Local Law #2 of 1987

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

SECTION 1 - Purpose.

The purpose of this Local Law is to provide for the administration and enforcement of the New York State Uniform Fire prevention and Building Code within the Town of Watson, Lewis County, New York.

SECTION 11 — Designation of Code Enforcement Official.

There is hereby designated in the Town of Watson a public official to be known as the Code Enforcement Official, who shall be appointed by the Supervisor of the Town with the approval of the Town Board at a compensation to be fixed by the Town Board.

SECTION Ill — Duties and Powers of Code Enforcement Official.

Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Code Enforcement Official shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code and other laws, ordinances, rules and regulations applicable to plans, specifications, or permits for the construction, alteration and repair of buildings and structures, and the installation and use of materials and equipment therein, and to the location, use and occupancy thereof.

SECTION IV — Acting Code Enforcement Official.

In the absence of a Code Enforcement Official, or in the case of the inability of said Code Enforcement official to act for any reason, the Supervisor of the Town of Watson shall have the power, with the consent of the Town of Board of the Town of Watson, to designate a person to act on behalf of the Code Enforcement Official and to exercise all the powers conferred upon the Code Enforcement Official by this Local Law.

SECTION V — Appointment of Inspectors.

The Supervisor of the Town of Watson, with the approval of the Town Board of the Town of Watson may appoint one (1) 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 may be directed by the Code

Enforcement Official. The compensation of such inspector or inspectors shall be fixed by the Town Board of the Town of Watson.

SECTION VI – Restrictions on Employees

The Code Enforcement Official, or any inspectors appointed, or any acting Code Enforcement Official, or any employee directly involved in Code Enforcement, shall not engage in any activity inconsistent with the duties of the office; nor shall such person, during the term of employment, be engaged directly or indirectly in any building business, in the furnishing of labor , materials, supplies or appliances for, or the supervision of, the construction, alteration, demolition or maintenance of a building or the preparation of plans or specifications thereof within the Town of Watson, except that this provision shall not prohibit any employee from engaging in any such activities in connection with the construction of a building or structure owned by such employee for personal use and occupancy by such employee, or for the use and occupancy of members of the immediate family of the employee, and not constructed for sale.

SECTION VII Permits.

a. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal or demolition of any building or structure or any portion thereof, or install a solid fuel burning heating apparatus, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Official.

b. No permit shall be required for:

1) necessary repairs which do not materially affect structural features;

2) 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.

3) small noncommercial structures not intended for use by one or more persons as quarters for living, sleeping, eating or cooking, for example, a small storage building; and

4) nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.

c. 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.

d. The form of the permit and application therefore shall be prescribed by resolution of the Town Board of the Town of Watson. The application shall be signed by the owner of the building, or by the agent, architect, engineer or builder employed in connection with the proposed work, and shall contain at least the following:

1) name and address of the owner;

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

3) description of use or occupancy of the land and existing or proposed building;

4) description of the proposed work;

5) estimated cost of proposed work;

6) statement that the work shall be performed in compliance with the Uniform Code and applicable State and local laws, ordinances and regulations;

7) required fee;

e. Such application shall be accompanied by such documents, drawings, plans, including a plot plan if necessary, and specifications as the applicant shall deem adequate and appropriate for compliance with the local law, or such as may be required by the Code Enforcement Official as being necessary or appropriate in the judgment of the Code Enforcement Official. Applicant may confer with the Code Enforcement Official in advance of submitting the application to discuss the Code Enforcement Official's requirements for same.

f. Any plans, including a plot plan, or specifications which comprise a portion of the application, whether submitted subsequently upon requirement by the Code Enforcement Official, or whether submitted initially by the applicant, shall be stamped with the seal of an architect or professional engineer, or land surveyor licensed in this State, as the case may be, and shall in all respects comply with Section 7209 of the Education Law of the State of New York, as same may be amended from time to time.

g. Applicant shall notify the Code Enforcement Official of any change 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 is 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.

h. A building permit issued pursuant to this local law shall be prominently displayed on the property or premises to which it pertains.

i. 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.

j. A building permit issued pursuant to this Local Law shall expire one (I) year 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

1) the permit has not been revoked or suspended at the time the application for renewal is made;

2) the relevant information in the application is up to date, and

3) the renewal fee is paid.

SECTION VIII Fees

The Town Board of the Town of Watson, shall by resolution, establish the fees to be required for applications for building permits and renewals of same, as well as applications for certificates of occupancy. The fees to be charged may be changed from time to time, provided, however, that such fees shall at all times be established by resolution of the Town Board of the Town of Watson.

SECTION IX Certificate of Occupancy

a) No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Code Enforcement Official.

b) No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall be occupied or used for

more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued.

c) No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.

d) When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable laws, ordinances, rules or regulations, and also in accordance with the application, the Code Enforcement Official shall issue a certificate of occupancy. If it is found the proposed work has not been properly completed, the Code Enforcement Official shall not issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

e) A certificate of occupancy shall be issued where appropriate, within thirty days after written application therefor is made.

f) The certificate of occupancy shall acknowledge that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable laws, ordinances, rules and regulations, and shall specify the use or uses and the extent therefor to which the building or structure or its several parts may be put to use.

g) Upon request, the Code Enforcement Official may issue a temporary certificate of occupancy for building or structure, or part thereof, before the entire work covered by the building permit shall have been completed provided such portions as have been completed may be occupied safely without. endangering life or the public health and welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good causes the Code Enforcement Officer may allow a maximum of two extensions for periods not exceeding three months each.

SECTION X Inspections

a) Work for which a building permit has been issued under this local law 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 agent to inform the Code Enforcement Official that the work is ready for inspection and to schedule such inspection.

b) Existing buildings not subject to inspection under subdivision "a" of this section shall be subject to periodic inspections for compliance with the Uniform Code in accordance with the following schedule: all areas of public assembly defined in the Uniform Code, all

buildings or structures containing areas of public assembly, and the common areas of multiple dwellings — every six months; all buildings or structures open to the general public — every twelve months; all other buildings — every 24 months.

Notwithstanding any requirement of this subdivision 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 or where conditions on the premises threaten or present a hazard to public health, safety, or welfare.

SECTION XI Inspectors

a. The inspections required by Section X that must be performed by the Code Enforcement Official or inspectors appointed by the Town Board to assist the Code Enforcement Official. The Code Enforcement Official is authorized to order, in writing, the correction of any condition in violation of the Uniform Code found in, on, or about any building. Such orders shall be served in person upon a responsible party or his authorized agent or by registered mail sent to the address of a responsible party set forth in any relevant application for a permit or in any relevant certificate. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition within the specified time shall be subject to a penalty as hereinafter set forth in Section X IV.
b. A person subject to inspection under Section X may be required by the Code Enforcement Official to have such inspection performed at his own cost and expense by a competent inspector acceptable to the Code Enforcement Official. Such inspector may be a registered architect, licensed professional engineer, other certified code enforcement officer, or other person whose experience and training has been demonstrated to the satisfaction of the Code Enforcement Official. Such inspector shall certify the results of his inspection to the Code Enforcement Official. Any person required by the Code Enforcement Official to have an inspection performed at his own cost and expense shall not be assessed the fees otherwise prescribed by the Town Board.

SECTION XII Records and Reports

The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by the Code Enforcement Official, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by the Town, and notices and orders issued. All such reports shall be public information open to public inspection during normal

business hours. written report of all business conducted shall be submitted by the Code Enforcement Official annually to the Town Board of the Town of Watson.

SECTION XIII Stop Work Orders

When the Code Enforcement Official has reasonable grounds to believe that work on any building or structure is being performed in violation of the provisions of the New York State Uniform Fire prevention and Building Code or applicable laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work. Such persons shall immediately stop such work and suspend all building activities until the stop orders have been rescinded. All stop orders and notices shall be in writing and shall state the conditions under which work may be resumed. A stop order shall be served upon a person to whom it is directed either by delivering it personally, 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 the person, firm or corporation by certified mail.

SECTION XIV Penalties for violations

a. It shall be unlawful for any person, -firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the New York State Uniform Fire prevention and Building Code, or any amendment hereafter made thereto, as well as any regulation or rule promulgated by the Town Board, or to fail to comply with a notice, order or directive of the Code Enforcement Official, or to construct, alter, repair, move or equip any building or structure or part thereof in a manner not permitted by an approved building permit.

b. Any person, firm, or corporation, who or which fails to comply with a written notice or order of the Code Enforcement official within a fixed time, and any owner , builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction, alteration, repair, movement or equipping or use of any building , who shall violate this section or any provision of the New York State Uniform Fire Prevention and Building Code, or any lawful notice, order , directive, permit or certificate of the Code Enforcement Official, shall be subject to a fine of not more than $25.00 for each day that the violation continues. Prior to the imposition of a fine, a violator shall be given a reasonable period of time to correct the violation. If after such time the violation still exists, then an appropriate fine of not more than $25.00 per day shall be imposed for each day the violation continues.

c. Any action or proceeding in the name of the Town of Watson may be commenced in any court of competent jurisdiction to compel compliance with, or restrain by injunction the violation of, any provisions of the New York State Uniform Fire Prevention and Building Code, this local law, or any rule or regulation relating thereto. Such remedy shall be in addition to any other penalties prescribed by law.

SECTION XV Effective Date

This local law shall be effective immediately upon filing with the New York State Secretary of State.