

## ARTICLE XI

### BOARD-UP COMPANIES AND RESTORATION BUSINESSES

#### **Section 11.0 Scope**

This Article pertains to companies that board-up buildings after fires or other emergency events and businesses that offer services to restore structures after fires and other emergency events.

#### **Section 11.1 Adoption of Generally Accepted Standards**

11.1.1 Where there is a difference between the provisions of this Article and any standards referenced in this Article, the provisions of this Article and/or the *New York State Uniform Fire Prevention and Building Code* shall apply. In the case of conflict between this Article and the *New York State Uniform Fire Prevention and Building Code* or any federal, state or Nassau County law, the more restrictive provision shall apply.

11.1.2 Deviations from any NFPA Standards listed or this Ordinance, are only permitted after a variance is granted by the Fire Commission pursuant to Section 2.6 of this Ordinance.

#### **Section 11.2 Definitions**

The following words and terms shall, for the purpose of this section and as used elsewhere in this Ordinance, have the meanings shown herein. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**BOARD-UP SERVICES** – the act of boarding up, tarping or otherwise securing a residential or commercial building damaged by fire, flood, hurricane, storm or other emergency event.

**BOARD-UP BUSINESS** – any person, corporation, firm, proprietorship or other entity or business or organization that engages in a business that provides board-up services.

**RESTORATION SERVICES** – the act of cleaning or restoring a residential or commercial building damaged by fire, flood, hurricane, storm or other emergency event.

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**RESTORATION BUSINESS**—any person, corporation, firm, proprietorship or other entity or business or organization that engages in a business that provides restoration services.

### **Section 11.3 License Required**

- 11.3.1** All board-up or restoration businesses must possess a license from the Fire Marshal in accordance with Article XX of this Ordinance.
- 11.3.1.1** Home improvement or environmental hazard remediation contractors duly licensed by the Nassau County Department of Consumer Affairs shall be required to apply for a license but shall be exempt from any license fees. Home improvement contractors shall present their home improvement license when applying for a board-up and restoration business license. All Certificate of Fitness requirements, including fees, shall still apply.
- 11.3.2** No license shall be issued to any party who has been convicted of a felony or who has a felony charge pending against them. The records of a court of appropriate jurisdiction shall be accepted as proof of acquittal of a felony or other positive disposition of a felony charge.
- 11.3.3** No license shall be issued to any party whose home improvement or environmental hazard remediation license has been revoked or suspended by the Nassau County Department of Consumer Affairs. No license shall be issued to any party who fails to disclose that his/hers/its home improvement or environmental hazard remediation license has been revoked or suspended by the Nassau County Department of Consumer Affairs.
- 11.3.4** The suspension or revocation of a home improvement or environmental hazard remediation license held by board-up or restoration business shall result in the immediate suspension or revocation of that business's board-up or restoration license, as appropriate.
- 11.3.5** All vehicles used by board-up and restoration companies and their employees shall display all County-issued license numbers.

### **Section 11.4 Certificate of Fitness**

- 11.4.1** It shall be unlawful for any employee, owner, partner, salesman, or representative of any board-up or restoration business to engage in any board-up or restoration activity, including solicitation of business, either in person or by telephone, within the County, unless he or she has obtained a valid Certificate of Fitness issued by the Fire Marshal in accordance with Article XX

of this Ordinance. Such certificate is subject to revocation by the Fire Marshal at any time where the certificate holder displays evidence of non-compliance with the provisions of this Ordinance.

**11.4.1.1** Employees of any local government who board-up structures or otherwise perform board-up services in their official capacity are exempted from obtaining a Certificate of Fitness.

**11.4.2** No Certificate of Fitness shall be issued unless a valid board up or restoration business license has been issued to the board up or restoration business on whose behalf such applicant is engaged.

**11.4.3** An individual's initial Certificate of Fitness shall be valid for a period of one year from date of issuance. A renewal Certificate of Fitness shall be valid for a period of two years from date of issuance.

**Section 11.5** ***Responsibilities of Board-up and Restoration Companies—Interference with Police and Fire Operations***

**11.5.1** All work performed by board-up or restoration businesses shall conform to the standards of boarding and securing of property established by the Federal Department of Housing and Urban Development.

**11.5.2** Any person employed by or operating a board-up or restoration business shall not interfere with the operations of any fire department, police department, ambulance or rescue service provider or the Fire Marshal and must stay behind fire or police lines unless authorized to cross by a police officer, Fire Chief or Fire Marshal.

**11.5.3** In the event that no physical fire or police line has been set up, no employee or operator of a board-up or restoration business shall come within 500 feet of any damaged property until all fire department, police department, and fire marshal personnel and vehicles have left the scene.

**11.5.4** Any employee or operator of a board-up or restoration business who approaches or otherwise contacts the owner of property that is the subject of police and/or fire operations shall be deemed to be interfering in such operations. As long as police and/or fire department vehicles are present, police and/or fire operations shall be deemed to be ongoing. A police officer, Fire Chief or the

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Fire Marshal may grant permission to an employee or operator of a board-up or restoration business to approach or contact a property's owner while police and/or fire operations are ongoing.

- 11.5.5** Any person employed by or operating a board-up or restoration business shall promptly comply with all orders or directives given by fire fighters, police officers, or the Fire Marshal.

### ***Section 11.6 Penalties***

Any person or business entity other than a corporation that fails to comply with any provision of this Article is guilty of a misdemeanor that is punishable by a fine not exceeding one thousand (\$1,000) dollars or by imprisonment for not more than one (1) year, or both, for each and every offense. A corporation that violates any provision of this Article is guilty of a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) for each and every offense. The imposition of a penalty for any violation of this Article shall not excuse the violation or permit it to continue, and each fifteen (15) days that the violation continues constitutes a separate offense.

#### ***Historical notes:***

*Enacted by Ord. No. ??-2015*

*Effective ??? ? 2015*