STAFF ANALYSIS OF THE PETITION FOR APPROVAL (ADOPTION) OF MORE RESTRICTIVE LOCAL STANDARDS AMENDED BY

Local Law No. 4 of 2022, Section 18-27 of The Saltaire Village Code entitled "Residential Fire Sprinkler Systems of the Saltaire Village Code"

Located in the Village of Saltaire Suffolk County, New York

New York State Department of State Division of Building Standards and Codes Code Development Unit
One Commerce Plaza 99 Washington Avenue, Suite 1160 Albany, NY 12231-0001
Part I: Executive Summary

Introduction

Executive Law § 379 authorizes the legislative body of a local government (city, town, or village) to enact or adopt local laws or ordinances that impose standards for construction that are more restrictive than the standards imposed by the Uniform Code. If a local government enacts or adopts a local law or ordinance establishing such a standard (herein referred to as a More Restrictive Local Standard, or MRLS), the Chief Elective Officer of the local government must, within 30 days of enactment of the local law or adoption of the ordinance, notify the State Fire Prevention and Building Code Council (the Code Council) of the enactment or adoption and petition the Code Council for a determination that (1) the standards imposed by the local law or ordinance are, in fact, higher and more restrictive than the Uniform Code, (2) the standards imposed by the local law or ordinance are reasonably necessary because of special conditions prevailing within the local government, and (3) the standards imposed by the local law or ordinance conform with accepted engineering and fire prevention practices and the purposes of Article 18 of the Executive Law. If the Code Council determines that the local standards for construction satisfy these requirements, the Code Council will approve (or “adopt”) the local standards.

The Council has the power to (1) limit the duration of the standard, (2) impose conditions in connection with the adoption, and (3) terminate the standard at such times that the Council deems necessary.

Village of Saltaire Notice and Petition

The Division of Building Standards and Codes (hereinafter referred to as the “Division”) has received a Notice and Petition from the Village of Saltaire (hereinafter referred to as the “Village”) asking the Code Council to approve Local Law No. 4 of 2022 (hereinafter referred to as “the Local Law”). The Local Law titled “Residential Fire Sprinkler Systems of the Saltaire Village Code” amends §18-27 (which was created by L.L. 5 of 2021) in the Saltaire Village Code (hereinafter referred to as “the Village Code”). The Local Law requires all new single-family private residential dwellings regulated by the Residential Code of New York State (RCNYS), as well as existing single-family dwellings which undergo alterations that exceed 50% of the replacement cost of the building to include an automatic fire sprinkler system designed, installed, and maintained in compliance with the RCNYS.

More detailed summaries and staff findings are provided below.

Local Law (Standards for Construction; refer to Part II B of this Analysis for details)

The Village Code provisions, as amended by the Local Law, provide as follows:


A. Definitions: The following words and phrases when used in this Section shall have the meanings respectively ascribed to them in this Section:
"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures.

"Structure" means a walled and roofed building used as habitable space.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement to an existing structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

B. Automatic Sprinkler System Required

1. Any application to construct a new Single Family private residential Dwelling regulated by the Residential Code of New York State and located in the Village of Saltaire must have as a condition of its permit issuance the requirement that the dwelling have an automatic fire sprinkler system. Such automatic fire sprinkler system shall be designed, installed, and maintained in compliance with the Residential Code of New York State in effect at the Start of Construction.

   a. This provision shall not apply in the case of a new factory manufactured home, the requirements for which shall be regulated entirely by the Uniform Fire Prevention and Building Code of New York State.

2. Any existing Single Family private residential Dwelling regulated by the Residential Code of New York State located in the Village of Saltaire that undertakes a substantial improvement must have as a condition of its permit-issuance the requirement that the dwelling have an automatic fire sprinkler system. Such automatic fire sprinkler system shall be designed, installed, and maintained in compliance with the Residential Code of New York State in effect at the Start of Construction.

3. Nothing contained in §18-27 shall be construed to be less restrictive than the requirements of the entirety of the Uniform Fire Prevention and Building Code of New York State for the installation and maintenance of automatic sprinkler systems for all structures, uses and occupancies located within the Village of Saltaire, and these provisions are in addition to the Uniform Fire Prevention and Building Code of New York State.

Special Conditions Summary (Refer to Part II C of this Analysis for details)

Provided below are the special conditions identified by the Village in Exhibit C of Notice and Petition for the Village Code provisions, as amended by the Local Law:
• “The Village of Saltaire is located on a barrier island, access to which is achieved primarily via waterborne transportation. The Village of Saltaire is a residential community with only two commercial establishments, the majority of whose residents use and enjoy their homes primarily during the summer season.”

• “All structures in the Village are of wooden construction, are located fairly close to one another on small lots, and are accessed via narrow, elevated wooden boardwalks, all factors which increase the risk and impact of fire. The elevated boardwalk system limits the size of responding fire apparatus, and also limits the response of the equipment of its mutual aid partners due to atypical accessways on Fire Island. Additionally, the membership of all Fire Island Fire Departments decreases significantly in the winter months due to the seasonal nature of its communities, so having an automatic fire response in a structure during the time it takes to mustер manpower from surrounding communities and the mainland of Long Island considerably reduces the risk of a major conflagration spreading to other structures. Therefore, the Board of Trustees has determined that the creation of Section 18-27; Residential Fire Sprinkler Systems to require automatic fire sprinkler systems for certain residential structures is necessary in order to offset the high-risk factors endemic to the community and to minimize the risk of fire as well as to mitigate the impacts from fire when it does occur.”

**Compliance Summary**

The following summarizes the Division’s staff analysis of the Notice and Petition in relation to the requirements of Executive Law §379. Refer to Part II of this analysis for details.

• Part II A Executive Law §379(1) Submission Requirements: The Village’s Notice and Petition was **timely**, as it was submitted by the Village Mayor on April 19, 2022, 8 days after the adoption of the Local Law on April 11, 2022.

• Part II B Analysis and Comparison to the Uniform Code (Executive Law §379(1) & §379(2)): The standards imposed by Section 18-27 of the Village Code, as amended by the Local Law, appear to be **more** restrictive than the Uniform Code.

• Part II C Prevailing Special Conditions: The Code Council must determine if the information provided by the Village substantiates the claim that there are special conditions prevailing in the Village that make the more restrictive construction standards imposed by Section 18-27 of the Village Code, as amended by the Local Law, reasonably necessary.

• Part II D Conformance to Accepted Engineering and Fire Prevention Practices (Executive Law §379(2)): The standards imposed by Section 18-27 of the Village Code, as amended by the Local Law, appear to **conform** to accepted engineering and fire prevention practices.

• Part II E Conformance with the Purposes of Article 18 (Executive Law §379(2)): The standards imposed by Section 18-27 of the Village Code, as amended by the Local Law, appear to **conform** to the purpose of Article 18.
Although the Code Council is not required to determine if the proposed variance process is compliant with Executive Law or the Uniform Code, it should be noted that the Village has established a process whereby an aggrieved party may request a variance from the construction standards as amended by the Local Law.

**Staff’s Findings and Recommendations**

The Division’s staff recommends that the Code Council find and determine the standards for construction imposed by Section 18-27 of the Village Code, as amended by the Local Law:

- are more restrictive than the Uniform Code;
- conform to accepted engineering and fire prevention practices;
- conform to the purposes of Article 18 of the Executive Law.

If the Code Council makes the aforementioned findings and determinations, and the Code Council finds that the Local Law’s more restrictive standards for construction are reasonably necessary due to special conditions prevailing in the Village, then the Code Council should adopt (or approve) the standards for construction imposed by Section 18-27 of the Village Code, as amended by the Local Law.

**Part II: Detailed Analysis of the Petition for a MRLS**

A. Submission Requirements

The Division’s staff conducted a detailed analysis of the petition for a MRLS. For ease of use, the checklist designations in the following Administrative Completeness Checklist correspond to the remaining sections of this analysis.

**Administrative Completeness Checklist (S = Submitted, NS = Not Submitted)**

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<td>(B) A detailed description of the standards for construction imposed by the Local Law or Ordinance, the corresponding standards imposed by the Uniform Code, and the reason the Municipality believes the standards for construction imposed by the Local Law or Ordinance are more restrictive than the standards imposed by the Uniform Code.</td>
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<td>(C) A detailed description of the special conditions prevailing within the Municipality, including documentation verifying its existence, and the reasons why the Petitioner and the Municipality believe that the special conditions make the more restrictive standards imposed by the Local Law or Ordinance reasonably necessary.</td>
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<td>(D) A detailed description of the reasons why the Petitioner and the Municipality believe that the standards for construction imposed by the Local Law or Ordinance conform with accepted engineering and fire prevention practices.</td>
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<td>(E) A detailed description of the reasons why the Petitioner and the Municipality believe that such standards for construction conform with the purposes of Article 18.</td>
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Documentation regarding procedures for an aggrieved party to request a variance at the local level from the construction standards imposed by the Local Law or Ordinance.

**Executive Law § 379(1) Submission Requirements**
Petition submitted by the Chief Executive Officer, or if there be none, the Chairman of the Legislative Body?

- Yes
- No

Name: Mayor John Zaccaro Jr.

- CEO
- Chairman

Date of adoption of the Local Law: April 11, 2022

Date the Petition was received by the Division of Buildings Standards and Codes: April 19, 2022

Petition submitted within 30 days of adoption of the local law?

- Yes
- No (8 Days)

**Introduction**

The Village of Saltaire enacted a local law that requires all new “single-family private residential dwellings” regulated by the Residential Code of New York State (RCNYS), as well as existing single-family dwellings which undergo alterations that exceed 50% of the replacement cost of the building to include an automatic fire sprinkler system designed, installed, and maintained in compliance with the RCNYS.

**B. Analysis and Comparison to the Uniform Code (Executive Law §379(1) & §379(2))**

Section 18-27(A) provides definitions for several terms utilized thereafter in the Local Law, which are defined for the purposes of the Local Law and do not change or impact those definitions of the Uniform Code.

- Section 18-27(A) of the Village Code does not impose any construction requirements, merely adds clarification for the utilization of the Local Law.

Section 18-27(B)(1) requires that “Any application to construct a new Single Family private residential Dwelling regulated by the Residential Code of New York State and located in the Village of Saltaire must have as a condition of its permit-issuance the requirement that the dwelling have an automatic fire sprinkler system.” The Uniform Code does not require an automatic sprinkler system be installed in all new one-family dwellings. The 2020 RCNYS regulates specific types of buildings and structures, including single-family dwellings three stories or less above grade plane. Section R313 of the 2020 RCNYS requires an automatic fire sprinkler system to be installed in townhouses, and one- and two-family dwellings having a height of three stories above grade plane. Single-family dwellings less than three stories above grade plane in height are not required to have automatic sprinkler systems installed per R313.

Section 18-27(B)(1) also requires that “Such automatic fire sprinkler system shall be designed, installed, and maintained in compliance with the Residential Code of New York State in effect at the Start of Construction.” This provision states that automatic sprinkler systems which are required by this section

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1 The Variance process as established by the Municipality is included in Section 55-18 of the Saltaire Village Code (Exhibit F).
shall conform to the design and construction requirements of the Uniform Code. This section details how to design, install, and maintain the systems required to be installed. By itself this portion of the provision is neither more nor less restrictive than the Uniform Code. When combined with the previous sentence detailing the additional buildings that are required to have an automatic sprinkler system installed, the provisions of this section of the Village code are more restrictive than the Uniform Code.  

It should also be noted that Section 503.1.1 of the 2020 Fire Code of New York State (FCNYS) requires fire department access roads to be provided for all new construction, to within 150 feet of all portions of the building, with some exceptions. The Village, due to the use of wooden boardwalks in place of traditional roads, lacks fire apparatus access roads which would meet this requirement. However, an exception to this provision allows the fire code official to increase the 150 foot maximum where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3 of the 2020 FCNYS. Another exception to this provision allows this distance to be extended for one- and two-family dwellings which meet Section 511 of the 2020 FCNYS. Exception 1 to Section 511.1 of the 2020 FCNYS states that “Construction of dwellings on premises which have had local site plan approval prior to January 1, 2011, with no modification to approved site plan.” Being a small Village with little to no new developable areas, site plans for majority, if not all, of the sites within the Village were likely approved prior to this date. Therefore, these sites are likely exempted from meeting the requirements of Section 511 of the 2020 FCNYS, and subsequently are compliant with the noted exception in Section 503.1.1. Should a project within the Village have undeveloped areas which have not obtained site plan approval prior to January 1, 2011, but are still served by similar fire department access constraints, any proposed residential buildings on these sites would need to comply with Sections 503 and 511. Section 511.2 of the FCNYS requires driveways meeting certain width and clear height requirements (which are not met by the narrow wooden boardwalks) when an egress door which is required by Section R311 of the 2020 RCNYS is located more than 300 feet from a fire apparatus access road or public street. However, this section also includes an exception to allow an extension of the maximum distance a single-family home can be from a fire apparatus access road or a public street where the building is protected by an automatic sprinkler system in accordance with Section 903.3 of the 2020 FCNYS, or Section P2904 of the 2020 RCNYS. Although likely not required by the Uniform Code for the Village as noted, the Code recognizes the increased hazard not having fire apparatus access is for single-family homes, and allows the installation of an automatic sprinkler system to mitigate that hazard. The Village Code is imposing a more restrictive standard for construction that would normally be an optional path to compliance.

➢ Section 18-27(B)(1) of the Village Code appears to be more restrictive than the Uniform Code.

Section 18-27(B)(1)(a) exempts factory-manufactured homes from the requirements of Section 18-27(B)(1), and states that these structures “shall be regulated entirely by the Uniform Fire Prevention and Building Code of New York State.” This portion of the Local Law simply requires factory manufactured homes to comply with the Uniform Code, not the more restrictive provisions of this Local Law. Pursuant to Executive Law §379(1), “factory manufactured homes, intended for use as one- or two-family dwelling units or multiple dwellings of not more than two stories in height” are an exception to the statutory authority provided to local governments (cities, towns, and villages) to enact or adopt local laws or ordinances imposing higher or more restrictive standards for construction within the jurisdiction of such local government than are applicable generally to such local government in the Uniform Code. Therefore, this exemption in the Local Law aligns the requirements of the Local Law with Executive Law §379.

➢ Section 18-27(B)(1)(a) of the Village Code appears to be neither more nor less restrictive than the Uniform Code.
Section 18-27(B)(2) requires that, “Any existing Single Family private residential Dwelling regulated by the Residential Code of New York State located in the Village of Saltaire that undertakes a substantial improvement must have as a condition of its permit-issuance the requirement that the dwelling have an automatic fire sprinkler system.” The Uniform Code does not require an automatic sprinkler system to be installed in all single-family dwellings undergoing work which is consistent with the definition of a substantial improvement in the Local Law. For example, Appendix J of the 2020 RCNYS regulates the repair, alteration, change of occupancy, addition, and relocation of existing buildings and only requires the installation of an automatic sprinkler system in specific scenarios. Section AJ601.8.3 requires an automatic sprinkler system when an existing attic is altered to create a habitable attic above the second story above grade plane, unless specific conditions are met. Section AJ701.3.3 requires an automatic sprinkler system when an existing building undergoes a change in occupancy as defined by Section AJ201.1. Section AJ801.3.3 requires an automatic sprinkler system when an addition is made to create a third story above grade plane, when a habitable attic is added to a building creating a third story above grade plane, or when the floor area of a legally existing third story is increased by more than 10 percent, with some exceptions. By definition in the Local Law, any one-family dwelling regulated by the 2020 RCNYS that undergoes any improvement to an existing structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement would be required to have an automatic sprinkler system installed. Appendix J would not require an automatic sprinkler system in all scenarios covered by the Local Law, but the Local Law requires sprinklers in all scenarios covered by the Uniform Code, as well as additional situations. As this requirement requires automatic sprinkler systems to be installed scenarios in addition to what is required by the Uniform Code, it is more restrictive than the Uniform Code.

Section 18-27(B)(2) also requires that, “Such automatic fire sprinkler system shall be designed, installed, and maintained in compliance with the Residential Code of New York State in effect at the Start of Construction.” This provision states that automatic sprinkler systems which are required by this section shall conform to the design and construction requirements of the Uniform Code. As this refers back to the Uniform Code requirements, this portion of the provision is neither more nor less restrictive than the Uniform Code.

➢ Section 18-27(B)(2) of the Village Code appears to be more restrictive than the Uniform Code.

Section 18-27(B)(3) states that “Nothing contained in §18-27 shall be construed to be less restrictive than the requirements of the entirety of the Uniform Fire Prevention and Building Code of New York State for the installation and maintenance of automatic sprinkler systems for all structures, uses and occupancies located within the Village of Saltaire, and these provisions are in addition to the Uniform Fire Prevention and Building Code of New York State.” This section includes explicit clarification that no part of the Local Law shall be less restrictive than the Uniform Code. This provision further clarifies the intent of this Local Law, and that the remainder of the Uniform Code remains in full force and effect. It also reaffirms that the definitions stated in Section 18-27(A) do not supersede those found in the Uniform Code.

➢ Section 18-27(B)(3) of the Village Code does not impose any construction requirements, merely adds clarification for the utilization of the Local Law.

C. Prevailing Special Conditions (Executive Law §379(1))
The Notice and Petition to the Code Council identified the following special conditions prevailing within the Village that make the more restrictive standards for construction reasonably necessary (see Exhibit C for the complete text).

“The Village of Saltaire is located on a barrier island, access to which is achieved primarily via waterborne transportation. The Village of Saltaire is a residential community with only two commercial establishments, the majority of whose residents use and enjoy their homes primarily during the summer season.”

“All structures in the Village are of wooden construction, are located fairly close to one another on small lots, and are accessed via narrow, elevated wooden boardwalks, all factors which increase the risk and impact of fire. The elevated boardwalk system limits the size of responding fire apparatus, and also limits the response of the equipment of its mutual aid partners due to atypical accessways on Fire Island. Additionally, the membership of all Fire Island Fire Departments decreases significantly in the winter months due to the seasonal nature of its communities, so having an automatic fire response in a structure during the time it takes to muster manpower from surrounding communities and the mainland of Long Island considerably reduces the risk of a major conflagration spreading to other structures.”

The isolated nature of the community, high seasonal fluctuation of residents, and wooden boardwalks as the only means of access to residential structures are all outside of the typical conditions for residential areas in New York State. Were the Village to be constructed today, the current version of the Uniform Code would not permit the use of wooden boardwalks as the only means of fire department access or would require automatic sprinkler systems to be installed to allow the distance to code compliant fire department access routes to be greater than 150 feet or 300 feet (per Sections 503 or 511 of the 2020 FCNYS). The Uniform Code allows these conditions to exist because the Village’s existing buildings predate some of the requirements for access found in the current version of the Uniform Code, and new construction within the Village is allowed per exception 1 to Section 511.1 of the 2020 FCNYS, which states that “Construction of dwellings on premises which have had local site plan approval prior to January 1, 2011, with no modification to approved site plan.” As site plans for all sites within the Village were likely approved prior to this date, these sites are found to meet the requirements of Section 511 of the 2020 FCNYS. However, these access requirements provide for a level of life safety and fire protection, and the Village is asking to add the Local Law sprinkler requirements to achieve a similar level of life safety and fire protection.

➢ The Code Council must determine if the information provided by the Village and summarized above, substantiates the claim that the higher or more restrictive construction standards imposed by Section 18-27, as added by the Local Law are reasonably necessary because of special conditions prevailing in the Village.

D. **Conformance to Accepted Engineering and Fire Prevention Practices (Executive Law § 379(2))**

This Local Law does not include requirements for how a sprinkler system shall be installed, it merely requires buildings and structures that are not required to have an automatic sprinkler system installed under the Uniform Code to now have one installed. Additionally, it states that the required sprinklers shall conform with the provisions of the “Residential Code of New York State in effect at the Start of Construction.” The installation of an automatic fire sprinkler system in one- and two-family dwellings that conforms to the provisions of the 2020 RCNYS is an accepted fire prevention and engineering practice to provide increased protection against injury or loss of life due to a fire.
➢ Section 18-27, as amended by Local Law #4, appears to conform with accepted engineering and fire prevention practices.

E. Conformance with the Purposes of Article 18 (Executive Law § 379(2))

When it enacted Article 18, the New York State Legislature declared that it shall be the public policy of the State of New York to provide for a minimum level of protection from the hazards of fire in every part of the state; and to provide for the promulgation of a Uniform Code addressing building construction and fire prevention in order to provide a basic minimum level of protection to all people of the state from hazards of fire and inadequate building construction (see Executive Law § 371(2)). By including provisions allowing a local government to enact or adopt more restrictive local standards, it appears that the Legislature recognized that the State-wide Uniform Code needed to be adjusted, and made more restrictive, in a local government where, because of special conditions prevailing within the local government, the minimum standards imposed by the Uniform Code may not be sufficient to provide a sufficient level of protection to people in that local government.

The more restrictive standards, imposed by Section 18-27 of the Village Code of the Village of Saltaire, as amended by the Local Law, are intended to provide the people in the Village with fire protection that minimizes hazards to life, which are higher than the level of protection that would otherwise be provided by the Uniform Code.

➢ Section 18-27 of The Village Code appears to conform with the purposes of Article 18.

F. Variance Process

Existing Village Code Section 55-18 (not added by Local Law #4-2022) of the Local Law includes a process whereby an aggrieved party may request a variance from the construction standards imposed by the Local Law (see exhibit F) by:

“The filing of written applications and appeals in the office of the Clerk within ninety (90) days after the written disapproval of the building application by the Building Inspector.”

The Village Code establishes requirements for a Zoning Board of Appeals with the following powers:

“(a) The power to retain jurisdiction of and to hear an appeal of a denial issued by the building inspector or Board of Trustees of the Village of Saltaire regarding any matter involving zoning or building and construction in the Village of Saltaire. ZONING 11-09-2021 5525

(b) The power to retain jurisdiction of and to hear a request for an interpretation of the Zoning Code of the Village of Saltaire, Chapter 55 of the Village Code.

(c) Any other power conferred on a Village Zoning Board of Appeals by Section 7-712(B) of the Village Law of the State of New York.”

The Local Law provisions for variances allow the Village Zoning Board of Appeals to grant variances for denials based on the Village code. All variances by the Village Zoning Board of Appeals are limited to the Village Code only – the Board cannot provide variances for any provisions of the Uniform Code. In no event shall the Village assume jurisdiction over nor interpret or modify any provision of the Uniform Code.
➢ Section 55-18 provides a variance process from the construction standards imposed by the Local Law.
APPENDIX A
SUBMITTED DOCUMENTS

The following documents were received by the Division of Building Standards and Codes:

2. Exhibit A - Local law filing
3. Exhibit B - Petition for Determination
4. Exhibit C - Special Conditions
5. Exhibit D - Conformance with Accepted Practices
6. Exhibit E - Conformance with Purposes of Article 18
7. Exhibit F – Variance Process
8. Exhibit G – Minutes of Public Hearing/Board of Trustees Meeting held on April 11, 2022
APPENDIX B
EXECUTIVE LAW §379

§379. Incorporation of higher standards by council upon recommendation of local government; local building regulations.

1. Except in the case of factory manufactured homes, intended for use as one or two family dwelling units or multiple dwellings of not more than two stories in height, the legislative body of any local government may duly enact or adopt local laws or ordinances imposing higher or more restrictive standards for construction within the jurisdiction of such local government than are applicable generally to such local government in the Uniform Code. Within thirty days of such enactment or adoption, the chief executive officer, or if there be none, the chairman of the legislative body of such local government, shall so notify the council, and shall petition the council for a determination of whether such local laws or ordinances are more stringent than the standards for construction applicable generally to such local government in the Uniform Code. Such local laws or ordinances shall take full force and effect upon an affirmative determination by the council as provided herein.

2. If the council finds that such higher or more restrictive standards are reasonably necessary because of special conditions prevailing within the local government and that such standards conform with accepted engineering and fire prevention practices and the purposes of this article, the council shall adopt such standards, in whole or part. The council shall have the power to limit the term or duration of such standards, impose conditions in connection with the adoption thereof, and to terminate such standards at such times, and in such manner as the council may deem necessary, desirable or proper.

3. Nothing in this article shall be construed to prohibit any municipality from adopting or enacting any building regulations relating to any matter as to which the uniform fire prevention and building code does not provide, but no municipality shall have the power to supersede, void, repeal or make more or less restrictive any provisions of this article or of rules or regulations made pursuant hereto.

4. Within one hundred twenty days after the effective date of the Uniform Code, a local government may by resolution duly enacted petition the council for a determination as to whether an existing building and/or fire code in force in said local government is more stringent than the Uniform Code. During the period in which the council is considering such petition such local code shall remain in full force and effect. If, after review, the council determines that such local code is less stringent than the Uniform Code the council shall notify the chief executive officer or, if there be none, the chairman of the legislative body of such local government and the Uniform Code shall, thirty days after the date of notification, apply in such local government. If the council finds that such local code is not less stringent than the Uniform Code such local code shall continue in full force and effect until the council, upon its own initiative, reviews such local code and determines that it is no longer more stringent, whereupon the council shall notify the chief executive officer or chairman of the legislative body of such local government and thirty days after the date of notification the Uniform Code shall apply in such local government.

5. Notwithstanding the provisions of subdivision one of this section, the legislative body of Nassau county may have duly enacted or adopted or may duly enact or adopt local laws or ordinances imposing higher or more restrictive standards for construction within the jurisdiction of the county than are applicable generally to the county in the Uniform Code. The chief executive officer, or if there be none, the chairman of the legislative body of the county, shall notify the council, and shall petition the council for a determination of whether such preexisting local laws or ordinances, or within thirty days of such enactment or adoption of such local laws or ordinances, are more stringent than the standards for construction applicable generally to such county in the Uniform Code. During the period in which the council is considering such petition, such local laws or ordinances shall remain in full force and effect.