

## CHAPTER 55

### FIRE PREVENTION

#### §55.1 **Adoption of the New York State Uniform Fire Prevention and Building Code**

The New York State Uniform Fire Prevention and Building Code as amended, herein referred to as the Uniform Code, is hereby adopted by the Board of Trustees of the Village of Avon of the County of Livingston and State of New York for the purposes of administration and enforcement.

#### §55.2 **Designation of Fire Marshall**

There is hereby designated in the Village of Avon a public official to be known as the Fire Marshall who shall be appointed by the Mayor with the approval of the Board of Trustees at a compensation to be fixed by them.

#### §55.3 **Duties and powers of the Fire Marshall**

Except as specifically otherwise provided by law or regulation, or except as herein otherwise provided, the Fire Marshall shall administer and enforce all of the provisions of the Uniform Code related to fire prevention and safety inspections.

#### §55.4 **Records and reports**

The Fire Marshall shall keep permanent official records of all transactions and activities conducted. The Fire Marshall shall annually submit to the Board of Trustees a written report of all business conducted.

#### §55.5 **Violations**

A. Upon determination by the Fire Marshall that a violation of the Uniform Code exists in, on or about any building or premises, the Fire Marshall shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by certified mail.

B. Any action or proceeding in the name of the Village of Avon may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code. Such remedy shall be in addition to any other penalties prescribed by law.

#### §55.6 MUNICIPAL CODE

#### §55.6 **Penalties**

Any person who shall willfully fail to comply with a written order of the Fire Marshall within the time fixed for compliance herewith and any owner, builder, engineer, architect, tenant, contractor, sub-contractor, plumber, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall violate any of the applicable provisions of this chapter or any lawful order, or any person who shall violate any of the provisions of this chapter, the Uniform Code, or who shall violate or fail to comply with any order made thereunder, shall severally for each and every such violation be guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00) and no more than Two Hundred Fifty Dollars (\$250.00) or by imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation nor permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a

reasonable time; and when not otherwise specified, each day that the prohibited condition(s) or violation continues shall constitute a separate offense. The imposition of any such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.

### **Historical Note**

Chapter 55 amended by Local Law #2 of 1989 on July 3, 1989.

**Cross-reference:**

Fire safety regulations, §65.21 et seq.

**Reference:**

See references, p. 65.6