

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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 use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

AUG 05 1996

Allyn M. F. Picaresco
Secretary of State

County of Prattsville
Town of Prattsville
Village of _____

Local Law No. 5 of the year 1996

A local law Establishing Rules and Regulations for the Administration and Enforcement
(Insert Title) of the New York State Uniform Fire Prevention and Building Code

Be It enacted by the Town Board of the
(Name of Legislative Body)

County _____
City of Prattsville as follows:
Town _____
Village _____

See Local Law annexed hereto

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

TOWN OF PRATTSVILLE

LOCAL LAW NO. 5 OF THE YEAR 1996

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF PRATTSVILLE, as follows:

1. Legislative Intent; Applicability; Legislative Authority.

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 Prattsville. It applies to the entire area of Prattsville but it does not apply to state or county properties, nor does it apply to the area of any other municipality. This Local Law is adopted pursuant to Chapter 707 of the Laws of 1981 and the Municipal Home Rule Law. Except as otherwise provided within this Law or within the Uniform Code, all structures are subject to the provisions which follow.

2. Administration

There is hereby created the appointive Office of Code Enforcement Officer. The Code Enforcement Officer shall be appointed by the Town Board at a compensation to be fixed by it. In the absence of the Code Enforcement Officer, or in the case of the inability of the Code Enforcement Officer to act for any reason, the chief executive officer shall have the power, with the consent of the Town Board to designate a person to act in his stead. Compensation shall be as may from time to time be fixed by the Town Board.

3. Duties and Powers of the Code Enforcement Officer.

The Code Enforcement Officer shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code. He may promulgate rules and regulations subject to the approval of the Town Board to secure the intent of this Law and the Uniform Code. He shall publish such rules and regulations at least ten (10) days prior to their effective date. Any proposed work that will cost \$5,000.00 or more for building materials will be required to obtain a permit as provided by this Local Law. Notwithstanding the foregoing, all construction, alterations, or changes must be undertaken in accordance with the Uniform Code. Without regard to cost, all new installations of heating equipment, including solid fuel burning devices, shall require a Permit and will be subject to inspection at the time of installation. The Code Enforcement Officer shall receive applications and such fees as may be established by the Town Board, approve or deny plans and specifications within 60 days in writing and shall issue Permits for the erection and alteration of dwelling or parts thereof and shall inspect the premises for which such applications have been received, plans approved, or such Permits issued for the purpose of insuring periodic inspections for compliance with the Uniform Code governing

building construction or alteration and fire prevention. The Code Enforcement Officer will conduct periodic inspections for compliance with the provisions of the Uniform Code as stated in Section 7. If entrance to make an inspection is refused or cannot be obtained, he may apply to any court of competent jurisdiction for a warrant to make an inspection. He shall keep official records available to the public at the municipal offices, including all Applications, Permits, Inspection Reports, recommendations, Complaints, Violation Orders, Certificates of Occupancy and correspondence. He shall issue in writing all appropriate Notices or Orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction or demolition and to insure compliance during the entire course of construction with the requirements of this Law, the Uniform Code, and published Rules and Regulations pertaining to them. Such Notices and Orders may be served upon the property owner or his agent personally, or by certified mail or by posting conspicuously on the premises to which the Notice or Order applies. Upon completion of all work as stated in the building plans, a Certificate of Occupancy shall be issued. He shall report at least annually to the Town Board a written summary of all business conducted, including approvals, denials, permits and Certificates issued; fees collected and turned into the general fund; Orders and Notices issued; and other matters as appropriate.

4. Violations.

(a) It shall be unlawful to erect, construct, enlarge, alter, improve, remove, or use any dwelling or portion thereof in violation of any provision of the Uniform Code or this Local Law, as well as any regulation or rule of the municipality or to fail in any manner to comply with a Notice, directive or Order of the Code Enforcement Officer or to commence the erection, construction, enlargement, alteration, improvement, or use of any dwelling or part thereof, except an agricultural building or structure, or the installation of heating equipment without having applied for and obtained a Permit, except as provided under Section 3 above. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature and which are done in conformance with the Uniform Code and Local Law.

(b) Any person who shall fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agent, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate the Uniform Code, or any lawful Order, Notice, Directive, Permit or Certificate of the Code Enforcement Officer made thereunder or any person or entity who or which shall commence or undertake any construction activities requiring a Building Permit without having obtained said Permit shall be punishable by fine or imprisonment as provided for in Section 382 of Article 18 of the Executive Law. Work cannot continue until the condition has been corrected as required by the Code and inspected by the Code Enforcement Officer.

(c) Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person found guilty of such an offense.

(d) Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

5. Building Permit. A completed Application must include:

(a) Requirements:

1. The full name and address of the owner and of the applicant, and if either be a corporation, the names and addresses of their responsible officers;

2. A description of the site on which the proposed work is to be done;

3. A statement of the use or occupancy of all parts of the land and of the proposed building or structure;

4. A brief description of the proposed work;

5. The estimated cost of the proposed work, with appropriate substantiation;

6. Such other information as may reasonably be required by the Code Enforcement Officer to establish compliance of the proposed work with the requirements of the applicable building laws, Rules and Regulations;

7. The signature of the owner or his authorized agent;

8. Each Application for a Building Permit shall be accompanied by three sets of plans and specifications, including a plot plan, showing the location and size of all proposed new construction and all existing structures on the site; the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structures on adjoining property, distance from center of road, well site, septic tank and leech field, and showing location in regard to building. Plans and Specifications shall bear the signature of the person responsible for the design and drawings. The Code Enforcement Officer may waive the requirements for filing Plans and Specifications which it is deemed that such Plans are not necessary.

9. Amendments, if any, to the Application or to the Plans and Specifications accompanying the same shall be filed with the Code Enforcement Officer prior to the commencement of such change of work.

(b) Display. The Building Permit must be prominently displayed on the property or premises to which it pertains.

(c) Expiration. A Building Permit issued pursuant to this Law shall expire one year from the date of issuance. The Permit may, on written request, be renewed for successive one year periods.

6. Certificate of Occupancy.

No use or occupancy of a building or structure may be commenced unless a Certificate of Occupancy has been issued for the building or structure. 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 in one year from date of issuance, but it may be renewed an indefinite number of times.

7. Inspections

(a) Work for which a Building Permit has been issued shall be inspected at the following stages:

1. Prior to foundation work or pouring of concrete;
2. Prior to backfilling;
3. After framing, before enclosing;
4. After plumbing, heating, electrical, and air conditioning;
5. Prior to issuance of Certificate of Occupancy.

It shall be the responsibility of the applicant to inform the Code Enforcement Officer that the work is ready for inspection.

(b) Existing buildings, except one or two family owner occupied buildings, shall be subject to periodic inspections for compliance with the Uniform Code. Notwithstanding any requirement of this Section to the contrary, no regular, periodic inspections of occupied dwelling units shall be required provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant of where conditions on the premises threaten or present a hazard to public health, safety or welfare.

(c) The Code Enforcement Officer may at times conduct periodic inspections for compliance with the Fire and Safety Provisions of Chapter "C" of the Uniform Code.

8. Repealer.

All ordinances or laws or parts thereof inconsistent with the provisions of this local law are hereby repealed.

9. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section or part of this local law.

10. Savings Clause

The adoption of this local law shall not affect or impair any act done, offense committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this local law takes effect.

11. Fees.

Fees related to inspections and the Certificate of Occupancy as provided for by the terms of this local law shall be established by the town Board. Such a fee schedule will be enacted by the town Board by resolution.

12. When Effective.

This local law shall take effect immediately after filing with the Secretary of State.

(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. 5 of 1996, of the ~~(County)(City)(Town)(Village)~~ of Prattsville was duly passed by the Town Board on June 10, 1996, 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 19____, of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____ in accordance with the applicable provisions of law. (Elective Chief Executive Officer)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____, of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted 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 _____ 19____ in accordance with the applicable provisions of law. (Elective Chief Executive Officer)

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 19____, of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ in accordance with the applicable provisions of law. (Elective Chief Executive Officer)

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 chairman 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.