

Local Law No. 3-2009

BE IT ENACTED by the Town Board of the Town of Mamaroneck as follows:

Section 1. – Purpose:

The Town Board finds that in order to protect the health, safety and welfare of the citizens of the unincorporated area of the Town of Mamaroneck, during fires or when other emergencies arise, the Fire Department must be able to gain access to buildings of a certain size or which contain a certain use and to properties where access is restricted.

One recognized method for providing access to firefighters and other emergency responders is the installation of “Key Boxes”. Key Boxes are located outside buildings. They contain keys to locks within the building which lock areas, such as mechanical rooms, to which firefighters need access to, for example, shut off electrical service during a conflagration. To maintain security, only the Fire Department will have the keys that open the Key Boxes.

For properties to which access is restricted by locked fences or gates, Security Padlocks or Key Switches provide access to firefighters and other emergency responders when there is an emergency. As with Key Boxes, for security purposes, only the Fire Department will have the keys that unlock the Security Padlocks or turn the Key Switches.

This chapter of the Code provides the rules and the requirements for Key Boxes, Security Padlocks and Key Switches.

Section 2. – Addition of a new article to the Code of the Town of Mamaroneck:

The following new Chapter 91 hereby is added to the Code of the Town of Mamaroneck:

Chapter 91

EMERGENCY ACCESS TO CERTAIN BUILDINGS AND PROPERTIES REQUIRED

§ 91-1. Legislative Intent.

The Town Board finds that in order to protect the health, safety and welfare of the citizens of the unincorporated area of the Town of Mamaroneck, during fires or when other emergencies arise, the Fire Department must be able to gain access to buildings of a certain size or which contain a certain use and to properties where access is restricted.

One recognized method for providing access to firefighters and other emergency responders is the installation of “Key Boxes”. Key Boxes are located outside buildings. They contain keys to locks within the building which lock areas, such as mechanical rooms, to which firefighters need access to, for example, shut off electrical service during

a conflagration. To maintain security, only the Fire Department will have the keys that open the Key Boxes.

For properties to which access is restricted by locked fences or gates, Security Padlocks or Key Switches provide access to firefighters and other emergency responders when there is an emergency. As with Key Boxes, for security purposes, only the Fire Department will have the keys that unlock the Security Padlocks or turn the Key Switches.

This chapter of the Code provides the rules and the requirements for Key Boxes, Security Padlocks and Key Switches.

§ 91-2. Definitions.

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

FIRE DEPARTMENT- The Fire Department of the Town of Mamaroneck.

FIRE DISTRICT - The unincorporated area of the Town of Mamaroneck.

FIRE CHIEF – The Chief of the Fire Department or the Fire Chief’s designee.

KEY BOX - A box of a size and type approved by the Fire Department that utilizes the security key adopted by the Fire Department.

KEY SWITCH- A two-position key switch, approved by the Fire Department that utilizes the security key adopted by the Fire Department.

MANDATORY STORAGE CABINET – A container which holds the Material Safety Data Sheets regarding the hazardous materials or controlled substances located within a Protected Building and such other information as the Fire Chief may require.

MATERIAL SAFETY DATA SHEETS – Information regarding hazardous materials or controlled substances located within a Protected Building.

PROTECTED BUILDING – Any structure located within the Fire District which contains or was built to contain a use which meets the description of either a principal use or a special use in sections 240-21 A (2), 240-21 B. (1), (2) or (3), 240-21.1, 240-24A. (2), 240-25, 240-30, 240-31, 240-32 or 240-32.1 of the Code. Notwithstanding the previous sentence, a building which contains more than one dwelling unit but either contains no commercial uses or contains commercial uses that are used primarily by the residents of that building is a Protected Building only if it contains five (5) or more dwelling units.

RESPONSIBLE PARTY- The owner of, and any person designated by the owner to manage a Protected Property or a Restricted Property.

RESTRICTED PROPERTY – Property to which access is restricted by a barrier which can be opened only by a key, a swipe card, the entry of a code or some other means not known by the general public.

SECURITY PADLOCK- A padlock approved by the Fire Department that utilizes the security key adopted by the Fire Department.

§ 91-3. Contents of a Key Box.

Key Boxes for a Protected Building shall contain:

- A. Three individual duplicate rings of keys for all locked
 - (1) points of ingress to, or egress from that building,
 - (2) mechanical rooms,
 - (3) utility rooms,
 - (4) storage rooms,
 - (5) garages,
 - (6) control valves,
 - (7) fire alarm panels,
 - (8) fences or secured areas,
 - (9) accesses to elevators,
 - (10) control rooms
 - (11)panels containing controls or shut-off devices for systems within the building,
 - (12) firefighter service operations for facility elevators,
 - (13) common areas of the occupancy,
 - (14) Mandatory Storage Cabinets, and
 - (15) other areas that may be required by the Fire Chief.

- B. A card whose minimum size is 3 inches by 5 inches which contains the names and the telephone numbers of the people to be contacted in the case of an emergency.

- C. If required by the Fire Chief, floor plans of the building showing the location of all shutoff valves.

§ 91-4. Requirements.

- A. One or more Key Boxes shall be installed on the exterior wall of each Protected Building. The Fire Chief shall determine the number and designate the location(s) of the Key Box or Key Boxes. Once installed, a Key Box shall not be relocated without the express written consent of the Fire Chief.

- B. Any Protected Building storing hazardous materials or controlled substances shall have one or more Mandatory Storage Cabinets. A Mandatory Storage Cabinet shall contain Material Safety Data Sheets for the hazardous materials or controlled substances stored in such building. The Fire Chief shall determine the number and designate the location(s) for the Mandatory Storage Cabinet. Once installed, a Mandatory Storage Cabinet shall not be relocated without the express written consent of the Fire Chief.

- C. All barriers to a Restricted Property shall be equipped with a Key Box, a Key Switch or a Security Padlock. The Fire Chief shall determine the number and designate the location(s) for each Key Box, Key Switch and/or Security Padlock. Once installed, neither a Key Box, a Key Switch nor a Security Padlock shall be relocated without the express written consent of the Fire Chief. If a Restricted Property is equipped with a Key Box, such Key Box shall not be required to contain all of the items specified in section 91-3 but shall contain the device by which such barrier can be opened or the instructions for opening the barrier.

§ 91-5. Installation and Maintenance of Key Box

- A. Both the owner of, and the Responsible Party for a Protected Building shall be responsible for installing and maintaining all Key Boxes that are required for such building.
- B. Both the owner of, and the Responsible Party for a Restricted Property shall be responsible for installing and maintaining all Key Boxes, Key Switches and/or Security Padlocks that are required for such property.
- C. Key Boxes, Key Switches and Security Padlocks shall be installed and maintained in a manner that makes them free from physical and visual obstruction.
- D. Key Boxes, Key Switches and Security Padlocks shall not be of a color which obscures them from view.
- E. Both the owner of, and the Responsible Party for a Protected Building shall be responsible for installing a decal in a form approved by the Fire Chief to each Key Box and at such other location(s) as the Fire Chief may determine. Once affixed, decals shall not be relocated without the express written consent of the Fire Chief.
- F. Both the owner of, and the Responsible Party for a Protected Building shall be responsible (a) for notifying the Fire Department whenever a key inside the Key Box for that building no longer will open the item within the building it is supposed to open, (b) for providing the Fire Department with a key that opens such item, (c) for notifying the Fire Department whenever the telephone numbers of the people to be contacted in the case of an emergency and the name and telephone number of an occupant changes, (d) for providing the Fire Department with an up to date card that complies with section 91-3 B., (e) for notifying the Fire Department whenever floor plans of the building or the location of any shutoff valve changes and (f) for providing the Fire Department with up to date floor plans showing the location of all shutoff valves if the Fire Chief required a floor plan to be provided for the Key Box.
- G. The owner of a Protected Building or a Restricted Property shall be responsible for notifying the Fire Department whenever there is a new person designated by the owner to manage such building or property.

§ 91-6. Applicability.

- A. All Protected Buildings and Restricted Properties for which a certificate of occupancy shall not have been issued on the effective date of this law must comply with this law before a certificate of occupancy can be issued.

- B. All Protected Buildings and Restricted Properties for which a certificate of occupancy shall have been issued on or before the effective date of this law shall comply with this article by August 31, 2010.

- C. The owner of a Protected Building or a Restricted Property shall bear all of the costs incurred in order to comply with this article.

§ 91-7. Enforcement Officers.

Summonses for the violation of any provision of this article can be issued by the Director of Building Code Enforcement and Land Use Administration, an Assistant Building Inspector, a Code Enforcement Officer or a Fire Inspector.

§ 91-8. Penalties for Offenses.

Any person who violates any provisions of this article shall be guilty of a violation which shall be punishable by a fine of no more than \$1000 or imprisonment for a term not to exceed fifteen (15) days, or both, and also shall be liable for the civil penalty imposed by §106-55 C. of the Code. Each day a violation continues shall constitute a separate offense.

§ 91-9. Exemptions.

This article shall not apply to buildings or properties owned by the United States of America, the State of New York, the County of Westchester or the Mamaroneck Union Free School District.

Section 3 – Severability:

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of the Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 4 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.

