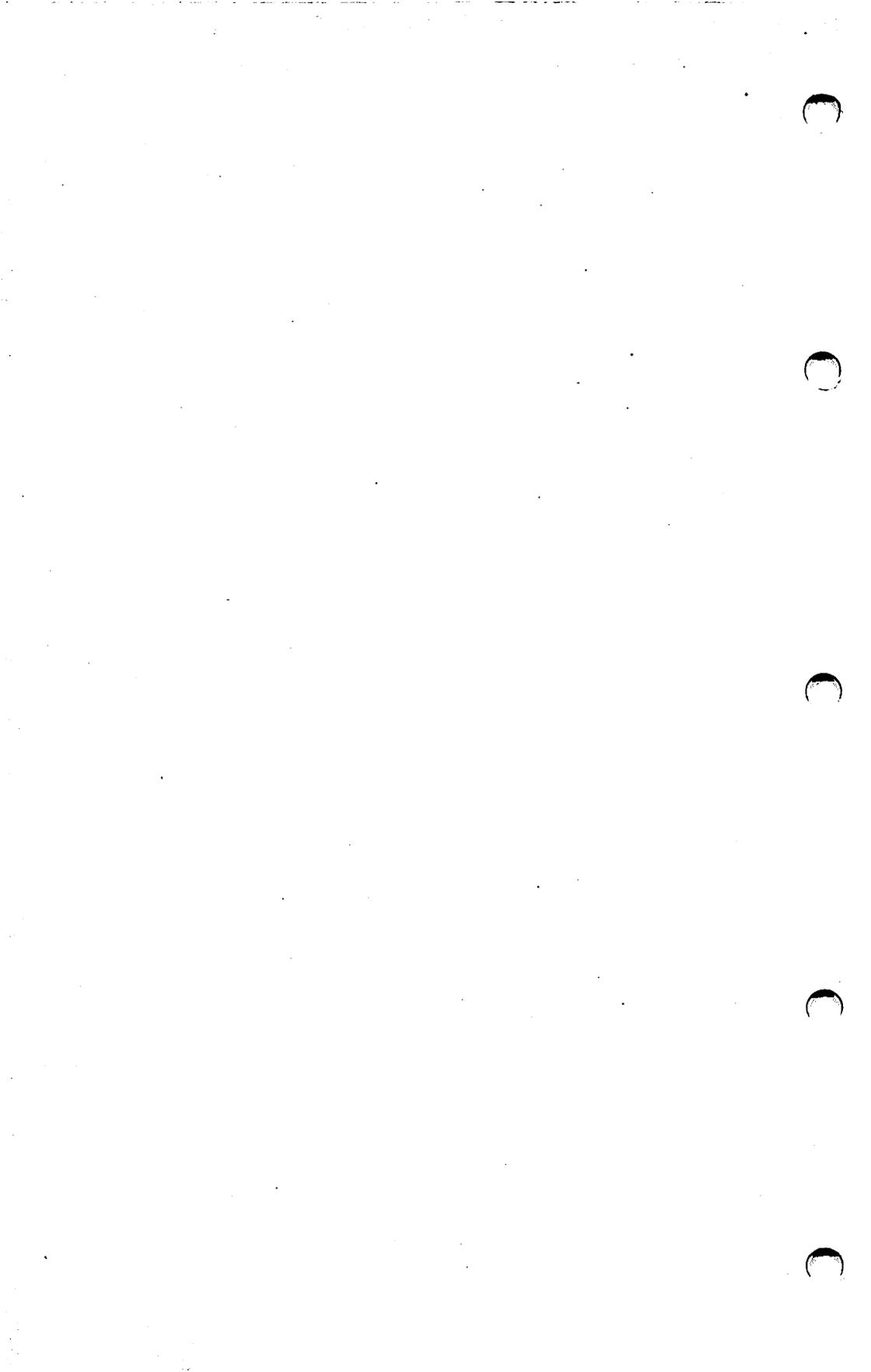
Except out of doors, the storage of empty packing cases, boxes, barrels or other similar combustible containers is forbidden without permission from the Fire Chief. Permission shall not be required for the storage within a manufacturing or other establishment of sufficient packing cases, boxes, barrels or other similar containers to properly carry on its operations, but such storage shall be orderly and not so located as to endanger exit from the building. Storage in the open of packing cases, boxes, barrels or other similar combustible containers shall not be more than twenty (20) feet in height and shall be at least fifty (50) feet from the nearest building. All such storage shall be in a compact and orderly manner.

¹ Editor's Note: This ordinance also provided for the renumbering of former § 28-17 to become § 28-17.2.

§ 28-18. Flammable decorations.

Cotton batting, straw, dry vines, leaves, trees, celluloid or other highly flammable materials shall not be used for decorative purposes in show windows, stores or places of public assembly without permission from the Fire Chief; provided, however, that nothing in this section shall be held to prohibit the display of salable goods permitted and offered for sale in stores. Electric light bulbs in stores or public halls shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof.

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§ 28-19. Hazardous chemicals.

- A. The Commissioners shall be empowered to restrict the storage, handling and sale of chemicals and chemical compounds which are of a corrosive or poisonous nature, or which materially increase the fire hazard. Where kept in containers or packages usual to the retail trade, on general restriction shall apply other than shelving shall be substantial and storage shall be neat and orderly.
- B. For the storage of hazardous chemicals in warehouses, factories and wholesale stores, material of an oxidizing nature such as nitrates, nitrites, chlorates, etc., shall be stored in dry places, and the Commissioners may require a separate room or building when the quantity stored constitutes a material hazard.
- C. Bulk storage of two (2) or more carboys of acid shall be outside in a yard or enclosure, or properly protected on the roof of the building, or in a special room provided with a suitable container for the character of acid in case of breakage or leak.
- D. The Commissioners may require the separation or isolation of any chemical which is of a nature which in combination with other chemical or organic matter may bring about a fire or explosion or may liberate a hazardous or poisonous gas.

§ 28-20. Shafts and trapdoors.

All trapdoors, except those which are automatic in their operations, in any factory building or buildings used for storage shall be closed at the completion of the business of each day. Every outside window in a building used for manufacturing purposes

or for storage which opens directly on any hoistway or other vertical means of communication between two (2) or more floors in such building shall be plainly marked with the word "shaftway" in red letters at least six (6) inches high on a white background, such warning sign to be so placed as to be easily discernible from the outside of the building. Every door or window opening on such shaftway from the interior of the building, unless the construction of the partitions surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance, shall be similarly marked with the warning word "shaftway" so placed as to be easily visible to any one approaching the shaftway from the interior of the building.

§ 28-21. Christmas tree storage.

Christmas trees shall be stored as directed by the Fire Chief and the Building Official to avoid injury to life or property by fire.

§ 28-22. Meter rooms.

Meter rooms shall be kept free and clear to the satisfaction of the Fire Chief or Building Official.

§ 28-23. Wires on flat roofs.

No radio antenna or other wire suspended over a flat roof shall be erected less than eight (8) feet clear above the roof nor so as to become an obstruction in the fighting of fires.

§ 28-24. Chimneys, smokestacks, etc.

All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces,

fire boxes or boilers to which they are connected shall be constructed and maintained in such a manner as not to endanger adjacent property.

ARTICLE VII

Elevators

§ 28-25. Elevators and elevator cabs.

No elevator or elevator cab, except such as shall be used solely for the removal of garbage and waste matter, shall be installed hereafter in any building unless the same shall be constructed throughout of fireproof material and shall also conform with the requirements of the Building Code.

§ 28-26. Inspection and report.

All owners of property having elevators shall maintain such elevators in good and safe working condition. Where periodic inspections of an elevator are performed by an insurance company the owner shall forward a copy of all inspection reports to the Fire Department and Building Department and shall comply with all orders therein contained.

At least quarterly, the Fire Chief shall inspect passenger and freight elevator installations to determine the existence of fire hazards in connection therewith and determine that all orders by properly authorized inspection departments have been complied with.

ARTICLE VIII

Miscellaneous Requirements

§ 28-27. Fire escapes.

No person shall at any time place an encumbrance of any kind whatsoever before or upon any fire escape, balcony or ladder in-

tended as a means of escape from fire. It shall be the duty of every member of the Police or Fire Departments who shall discover any fire escapes encumbered in any manner, to forthwith report the same to the Fire Chief, who shall immediately notify the owner, the tenant, or both, to remove such encumbrance.

§ 28-28. Location of flammable materials.

It shall be unlawful for any person to place, store or keep, or permit to be placed, stored or kept under or at the bottom of any stairway or elevator or other shaft, any combustible or flammable materials, nor shall any such combustible or flammable materials be placed or stored or kept in any place where its ignition or burning would obstruct or render hazardous the egress from a building.

§ 28-29. Public halls and public vestibules.

Public halls and public vestibules in all buildings shall be adequately lighted at all times, and artificial lights shall be kept lit every night in or near the main entrance and upon the stair landing of every floor from sunset to sunrise. Public halls and public vestibules shall be kept clear and unobstructed at all times.

§ 28-30. Places of public character.

- A. Public safety. In all buildings of a public character, such as schools, hotels, clubs, churches, theatres, restaurants, railroad depots, public halls, auditoriums and other buildings used or intended to be used for purposes of public assembly, amusement or instruction, and including depart-

ment stores and other business and manufacturing buildings where large numbers of people are congregated, the halls, doors, stairways, seats, passageways and aisles and all lighting and heating appliances and apparatus shall conform to any reasonable direction of the Commissioners to facilitate egress in case of fire or accident and to afford the requisite proper accommodation for the public protection in such cases.

- B. Aisles and passageways. All aisles and passageways in said buildings shall be kept free from campstools, chairs, sofas and other obstructions, and no persons shall be allowed to stand in or occupy any of said aisles or passageways during any performance, service, exhibition, lecture, concert, ball or any public assemblage.
- C. Special property uses or conditions.¹ [Added 2-17-77]

(1) Places of assembly.

- (a) The maximum number of occupants permitted within places of assembly shall be established by the authority having jurisdiction and shall be conspicuously posted in each place and shall not be exceeded.
- (b) No decorative material shall be used which, as applied, will ignite and allow flame to spread over the surface or will allow burning particles to drop.
- (c) Screens for projection of pictures shall be of noncombustible materials or materials treated to be fire-resistant.
- (d) No apparatus in which combustible or flammable fluid is used in the preparation of foods, refreshments or other materials shall be permitted in a lobby, foyer or auditorium of a place of assembly.
- (e) Exits.

[1] Exits shall be marked by readily visible signs. Access to exits shall be marked by

¹ Editor's Note: See § 28-17.1 for permits and fees.

readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants. Any door, passage or stairway which is neither an exit nor a way-of-exit access and which is so located or arranged as to be likely to be mistaken for an exit shall be identified by a sign reading NOT AN EXIT or similar designation or shall be identified by a sign indicating its actual character, such as TO BASEMENT, STOREROOM, LINEN CLOSET or the like.

- [2] Every required sign designating an exit or way-of-exit access shall be so located and of such size, color and design as to be readily visible. No decorations, furnishings or equipment which impair visibility of an exit sign shall be permitted, nor shall there be any brightly illuminated sign (for other than exit purposes), display or object of such a character as to detract attention from the exit sign in or near the line of vision to the required exit sign.
- [3] A sign reading EXIT, or similar designation, with an arrow indicating the direction shall be placed in every location where the direction of travel to reach the nearest exit is not immediately apparent.
- [4] Every sign shall be distinctive in color and shall provide contrast with decorations, interior finish or other signs.
- [5] Every sign shall be suitably illuminated by a reliable light source giving a value of not less than five (5) footcandles on the illuminated surface. Such illumination shall be continuous. Means of egress and, where emergency lighting facilities are required, exit signs shall be illuminated from the same source.

- [6] Every exit sign shall have the word "exit" in plainly legible letters not less than six (6) inches high with the principal strokes of letters not less than three-fourths ($\frac{3}{4}$) inch wide.
 - [7] In rooms accommodating more than fifty (50) persons, required exit doorways other than those normally used for entrance shall be plainly marked by approved exit signs sufficiently illuminated, to be readily distinguishable, when the floor area is occupied.
 - [8] Required stairways, hallways and other means of egress, including exterior open spaces to or through which exitways lead, shall be kept adequately lighted at all times that the building served thereby is occupied.
 - [9] During the period of occupancy, no exit door shall be locked, bolted or otherwise fastened or obstructed by any means so that the door cannot be opened from the inside.
 - [10] Every means of egress shall have a panic-button release device with no types of locks, bolts or other fastener or any obstruction.
- (f) Air-conditioning systems.
- [1] For all air-conditioning systems or mechanical ventilating systems, there shall be a switch conveniently located and conspicuously indicated for shutting down the system in case of fire.
 - [2] An automatic shut-off system for an air-conditioning unit is required for any establishment or building used for public assembly after the date of this enactment.
 - [3] The lighting controls of all stairways, hallways and exitways must be placed so as

to preclude easy access by unauthorized persons.

- (g) One (1) or more qualified persons to serve as fire watchers shall be employed by all places of assembly during performances of live stage shows.
- (h) Emergency lighting.
 - [1] Where maintenance of illumination depends upon changing from one energy source to another, there shall be no appreciable interruption of illumination during the changeover. Where emergency lighting is provided by a prime mover (operated electric generator), a delay of not more than ten (10) seconds shall be permitted.
 - [2] Electric battery-operated emergency lights shall use only reliable types of storage batteries provided with suitable facilities for maintenance in properly charged condition. Dry batteries shall not be used to satisfy these requirements. Electric storage batteries used in such lights or units shall be approved for their intended use.
 - [3] An emergency lighting system shall be so arranged as to provide the required illumination automatically in the event of any interruption of normal lighting, such as any failure of a public utility or other outside electrical power supply, the opening of a circuit breaker or fuse or any manual act(s), including accidentally opening a switch controlling normal lighting facilities.
 - [4] An emergency lighting system either shall be continuously in operation or shall be capable of repeated automatic operation without manual intervention.

- (2) Bowling establishments.
- (a) Permit required. A permit shall be required for bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.
 - (b) Lane resurfacing operations. Resurfacing operations shall not be carried on while the establishment is open for business. Proper ventilation shall be provided. Heating, ventilating or cooling systems employing recirculation of air shall not be operating during resurfacing operations or within one (1) hour following the application of flammable finishes. All electric motors or other equipment in the area which might be a source of ignition shall be shut down, and all smoking and use of open flames shall be prohibited during the application of flammable finishes and for one (1) hour thereafter.
 - (c) Pin refinishing. Pin refinishing operations involving the application of flammable finishes shall be conducted in a room designed for this type of operation and under conditions conforming with the requirements of Subsection C(2)(b) of this section. Such room shall not be located below grade, nor shall it have communication with any pits, wells, pockets or basements.
 - (d) All power tools in such special rooms shall be effectively grounded or of a double-insulated type. An approved substantial metal box or other receptacle shall be provided for lathes and sanding or buffing machines for catching dust thrown off during operations. Contents shall be removed daily and disposed of safely.
 - (e) Flammable or combustible liquids for use in resurfacing or refinishing operations shall be appropriately stored and shall not exceed sixty (60) gallons [two hundred twenty-seven (227)

litres] of storage, either in original metal containers or in individual five-gallon [eighteen and nine-tenths (18.9) litres] maximum-capacity safety containers. A metal waste can with self-closing cover shall be provided for all waste materials and rags; contents shall be removed daily. Smoking shall be prohibited at all times in refinishing rooms.

(3) Tents.

- (a) Structural requirements. All supporting members shall be of sufficient size and strength to support the structure. Tents shall be adequately guyed, supported and braced to withstand a wind pressure or suction of ten (10) pounds per square foot. The poles and their supporting guys, stays, stakes, fastenings, etc., shall be of sufficient strength and attached so as to resist wind pressure of twenty (20) pounds per square foot of projected area of the tent. (Note: Pull-down ropes on center poles and side poles on push pole tents should be provided.)
- (b) Flame resistance. All tents occupied for assembly or in which animals are stabled or those tents located within that portion of the premises used by the public and all tents in places of assembly in or about which any devices using fuel are operated, and all tarpaulins and decorative materials used in connection with any of these, shall meet the appropriate requirements for resistance to fire. The Building Official shall:
- [1] Require a certificate or other evidence of approval by a laboratory of recognized standing; or
 - [2] He may accept the report of tests made by other inspection authorities or a recognized testing laboratory as evidence that the tents, tarpaulins and decorations have the required resistance to fire.

(c) Fire hazards.

[1] The ground enclosed by any tent used in connection with a place of outdoor assembly and for a reasonable distance, but not less than ten (10) feet outside of such structure or structures, shall be cleared of all flammable material or vegetation which will carry fire. This work shall be accomplished to the satisfaction of the administrative official prior to the erection of such structure or structures. The premises shall be kept free from such flammable materials during the period for which the premises are used by the public.

[2] No hay, straw, shavings or similar combustible materials other than that necessary for the current feeding and care of animals shall be permitted within any tent used for public assembly, except that sawdust and shavings may be used if kept damp.

[3] No smoking, fireworks or unapproved open flame of any kind shall be permitted in any tent while occupied by the public. No-smoking signs shall be conspicuously posted in any tent open to the public. Tents shall not be used for the display of motion pictures unless safety film is used.

(4) Air-supported structures.

(a) Design and construction. Design and construction of the fabric envelope and the method of anchoring the air-supported structure shall be in accordance with the Minimum Standards for Air-Supported Structures, 1961, published by the Air-Structures Manufacturers and Suppliers Association.

(b) Pressurization. The inflation differential pressure of the structure shall be adequate to withstand a

minimum wind velocity of seventy-five (75) miles per hour. The pressurization system shall consist of one (1) or more centrifugal blowers, as follows:

- [1] All blowers shall be powered by continuous rated motors (at the maximum power required for any flow condition).
 - [2] All blowers shall have adequate personnel protection, such as inlet screens and belt guards (if belt-driven).
 - [3] All blowers shall be weather-protected if external to the structure to assure continued service in all weather conditions.
 - [4] All blowers shall be equipped with back-draft check dampers.
 - [5] Any air-supported structure used as a place of outdoor assembly shall be furnished with not less than two (2) blowers, each of which has adequate capacity to maintain full inflation pressure with normal leakage.
 - [6] The design of the blower should be so as to provide integral limiting pressure at the design pressure. Flame resistance and fire hazard requirements are the same as for tents [Subsection C(3)].
 - [7] Exit doors shall swing in the direction of exit travel. [Note: To avoid hazardous air and pressure loss, all such doors should be automatically closing against normal operating pressures. Opening force at the door edge should not exceed fifteen (15) pounds with the structure at any operational pressure (zero to full differential)].
- (5) Aircraft hangars. The construction and protection of aircraft hangars shall be in accordance with Standard Nos. 407-422 of the National Fire Protection Association.

D. Fire protection equipment. [Added 2-17-77]

(1) Water supply.

- (a) Water service for sprinkler, standpipe and yard hydrant systems shall provide at all times a supply of water in sufficient volume for such systems to function satisfactorily.
- (b) Water supply tanks shall be maintained watertight, verminproof, rodentproof, resistant to corrosion and protected against freezing.
- (c) Tanks and their supports shall not be used to support equipment or structures other than for tank use, except where specially designed for such other use.
- (d) Means for emptying water supply tanks shall be maintained in proper working condition.
- (e) Water supply tanks for standpipe and sprinkler systems shall be maintained to furnish water in sufficient quantity and pressures for such systems.
- (f) Fire Department connection shall be conspicuously identified, maintained readily accessible for Fire Department use and adapted to fit the equipment of the Fire Department.

(2) Sprinkler systems.

- (a) Sprinkler systems shall be maintained in operative condition free from mechanical injury, structure failure, water failure or obstructions. Sprinklers shall be maintained clear and free from corrosion, paint, whitewash and other coatings which impair their operation.
- (b) Valves controlling water supply to sprinklers shall be secured in the open position.
- (c) Supports for piping and equipment shall be structurally sound.

- (d) Portions of the system subject to freezing shall be appropriately protected.
 - (e) Storage of materials shall not interfere with the effective discharge of water from the sprinklers.
 - (f) Connections to sprinkler systems for other than fire protection shall be prohibited.
- (3) Standpipe systems.
- (a) Valves shall be maintained tight against leaks.
 - (b) Hose shall be properly stored, ready for operation, dry and free of deterioration.
 - (c) Hose stations shall be conspicuously identified, located for easy accessibility and installed to provide for the quick and easy use of equipment. Hose-station cabinets shall have keyless doors.
 - (d) Valves in the water supply pipe for the standpipe system, other than hose-station valves, shall be open at all times.
- (4) Yard hydrant systems.
- (a) Yard hydrant systems shall provide an ample supply of water to hydrants.
 - (b) Connection to fire hydrants for other than fire-protecting purposes shall be prohibited unless authorized by the authority having jurisdiction.
 - (c) Outside hose shall be stored to be readily accessible and protected from the weather.
- (5) Portable fire extinguishers.
- (a) Portable fire extinguishers shall be appropriate as to type, size and location and shall be in their designated location and clearly visible, except that they may be located in an enclosure or recess conspicuously identified as containing a fire extinguisher.
 - (b) Portable fire extinguishers shall be maintained in operating condition.

- (6) Fire alarm systems.
- (a) Fire alarm systems shall be maintained in operating condition.
 - (b) Fire alarm boxes shall not be obstructed and shall be in full view at all times.
 - (c) Manufacturer's instructions for the use of fire alarm boxes shall be conspicuously posted in the immediate vicinity of each alarm box.
 - (d) Unless directly connected to a central station alarm service, municipal alarm system or local manned fire alarm dispatch station, a clearly legible sign shall be posted above each box stating LOCAL ALARM ONLY — NOT CONNECTED TO FIRE DEPARTMENT — CALL FIRE DEPARTMENT BY TELEPHONE.
- (7) Fire-detecting system.
- (a) All fire-detecting systems, smoke detectors, smoke detector ionization type, flame detectors, fire or rate-of-rise and heat detectors shall be designed, constructed and installed so as to detect a fire in its initial stage or to detect a rapid or excessive rise in temperature and to automatically transmit an alarm signal to be transmitted over telephone lines to the municipal fire stations and to the sounding devices located throughout the building, so as to warn all the occupants in the event of fire. They shall be so located so that they are protected from damage and will activate without delay.
 - (b) Fire-detecting systems shall be equipped with manual fire alarm stations (determination on amount shall be left up to the jurisdiction of the Building Official, Chief of the Fire Prevention Bureau or his assistants) located in a natural path of egress from the building in the event of a fire,

to provide an auxiliary means of activating the alarm systems. Said fire alarm stations shall be located on the grade story near the main entry and exit door.

- (c) Component parts of a fire-detecting system shall be designed, made and assembled for the detecting purposes and shall be reasonably free from false alarm possibilities, and so as not to require frequent major replacements.
- (d) Fire-detecting systems, including manual fire alarm pull stations, shall be under constant electrical supervision so that failure of the main source of power supply or an open-ground circuit which prevents the normal operation of the system will be instantly and audibly indicated. Where such electrical supervision is impracticable for certain types of sounding devices such as vibrating bells, said sounding devices shall be connected alternately on separate circuits and shall be equally distributed throughout the building.
- (e) Fire-detecting and alarm systems shall be supplied with electrical energy from a main source, and, in case of a power failure or interruption of electrical service of any kind, an auxiliary power source shall be installed and maintained in good working order.
- (f) Fire-detecting systems shall be provided with a sounding device designed to sound a clear, continuous audible signal that is distinct from all signals of other sounding devices used in the vicinity. If more than one (1) sounding device is used, they all shall be of the same type. A sufficient number of sounding devices shall be provided and so located that the alarm is audible in all parts of the building, including the basement. Said sounding devices shall be installed with two (2) under dome gongs in the

cellar and two (2) on the main dining and/or dancing area. Determination of additional sounding devices in the first floor or basement shall be left up to the Chief of the Fire Prevention Bureau and Building Official, if it is deemed necessary. Fire-detecting systems shall be provided for all unoccupied rooms, areas on the first floor and basements, including bathrooms, storage rooms of any and all types, cloak rooms and any other areas that may be deemed necessary by the Chief of the Bureau of Fire Prevention and Building Inspector.

- (g) Boiler rooms and kitchens shall have rate-of-rise fire-detecting systems. Said fire detectors shall be installed one (1) per room regardless of room's size, but not larger than three hundred twenty-five (325) square feet. If said room is larger than three hundred twenty-five (325) square feet, two (2) smoke detectors are required.
 - (h) All installations shall conform with the National Electrical Code and shall be installed by an electrical contractor licensed by the Town of Rye.
 - (i) Testing fire-detecting systems shall be conducted by a bona fide qualified service agency at least twice a year under the supervision of the Bureau of Fire Prevention. A log shall be kept of the date and time of said inspections and who conducted said inspections of the fire-detecting system.
- (8) Fire safety equipment. Fire safety equipment, including fire-extinguishing, fire warning and standpipe systems, shall be maintained operable at all times and under all weather conditions except during repairs. The Fire Department shall be notified whenever such equipment is out of service.

E. Fire safety signs and instructions. [Added 2-17-77]

- (1) Signs.

- (a) Fire safety signs include, among others, occupancy signs, limiting the maximum number of occupants permitted in public areas; no-smoking signs, prohibiting smoking in areas where conditions exist which make smoking a fire hazard; danger signs, alerting persons to areas where special danger of fire or explosion exists; and elevator warning signs, instructing occupants to use exit stairs in case of fire.
 - (b) Fire safety signs shall be posted on premises as specified in Subsection E(1)(a) of this section.
 - (c) Posted fire safety signs shall be complied with.
 - (d) No posted fire safety sign shall be removed, defaced or destroyed except for replacement purposes or when the condition which the sign was intended to identify is no longer present or when the information conveyed by the sign is no longer necessary.
 - (e) The marking of fire lanes on private property devoted to public use shall be approved by the Fire Inspector and the Chief of Police. Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.
- (2) Instructions. Hotels, motels and similar transient occupancies shall have a printed copy of fire safety instructions, instructing occupants in steps to be taken in the event of fire, conspicuously posted in each occupancy unit and at other designated locations.
- F. Equipment and systems. [Added 2-17-77]
- (1) Approved fire-extinguishing equipment shall be provided for the protection of duct systems, grease-removal devices and hoods. Cooking equipment (such as fat fryers, ranges, griddles and broilers) which may be a source of ignition of grease in the hood, grease-removal device or duct shall also be protected by approved extinguishing equipment. If acceptable to

the authority having jurisdiction, that portion of the fire-extinguishing system required for protection of the duct may be omitted when all cooking equipment is served by listed grease extractors.

- (2) The extinguishing equipment shall include both of the following types:
 - (a) Automatically operated fixed-pipe systems or other automatic systems specifically shall be listed for the hazard.
 - (b) Fixed-pipe extinguishing systems, except automatic sprinkler systems in a single hazard area, shall be arranged for simultaneous automatic operation upon actuation of any one (1) of the systems. A single hazard area is one which:
 - [1] Includes all cooking equipment, hoods and duct work within one hundred twenty-five (125) running feet of duct from any hood served.
 - [2] Any other cooking equipment, hoods and duct work connected by less than one hundred twenty-five (125) running feet of duct from the closest hood served.
 - (c) The operation of any extinguishing systems shall automatically shut off all sources of fuel and heat to all equipment protected by an extinguishing system or located under ventilating equipment protected by an extinguishing system. (Note: Electrically-heated equipment other than fat fryers need not be shut off.)

§ 28-31. Means of egress.

- A. Every tenement house existing or hereafter erected, both fireproof and nonfireproof, exceeding two (2) stories in height shall have at least two (2) independent ways of egress which shall extend from the ground floor to the roof

and shall be located remote from each other. The Commissioners in conjunction with the Building Official shall enforce the requirement of this section.

- B. Stagehand. Except on a stage where there is maintained a protective curtain in compliance with the Building Code and the New York State Standard Building Code for Places of Public Assembly, it shall be unlawful to present any theatrical presentation unless the person in charge, or his representative, remains continuously for emergency duty at the rear of the stage during each presentation.

§ 28-32. Fire drills. [Amended 2-17-77]

- A. School fire drills. It shall be the duty of the Commissioners to ascertain that the principals or supervisors of public, private and parochial schools hold regular fire drills as prescribed in the Education Law and, by inspection, to determine that all doors serving as exits are unlocked during school hours or whenever in use and all means of egress are free of obstructions.
- B. Building Groups 1 — 4. Fire exit drills and procedures shall be held and conducted to familiarize occupants in procedures of building evacuation or transfer to havens of refuge in the following:
- (1) Group 1: hotels, clubs, hospitals, convalescent homes.
 - (2) Group 2: business occupancies.
 - (3) Group 3: mercantile occupancies.
 - (4) Group 4: assembly occupancies.

§ 28-33. Gasoline tanks.

- A. No gasoline tank or tanks shall be installed without first obtaining a permit.
- B. The construction and installation of such tanks shall conform with the requirements of the ordinance regulating

construction and installation of oil-burning equipment,¹ and no installation shall be covered or otherwise concealed until inspected by the Fire Chief and certified as conforming to the code.

§ 28-34. Storage of gasoline.

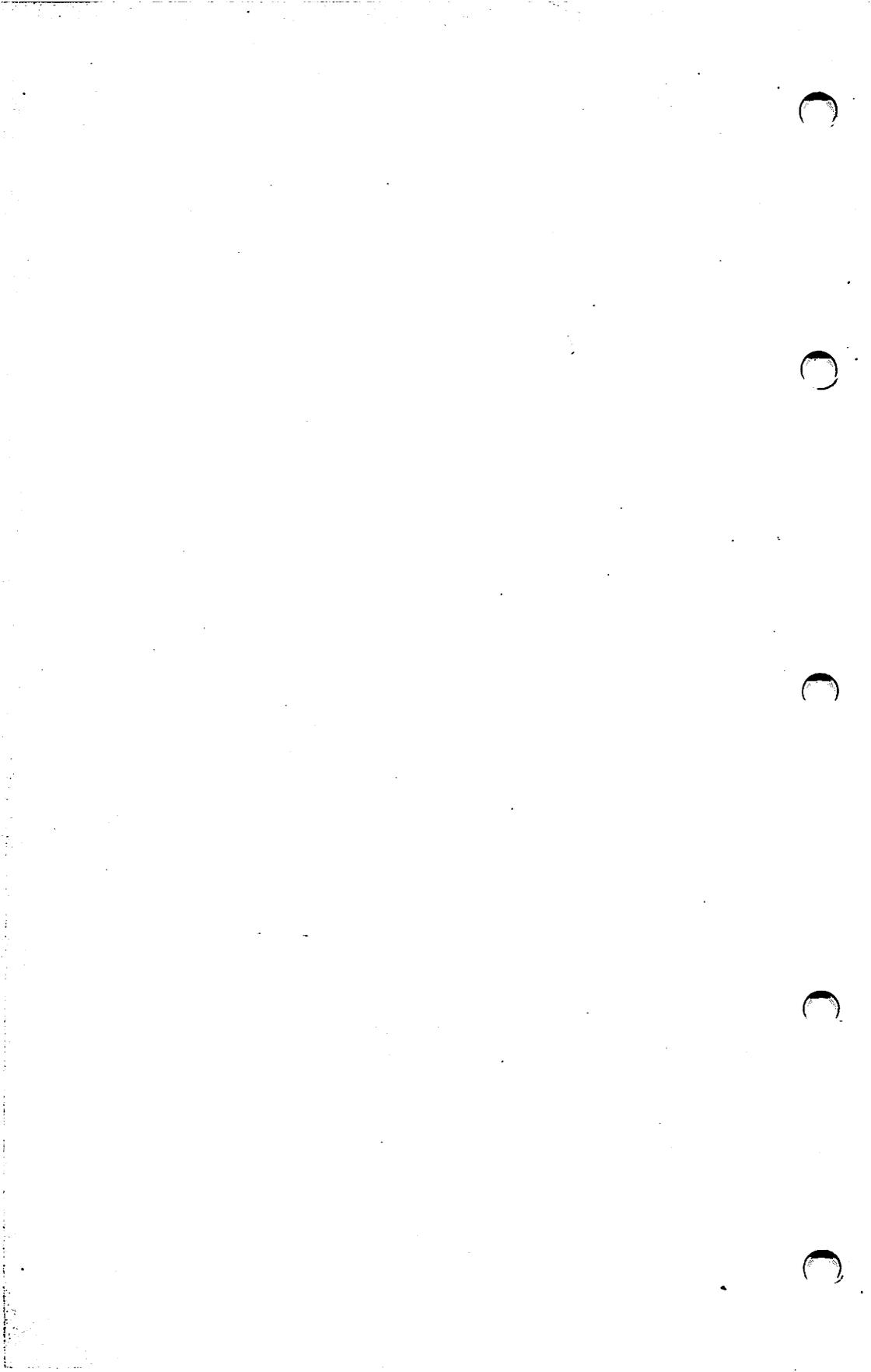
Gasoline in quantities exceeding five (5) gallons shall be stored in underground tanks. Except where storage of gasoline is prohibited, quantities of less than five (5) gallons may be stored but only in approved safety cans. Gasoline shall not be kept in any dwelling unit in quantities exceeding one (1) pint and then only in a screw-top metal container legibly labeled to indicate its contents and its flammable nature.

§ 28-35. Dry cleaning and dry dyeing.

A. Dry cleaning shall include the removal of dirt, grease, paint or other stain from any wearing apparel, textile,

(Cont'd on page 2821)

¹ Editor's Note: See Ch. 42, Oil Burners and Flammable Liquids.



fabric, fur, rug or similar article by immersion or agitation in any flammable liquid or by brushing or scouring with any such liquid.

Dry dyeing is the process of dyeing in a solution of dye color and flammable liquid.

Spotting is the local application of any flammable liquid to any spot of dirt, grease, paint or stain.

- B. Rating of solvents. For the purpose of this Article, flammable liquid solvents shall be rated according to the schedule developed by the Underwriters' Laboratories for the rating of hazards of flammable liquids. Representative examples for such rating are as follows:

Liquid	Rating
Ether	100
Gasoline	90 to 100
Alcohol (ethyl)	60 to 70
Kerosene	30 to 40
Paraffin Oil	10 to 20

- C. Prohibited. Dry cleaning or dry dyeing which includes the use of flammable liquid solvent rated above five (5) in the Underwriters' Laboratories schedule is hereafter prohibited.
- D. Spotting. The provisions of this section shall apply to any spotting which includes the use of flammable liquid solvent rated above (5) in the Underwriters' Laboratories schedule.

Spotting shall be limited to the use of one (1) quart of the flammable liquid stored in and applied from an approved safety can.

Spotting shall be prohibited in any room not provided with a safe means of exit direct to the outside air or in any room containing an open flame, fire or spark. During spotting and for one-half ($\frac{1}{2}$) hour thereafter two (2) direct openings for ventilation and air circulation must be provided, preferably on opposite sides of the room near the floor.

- E. Permit required. No laundries, dry cleaning and dry dyeing establishments, rug cleaning plants or other similar business shall be conducted unless a permit has been applied for and obtained from the Commissioners. No permit shall be issued until the Fire Chief has certified that he has inspected the premises of the applicant and found such premises to conform with the requirements of this code.

ARTICLE IX

Enforcement

§ 28-36. Violations.

The violation of any of the provisions of this code, or failure to comply therewith shall be punishable by a fine which shall not exceed fifty dollars (\$50.), or imprisonment not exceeding one hundred (100) days, or both such fine and imprisonment, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building, structure or part thereof, where any violation of this code shall exist, and any storekeeper, architect, civil engineer, builder, plumber, carpenter, mason, contractor, subcontractor, foreman, or any other person who may be employed or assists in the commission of any such violation, and any and all persons who shall knowingly violate any of the provisions of this code or fail to comply therewith, or any requirements thereof, or who shall

knowingly violate or fail to comply with any order of regulation made hereunder, shall be severally liable for each and every such violation and noncompliance. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

§ 28-37. Validity of code; saving clause.

If any section, paragraph, subdivision, clause, phrase, or provision of this code shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, the same shall not affect the validity of this code as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

§ 28-38. Effective date.

This ordinance shall become effective ten (10) days after first publication and posting thereof.

