

(Please Use this Form for Filing your 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.

~~xCounty~~ of Russell
~~xCity~~ Town
~~xVillage~~

Local Law No. 1 of the year 19 85

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

(Insert title)

~~xCounty~~ of Russell as follows:
~~xCity~~ Town
~~xVillage~~

§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 Russell, This local law is adopted pursuant to §10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this law, or within the Uniform Code, all premises regardless of use, are subject to the provisions which follow.

§2. Administration.

- a. The Town Board may, by resolution, enter into a contract with other governments to carry out the terms of this local law.
- b. There is hereby created the appointive Office of Code Enforcement Officer. The Code Enforcement Officer shall be appointed by the Town Board with the approval of the Board at a compensation to be fixed by it. In the absence 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 for this officer. Compensation shall be as may from time to time fixed by the Town Board by resolution.
- c. A schedule of fees shall be established by resolution to the Town of Russell 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. The Code Enforcement Officer may promulgate rules and regulations subject to the approval of the Board, to secure the intent of this law and the Uniform Code. Such rules and regulations shall be published at least ten (10) days prior to their effective date. The specific duties of the Code Enforcement Officer shall be to:

- a. Receive applications by the Town Clerk

(If additional space is needed, please attach sheets of the same size as this and number each)

- b. Approve or deny plans and specifications within 60 days in writing of issued permits for the erection and alteration of buildings, or structures or parts thereof,
- c. Inspect the premises for which such applications have been received, plans approved, or such permits issued,
- d. Approve or deny applications for certificates of occupancy within ten days,
- e. Conduct periodic inspections as required by the Uniform Code,
- f. Maintain all records on file with the TOWN Clerk, consisting of applications, permits, denials, inspection reports, recommendations, complaints, violation orders, certificates of occupancy, correspondence and proof of payment of required fees.
- g. Issue in writing all appropriate notices or orders to remove illegal or unsafe conditions,
- h. Require the necessary safeguards during the entire course of construction or demolition,
- i. Serve notices and orders upon a property owner or the owner's agent personally or by certified mail or by posting conspicuously on the premises to which the notice or order applies, and
- j. Report at least annually to the governing body all approvals, denials, permits and certificates issued, fees collected and turned in to 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, demolish or use any building or structure or portion thereof in violation of any provision of 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, removal, demolition or use of any building or structure, or the installation of heating equipment without having applied for and obtained a permit. 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.
- 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 agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of law, or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made thereunder shall be punished by fine of not more than \$100.00 or imprisonment for not more than 6 months or both. Each week that a violation continues shall be deemed a separate offense.
- c. Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefore 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. Requirements. A completed application must include:

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 proposed building or structure;
 4. A brief description of the proposed activity;
 5. The estimate cost of the proposed work, with appropriate substantiation;
 6. Such other information as may reasonably be required by the building official 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 authorized agent;
 8. Each application for a building permit shall be accompanied by **Blue prints or drawings or a set of** a plot plan, drawn to scale, 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 and to structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and, where required by the Code Enforcement Officer, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings and where required by Section 7209 and 7307, as amended, of Article 145 and 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer. The Code Enforcement Officer may waive the requirements for filing plans and specifications for minor alterations and issue a building permit so stating.
 9. 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.
- 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 3 years from the date of issuance. The permit may, on written request, be renewed for successive 3- 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 that 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 six months, but it may be renewed an indefinite number of times.

§7. Inspections.

- a. Work for which a building permit is in effect shall be inspected for approval prior to enclosing or covering each stage of construction, including building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the applicant to inform the Code Enforcement Officer that the work is ready for inspection.
- b. Existing buildings not subject to inspection under subsection a. of this section 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. This shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to the public health, safety or welfare.

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

§9. Separability.

Should any section or provisions of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the Section or part so decided to be unconstitutional or invalid.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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 19 85.
~~xxxx~~
of the ~~Village~~ Russell Town Board
~~Village~~ (Name of Legislative Body)
on June 26, 1985 in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
City of _____ was duly passed by the _____
Village (Name of Legislative Body)
on _____ 19 _____ and was approved _____ by the _____ Elective Chief Executive Officer *
not disapproved
repassed after disapproval
on _____ 19 _____. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting permissive general thereon at the special election held on _____ 19 _____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
City of _____ was duly passed by the _____
Village (Name of Legislative Body)
on _____ 19 _____ and was approved _____ by the _____ Elective Chief Executive Officer *
not disapproved
repassed after disapproval
_____ 19 _____. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on _____ 19 _____, 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 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 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 19 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of § 36 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 _____ 19 _____ 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 19 _____ of the County of _____, State of New York, having been submitted to the Electors at the General Election of November _____, 19 _____, 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 of a majority of the qualified electors of the towns 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 _____ above.


Clerk of the ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ ~~County~~

Date: September 9, 1985

(Seal)

(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 ST. LAWRENCE

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.


Town Attorney

Date: September 9, 1985

~~County~~ ~~City~~ ~~Town~~ ~~Village~~
of _____
Town _____
Russell