

LOCAL LAW NO.3 OF THE YEAR 1998

A Local Law providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

Be it enacted by the Town Board of the Town of LaFayette, New York 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 LaFayette. This Local Law is adopted pursuant to Section 381 of Article 18 of the Executive Law and in accordance with Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this Local 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 or agencies, which are properly authorized and certified by New York State, to carry out the terms of this Local Law.

SECTION 3: RESTRICTIONS ON EMPLOYEES

No Code Enforcement Official or Deputy Code Enforcement Official shall engage in any activity inconsistent with his duties or with the interests of the Town of LaFayette; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof with the Town of LaFayette.

SECTION 4: CODE ENFORCEMENT OFFICIAL, DUTIES AND POWERS

- A. The office of Code Enforcement Official is hereby created and shall be administered by an appointee of the Town Board. The Code Enforcement Official shall within the time constraint prescribed by law, obtain such training as the State of New York shall require for Code Enforcement Officials.
- B. In the absence of the Town Code Enforcement Official, or in the case of his 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 Official and to exercise all the powers conferred upon him by this Local Law.
- C. The Town Supervisor, with the approval of the Town Board, may appoint one

Deputy Code Enforcement Official ("Inspector") or more as the need may appear, to act under the supervision and direction of the Code Enforcement Official and to exercise any portion of the powers and duties of the Code Enforcement Official as directed by him.

- C. The compensation for the Code Enforcement Official, acting Code Enforcement Official, and Inspectors shall be fixed and adjusted as needed by the Town Board.
- D. The Code Enforcement Official 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 Official 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 Uniform Code, this Local Law, or other laws, rules or regulations of the Town of LaFayette 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 or 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 Official.
2. Building Permits shall be required for any work which must conform to the Uniform Code, with the exception of the following:
 - a. necessary repairs which do not materially effect structural features;
 - b. alterations to existing buildings, provided that the alterations
 - i) cost less that \$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. non-residential farm buildings, including barns, sheds, poultry houses, and other buildings used directly and solely for agricultural purposes.

B. Application for a Permit

1. 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.

2. The form of the permit and application therefore shall be prescribed by the Code Enforcement Official. The application shall be signed by the owner (or his 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 addresses of the responsible officials;

b) Full name and address of the contractor and/or architect;

c) Identification and/or description of the land on which the work is to be done;

d) Description of use or occupancy of the land and existing or proposed building;

e) Description of the proposed work;

f) Three sets of plans and specifications for the proposed work;

g) The required fee.

3. Applications for the Building Permits shall be filed with the Code Enforcement Official. If the application, together with plans, specifications, and required documents does not conform to all requirements of the applicable building regulations, the Code Enforcement Official shall disapprove the same and return the plans and specifications to the applicant. Upon request of the applicant, the Code Enforcement Official shall cause such refusal together with the response therefore, be transmitted to the applicant in writing.

4. The Code Enforcement Official 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 Official 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 Code Enforcement Official has determined that the application is complete and the proposed work conforms 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 Official and approvals shall be received from the Code Enforcement Official prior to the commencement of such change or 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 one (1) year from the date of issuance or upon the issuance of a 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.
 4. A Building Permit issued pursuant to this Local Law shall not be transferable.

SECTION 6: FEES

A fee schedule shall be established, and charged as needed, by resolution of the Town Board. Such fees may be charged for the issuance of Permits, Certificates of Occupancy, Renewal of Permits, and Fire Safety Inspections.

SECTION 7: CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE

- A. Certificate of Occupancy shall be required for all work for which a Building Permit is required to be issued under subdivision (A) (2) of Section 5 of this Local Law. A Certificate of Compliance shall be required for all buildings which are converted from one general occupancy classification to another, as such classifications are defined in part 701 of Title 9 of the Official Compilation of Codes, Rules and Regulations. Issuance of a Certificate of Occupancy or Certificate of Compliance will be subject to the

applicant having obtained all required government approvals, certificates with respect to the structure specified in the application.

- 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 three (3) months from the date of issuance, but may be renewed an indefinite number of times.

SECTION 8: INSPECTION

- A. Inspections 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, heating, ventilation and air conditioning systems, fire protection and detection systems, exit features, and a final inspection prior to the issuance of a Certificate of Occupancy. It shall be the responsibility of the owner, applicant, or his agent to inform the Code Enforcement Official 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 Supervisor, after being notified by the Code Enforcement Official 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 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 buildings, uses and occupancies (except 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

violations exist.

5. Such inspections shall be performed by the Code Enforcement Official.

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 Official shall order in writing the remedying of the condition. Such order shall identify the property or premises, state the specific provision 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. Appeals may be rendered pursuant to Section 381 to the Executive Law.
- B. In addition to those penalties prescribed by State Law, any person, firm, corporation, association, or partnership 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 Code Enforcement Official, shall be liable to a civil penalty of not more than \$500 for each day or part thereof during which such violation continues beyond any time that may be granted to achieve compliance as provided in the foregoing Section 9(A). Each act committed in violation of any provision of this Local Law shall constitute a separate offense. 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 at the request of the Code Enforcement Official.
- 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 of conditions of any Certificate of Occupancy issued by the Code Enforcement Official.

SECTION 10: STOP WORK ORDERS

Whenever the Code Enforcement Official 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 any application, or in an unsafe and dangerous manner, he 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 stop work order and notice shall be 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, 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 by registered mail 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 Official shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Town Board, and notices and orders issued. All such records shall be retained for at least the minimum time period so required by State Law and regulation.

- B. The Code Enforcement Official shall submit monthly 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's pending or concluded.

SECTION 12 : NO WAIVER OF ASSUMPTION OF LIABILITY

This Local Law shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure within the Town of LaFayette for loss of life or damage to person or property caused by any defect therein, nor shall the Town of LaFayette be deemed to have assumed any such liability by reason of any inspection made pursuant to this Local Law Page 8 Local Law 3 of 1998

SECTION 13: SEPARABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of LaFayette hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 14: REPEAL

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed

SECTION 15: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.