Local Law #2 of 2002

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

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 Watson. 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 are subject to the provisions which follow.

Section 2 INTERMUNICIPAL CONTRACTS

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

Section 3 PARTIAL INVALIDTY

If any section of this local law 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.

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 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 official, or in the case of his inability to act for any reason, the Town Supervisor/Mayor shall have the power, with the consent of the Town Board to designate a person to act in behalf of the C E.O. and to exercise all the powers conferred upon him by this ordinance.

C. The Town Supervisor/Mayor, 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 Official and to exercise any portion of the powers and duties of the Code Enforcement Official as directed by him..

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

E. The Code Enforcement Official shall administer and enforce all the provisions of the Uniform Code and 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 New York State Uniform Fire Prevention and Building Code, this local law, or other laws, rules or regulations of the Town of Watson or of the State of New York.

Section 5 BUILDING PERMIT

A. Permits required.

1. Except as hereinafter provided, no perso, 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 file) burning heating appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Official.

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 no 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. 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) 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,

f) the required fee;

3. 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.

4. Applicant shall notify the 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 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 Official and approval shall be received from the Code Enforcement Official prior to the commencement of such change of work.

C General Requirements.

1. A building permit issued pursuant to this local law shalt 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 ofa material fact in connection with the application for the permit.

3. A 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 (other than a temporary certificate of occupancy). whichever occurs first. The permit may, upon written requests 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 the fire safety inspections.

Section 7 CERTIFICATE OF OCCUPANCY

A. No building erected subject to the 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 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 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 Official and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed. The Code Enforcement Official 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. 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 locations, 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 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 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 a violation exists.

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 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.

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 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 or 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 an application, or in an unsafe and dangerous manner, he shall 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, 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 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 Official 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.