

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

MAR 08 2001

Allyn A. Eschberg
Secretary of State

County
City
Town
Village

of ...Newcomb.....

Local Law No.1..... of the year 2001.

**A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFRCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

Be it enacted by theTown Board..... of the
(Name of Legislative Body)

County
City
Town
Village

ofNewcomb.....as follows:

SECTION 1: PURPOSE AND INTENT

This local law shall provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) in the Town of Newcomb. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this law, state law, or within the Uniform Code, all premises regardless of use, are subject to the provisions which follow.

SECTION 2: INTERMUNICIPAL CONTRACTS

The Town Board may, by resolution, authorize the Town Supervisor to enter into a contract with other governments to carry out the terms of this local law.

SECTION 3: PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

(continued on page 1-A)

(If additional space is needed, attach pages the same size as this sheet and number each.)

SECTION 4: CODE ENFORCEMENT OFFICER, DUTIES AND POWERS

A. The office of Code Enforcement Officer is hereby created and shall be administered by an appointee of the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time constraints proscribed by law, obtain such training as the State of New York shall require for code enforcement officials.

B. In the absence of the Code Enforcement Officer, or in the case of his/her inability to act for any reason, the Town Supervisor shall have the power, with the consent of the Town Board, to designate a person to act in behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him/her by this ordinance.

C. The Town Supervisor, with the approval of the Town Board, may appoint one inspector or more, as the need may appear, to act under the supervision and direction of the Code Enforcement Officer and to exercise any portion of the powers and duties of the Code Enforcement Officer as directed by him/her.

D. The compensation for the Code Enforcement Officer, acting Code Enforcement Officer and Inspectors shall be fixed and adjusted as needed by the Town Board.

E. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code and the provisions of this local law, including receiving building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Town Board and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Town Board. The Code Enforcement Officer is authorized to pursue administrative actions and, in consultation with the Town attorney, legal action as necessary to abate conditions not in compliance with the New York State Uniform Fire Prevention and Building Code, this local law, or other laws, rules or regulations of the Town of Newcomb or of the State of New York.

SECTION 5: BUILDING PERMIT

A. Permits Required.

1. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building, structure or any portion thereof, or install a solid fuel burning heating appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Officer.
2. No permit shall be required for:
 - a) necessary repairs which do not materially affect structural features;
 - b) alterations to existing buildings, provided that the alterations:
 - i) cost less than \$10,000;
 - ii) do not materially affect structural features;

- iii) do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;
 - iv) do not involve the installation or extension of electrical systems; and
 - v) do not include the installation of solid fuel burning heating appliances and associated chimneys and flues
- c) residential storage sheds and other small noncommercial structures less than 140 square feet which are not intended for use by one or more persons as quarters for living, sleeping, eating or cooking - for example, a small storage building; and
 - d) nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.

B. Application for a permit.

1. All requirements of the Town of Newcomb Zoning and Site Plan Review Law must be complied with prior to application for a building permit.
2. The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.
3. The form of the permit and application therefor shall be prescribed by the Code Enforcement Officer. The application shall be signed by the owner (or his/her authorized agent) of the building and shall contain at least the following:
 - a) full name and address of the owner and if by a corporation, the name and address of the responsible officer;
 - b) identification and/or description of the land on which the work is to be done;
 - c) description of use or occupancy of the land and existing or proposed building;
 - d) description of the proposed work;
 - e) three sets of plans and specifications for the proposed work; and
 - f) the required fee.
4. The Code Enforcement Officer may waive the requirement of plans and specifications when the work to be done involves minor alterations or is otherwise unnecessary.
5. Applicant shall notify the Code Enforcement Officer of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work has been determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer and approval shall be received from the Code Enforcement Officer prior to the commencement of such change of work.

C. General Requirements.

1. A building permit issued pursuant to this local law shall be prominently displayed on the property or premises to which it pertains.
2. A building permit issued pursuant to this local law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.
3. A building permit issued pursuant to this local law shall expire two (2) years from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods provided that:
 - a) the permit has not been revoked or suspended at the time the application for renewal is made,
 - b) the relevant information in the application is up to date, and
 - c) the renewal fee is paid.

SECTION 6: FEES

A fee schedule shall be established, and changed as needed, by resolution of the Town Board. Such fees may be charged for the issuance of permits, certificates of occupancy, temporary certificates of occupancy, and for fire safety inspections.

SECTION 7: CERTIFICATE OF OCCUPANCY

A. No building erected subject to New York State Uniform Fire Prevention and Building Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued. No building similarly enlarged, extended or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used more than thirty (30) days after the completion of the alteration or work unless a certificate of occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or his/her agent shall make application for a certificate of occupancy.

B. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance or at an earlier date if so specified. A temporary certificate of occupancy may, at the discretion of the Code Enforcement Officer and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed. The Code Enforcement Officer may place special conditions on temporary certificates of occupancy as necessary to insure safety and to protect the interest of the Town.

SECTION 8: INSPECTION

A. Inspection during construction:

1. Work for which a building permit has been issued hereunder shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing and heating and air conditioning. It shall be the responsibility of the owner, applicant, or his/her agent to inform the inspector that the work is ready for inspection and to schedule such inspection.
2. If entrance to make an inspection is refused or cannot be obtained, the Town Board, after being notified by the inspector of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.

B. Fire Prevention and Safety Inspections

1. Multiple dwellings shall be inspected for the purpose of determining compliance with fire prevention and housing maintenance requirements of the Uniform Code at least once in every thirty-six (36) months. Inspections of such buildings shall include the common areas such as halls, foyers, staircases, etc. and vacant dwelling units. Where the tenants of occupied dwelling units allow, the inspection may include such units.
2. Fire safety inspections of buildings or structures having areas of public assembly as defined in Part 606 of Title 9 of the Official Compilation of Codes, Rules and Regulations shall be performed at least once in every twelve (12) months.
3. All other building, uses and occupancies (except for one or two family dwellings) shall be inspected at least once in every twenty-four (24) months.
4. An inspection of a building or dwelling unit may also be performed at any other time upon:
 - a) the request of the owner, authorized agent, or tenant;
 - b) receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exists; or
 - c) other reasonable and reliable information that such a violation exists.
5. Such inspections shall be performed by the Code Enforcement Officer.

SECTION 9: VIOLATIONS

A. Upon determination that a violation of the Uniform Code or this local law exists in, on or about any building or premises, the Code Enforcement Officer shall order in writing the remedying of the condition. Such order shall state the specific provisions 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 notification by registered mail.

B. In addition to those penalties proscribed by State law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this local law, or the terms or conditions of any certificate of occupancy issued by the Building and Fire Safety Inspector, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town Board on its own initiative or at the request of the Code Enforcement Officer.

C. Alternatively or in addition to an action to recover the civil penalties provided by subsection (b), the Town Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation of, or to enforce any provision of the Uniform Code or the terms or conditions of any certificate of occupancy issued by the Code Enforcement Officer.

SECTION 10: STOP WORK ORDERS

Whenever the Code Enforcement Officer has reason to believe that the work on any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, or in an unsafe and dangerous manner, he/she shall notify the owner of the property, or the owner's agent, to suspend all work and suspend all building activities until the stop work order has been rescinded. Such order and notice shall appear in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him/her, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him/her by certified mail, return receipt requested, at the address set forth in the application for the permission of the construction of such building.

SECTION 11: DEPARTMENT RECORDS AND REPORTS

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him/her, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him/her with the consent of the Town Board, and notices and orders issued. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

B. The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Building Department, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No.1..... of ...2001.... of the (County)(City)(Town)(Village) ofNewcomb..... was duly passed by the ...Town Board..... on ...January 30...., 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. of 199.... of the (County)(City)(Town)(Village) of was duly passed by the on, 199...., and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on, 199...., in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)

~~3. (Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. of of the (County)(City)(Town)(Village) of was duly passed by the on, 2000., and was (approved)(not approved)(repassed) after (Name of Legislative Body) disapproval) by the on, 199.... Such local law was submitted (Elective Chief Executive Officer) to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on, in accordance with the applicable provisions of law.

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. of 199.... of the (County)(City)(Town)(Village) of was duly passed by the on, 199...., and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the on, 199.... Such local law was subject to (Elective Chief Executive Officer) permissive referendum and no valid petition requesting such referendum was filed as of, 199...., in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 199____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 199____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 199____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 199____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the town of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ...1..., above.

Clerk of the County Legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 2-27-01

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WARREN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Mark Schachner, Esq.

Special Town Counsel
Title

~~County~~
~~City~~
Town of Newcomb
~~Village~~

Date: March 2, 2001