

1998-2

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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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.

County
~~CITY~~ of Chenango
~~TOWN~~
~~VILLAGE~~

Local Law No. 2 of the year 1998.

A County Law PROVIDING FOR COUNTY ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK
~~AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE~~
(Insert Title)

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
~~CITY~~ of Chenango as follows:
~~TOWN~~
~~VILLAGE~~

STATE OF NEW YORK
COUNTY OF CHENANGO

ADOPTED COUNTY LAW NO. 2 OF 1998

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

Be It Enacted by the Board of Supervisors of the County of Chenango,

ARTICLE I
INTRODUCTORY PROVISIONS

Section 1 - Legal Enactment

1.1 The Board of Supervisors of the County of Chenango, hereby repeals County Local Law No. 1 of 1984 and Local Law No. 2 of 1987.

1.2 The Board of Supervisors of the County of Chenango adopts in their place this County Law shall be known as "A County Law Providing For County Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code".

Section 2-Authority

2.1 This County Law is hereby enacted pursuant to the authority granted by Section 10 of the

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

New York State Municipal Home Rule Law and Article 18 of the Executive Law.

Section 3 - Purpose

3.1 This County Law shall provide the method of administration and enforcement of the New York State Uniform Fire Prevention and Building Code in the County of Chenango and shall establish powers, duties, and responsibilities in connection therewith including the responsibility for such administrative and enforcement under the Chenango County Department of Public Health. This County Law restructures Chenango County's administration of the Code from that previously utilized.

Section 4 - Standards

4.1 All new construction, alterations, improvements, removal, or demolition of any building or structure, or any other related activity shall be in compliance with the applicable New York State Uniform Fire Prevention and Building Code, prepared by the New York State Division of Housing and Community Renewal.

**ARTICLE II
ADMINISTRATIVE PROVISIONS**

Section 5 - Code Enforcement

Chenango County Department of Public Health Administration

5.1 The Board of Supervisors of the County of Chenango hereby determines and directs that the Chenango County Public Health Department be responsible for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code as provided by New York State statutes and regulations as they may be amended from time to time (hereinafter referred to as the "Code") within all municipalities in Chenango County except those who have opted under the Executive Law to themselves enforce the Code.

5.2 The Chenango County Department of Public Health shall possess all the powers, responsibilities, duties and authority provided by law including but not limited to Article 18 of the Executive Law to administer and enforce the Code.

5.3 The Chenango County Public Health Director (hereinafter referred to as "Director") as the head of the Chenango County Department of Public Health, shall be responsible for the overall proper administration of the Code and this County Law. The Director shall determine appropriate administrative structure, assign staff, and designate one or more individuals to act for the Director all in accord with applicable State law and regulation including the Code, this County Law, and the direction of the Chenango County Board of Supervisors.

5.4 The activities relating administration and enforcement of the Code and the County Law on a day to day basis shall be undertaken by qualified code enforcement personnel meeting State requirements and be under the direct supervision of a Code Enforcement Officer (CEO) or similar County position by whatever title it shall be known. These activities will be undertaken by a distinct code enforcement unit of the Department.

5.5 The Director shall have authority to appoint qualified individuals to positions of employment which may be created from time to time by the Chenango County Board of Supervisors, to carry out the work of the Department under the Code. The Board of Supervisors shall have full authority to establish and abolish one or more positions of employment within the Department and to set salaries therefor and take all other action and exercise all related authority and powers as provided by the County Law and other applicable provisions of law. The Board of Supervisors shall have authority by Resolution to enter into such contracts as the Board shall deem necessary to assist the Department in the proper administration and enforcement of the Code.

Section 6-Department Activities

6.1 Except as otherwise specifically provided by law, or except as herein otherwise provided, the Department shall administer and enforce all of the provisions of the Code applicable to plans, specifications, or permits for the construction, alteration and repair of buildings and structures, the installation and use of materials and equipment therein, and the location, use and occupancy thereof in regard to building construction specifications and fire prevention requirements and other activity subject to the Code.

6.2 The Department shall receive applications, review and approve or disapprove plans and specifications, and when appropriate issue permits for the erection and alteration of buildings and structures or parts thereof; and shall examine the premises for which such applications have been received, plans approved, or such permits have been issued for the purpose of insuring compliance with the Code. The Department shall also investigate and take such action as the Department deems necessary to ensure compliance with the Code.

6.3 The Department shall issue in writing all appropriate notices or orders, including Stop Orders, to remove illegal or unsafe conditions, to require necessary safeguards during construction and requiring such other action as is necessary to insure compliance during the entire course of construction and/or demolition with the requirements of the Code.

6.4 The Department shall make all building construction and fire prevention inspections which are necessary and proper for the carrying out of its duties as required by the Code, and it

shall review written reports of inspection from qualified individuals or entities and take such action as is appropriate.

6.5 The Department shall issue a Certificate of Occupancy where appropriate for a building constructed or altered in accordance with the provisions of the Code which shall certify that the building conforms to the requirements of the Code.

6.6 The Department shall have exclusive jurisdiction for administration and enforcement of the Code with respect to property, buildings, premises and equipment in the custody of, or activities related thereto undertaken or authorized by the County.

Section 7 - Building Permits

7.1 No person, firm, corporation, association, limited liability company, limited liability partnership, or other organization or entity shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure, except agricultural buildings or structures, nor install heating equipment, or fire protection systems, without having applied for and obtained a permit from the Department. No permit shall be required for the performance of necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical, or heating/ventilation systems, including, for example, the replacement of siding and roofing materials, nor for the erection of fences, (nor the construction of non-commercial storage facilities of less than 140 square feet of gross floor area). Such work shall nevertheless be done in conformance with the Uniform Fire Prevention and Building Code.

7.2 Building Permit Applications shall be available from the Department.

7.3 Applications for Building Permits shall be delivered in person or sent directly to the Department for review and processing.

7.4 The Board of Supervisors shall by resolution set such fees for Department activities with respect to the Code as the Board deems appropriate.

7.5 The Building Permit Application shall specify at a minimum: the requisite number of copies of certified plan specifications and maps which in no event shall be less than two (2); the signature of the applicant or authorized agent; the work site; a statement of use or occupancy of all parts of the land and of the proposed building or structure; a brief description of the proposed work, including plans and specifications; the estimated cost of the proposed work; the name and address of the owner and applicant; the fee for the permit as determined by the County Board of

Supervisors; certification by owner or authorized agent that the proposed construction complies with all locally enforced regulations; and if owner or authorized agent is a corporation, limited liability company, limited liability partnership, association, or entity doing business under an assumed name (dba), the names and addresses of one or more responsible officers.

7.6 a. The Department shall examine, or cause to be examined, Building Permit Applications and the plans, specifications, and documents filed therewith. It shall approve or disapprove the application within sixty days or sooner from the date of submission of a complete application in proper form.

b. Upon approval of the application and upon receipt of the established fees, the Department shall issue a Building Permit signed by the Director or his designee, to the applicant or authorized agent upon the form prescribed by the Department.

c. Upon approval of the application, at least two (2) sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the files of the Department and the other set shall be returned to the applicant together with the Building Permit and shall be kept by the applicant at the building site open to inspection by the Department or his authorized representative at all reasonable times.

d. If the application together with plans, specifications, and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable Code regulations, the Department shall disapprove the same and shall return the plans and specifications to the applicant but may retain one copy for Department records. Upon written request of the applicant, the Department shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

7.7 The Department may revoke a Building Permit previously issued in the following instances:

a. Where it finds that there has been any false statements or misrepresentation or omission as to a material fact in the application, plans or specifications on which the Building Permit was based.

b. Where it finds that the Building Permit was issued in error and should not have been issued in accordance with the applicable provisions of the code.

c. Where it finds that the work performed under the permit is not being prosecuted in

accordance with the provisions of the application, plans, specifications, or the Code, or

d. Where the person to whom a Building Permit has been issued fails or refuses to comply with a Stop Order or any other directive issued by the Department.

7.8 A Building Permit shall expire one year from the date of issuance or upon the issuance of a Certificate of Occupancy, whichever occurs first. A Building Permit may, upon written request be renewed for successive one year periods provided that the permit has not been revoked or suspended at the time the application for renewal is made. The relevant information in the application for renewal must be up to date, and a renewal fee paid in order to obtain an extension.

Section 8 - Inspections

8.1 All dwellings, structures and uses regulated under the Code, including but not limited to those buildings and structures for which a Building Permit has been obtained, shall be inspected for compliance with the Code.

8.2 Work for which a Building Permit has been issued under the Code and this County 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, 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 Department that the work is ready for inspection and to schedule such inspection. If enclosure or covering is performed without prior inspection and approval by the Department, it is the owner or permit holders obligation to remove such enclosure or covering at his, her, or its expense.

8.3 Existing buildings not subject to inspection under Part 7.2 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 - every 12 months; multiple dwellings - every 24 months; all other buildings and structures open to the general public and all other buildings - every 36 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 the public health, safety, or welfare.

8.4 An inspection of a building or dwelling unit shall be performed at any time upon:

a. The request of the owner or authorized agent;

b. Receipt of a written statement specifying the ground upon which the subscriber believes a violation of the Uniform Code exists;

c. a determination by a Department representative based upon some credible information that such action is necessary to insure proper administration and enforcement of the Code and or this County Law.

8.5 Access to buildings and premises by either the Department representative doing the inspection, or the Department, to conduct inspections shall be made only after reasonable prior notice has been given to the owner or his authorized representative. However, such prior notice shall not be necessary where access to a building or premises or site is available to a member of the general public.

8.6 If entrance to make an inspection is refused or cannot be obtained, the Department may apply for a warrant to make an inspection to any court of competent jurisdiction.

8.7 All code enforcement personnel shall meet the applicable requirements of the Code and other statutes and regulations set forth by the State of New York including but not limited to those with regard to their duties under the Code and this County Law.

Section 9 - Certificate of Occupancy

9.1 No building erected subject to the Code and this County law shall be used or occupied, except to the extent provided in this section, until a Certificate of Occupancy has been duly issued and has not been revoked. No building similarly 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 thirty 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. The Department shall specify the form of application and any necessary documentation.

9.2 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, but may be renewed an indefinite number of times upon written application at the discretion of the Department

9.3 No Certificate of Occupancy shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation of the Code in the area intended for use.

Section 10 - Building Permit and Certificate of Occupancy Form

10.1 The Building Permit issued pursuant to the Code and this County Law shall specify at a minimum: the name and address of the Department; the address of the proposed construction or structural alteration activity; the activity for which the Permit is issued; the date of Permit issuance; any conditions relevant or required as part of the issuance; and the signature of the Director or the person, if any, designated in writing by the Director to act for the Director.

10.2 The Certificate of Occupancy issued pursuant to this Law shall specify at a minimum: the name and address of the Department; the address of the dwelling or structure inspected; the use for which the Certificate of Occupancy is issued; the date the dwelling or structure was inspected and the date the Building Permit was issued; any conditions relevant or required as part of the issuance; and the signature of the Director or the person, if any, designated in writing by the Director to act for the Director.

Section 11 - Enforcement

11.1 It shall be unlawful for any person, firm, corporation, limited liability company, limited liability partnership, association, organization, or other entity to construct, alter, repair, move, equip, use or occupy, any building or structure or portion thereof in violation of any provision of the Code or this County Law or New York State law, as well as any regulation or rule promulgated by the Department in accordance with applicable laws, or to fail in any manner to comply with a notice, directive, or order of the Department, or to construct, alter, use or occupy, any building or structure or part thereof in a manner not permitted by an approved Building Permit or Certificate of Occupancy. In the event of a violation and the failure to comply, neither a Building Permit nor a Certificate of Occupancy or Temporary Certificate of Occupancy shall be issued by the Department. If a Building Permit or Certificate of Occupancy has been previously issued and thereafter a violation is found, the Certificate shall be revoked if such violation is not remedied.

11.2 Whenever the Department has reasonable grounds to believe that work on any building or structure is being done in violation of the applicable provisions of the Code, 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, it shall notify the owner of the property, or the owner's agent, in the form of a Stop Order, to stop all work. Such persons shall forthwith stop such work and suspend all building activities until the Stop Order has been rescinded. Such Order and Notice shall be in writing and shall state the conditions under which

the work may be resumed. It 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 Order to him by first class mail at the address set forth in the Building Permit Application if such application shall have been made.

11.3 Any person who shall fail to comply with a written order or directive of the Department within the time fixed for compliance 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 this Law, or any lawful order, notice, permit or certificate of the Department, shall be subject to a fine in an amount not to exceed \$250.00 per day or by imprisonment for a period not in excess of fifteen (15) days, or by both such fine and imprisonment. Such fine and imprisonment shall be determined in a court of competent jurisdiction under the laws of the State of New York. Each calendar day that a violation continues shall be deemed a separate offense. Except as otherwise provided by law, such a violation shall be an offense.

11.4 Department representatives are authorized to issue appearance tickets in accord with the Criminal Procedure Law for alleged violations of the Code or this County Law.

11.5 The Department may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or prohibit and or punish the violation of the provisions of the Code or this County Law including injunction, or any other proper legal remedy.

11.6 The remedies set forth above are in addition to those provided under Section 382 of the Executive Law.

Section 12 - Variances and Appeals

12.1 Any owner, or authorized representative, of buildings or premises affected by the Code may apply to the appropriate New York State Regional Board of Review for a variance seeking to modify or vary strict compliance with the Code on grounds established by the New York Secretary of State or may appeal any order or determination, or the failure within a reasonable time to make such order or determination, by an administrative official of the County charged with the enforcement of or purporting to enforce the Code.

12.2 An appeal or application for variance to the Regional Board of Review shall be in writing, on forms prescribed by the Secretary of State, and accompanied by a fee determined by

the State.

12.3 Any appeal or application for variance does not stay or otherwise limit the Department's authority to act nor entitles the appellant to any relief pending the appeal or a variance determination.

ARTICLE III GENERAL PROVISIONS

Section 13 - Rules and Regulations

13.1 The County Board of Supervisors may, adopt by resolution further rules and regulations as the Board deems reasonable to carry out the provisions of the Code and this Law. The Director may also make recommendations to the County Board to adopt, amend, or appeal such rules and regulations as they may relate to efficient administration and enforcement of the provisions of the Code. Such rules and regulations shall not conflict with the Code, this County Law, or any other provisions of Law. Any such rules and regulations shall be made available to the public.

Section 14 - Separability

14.1 Should any section or provisions of this County 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.

Section 15 - Effective Date

15.1 This County Law shall take effect immediately upon its proper filing with the New York State Secretary of State.

Section 16. Continuity of Authority

16.1 Any action taken by the Chenango County Code Enforcement Office under authority of County Law No. 1 of 1984 and Local Law No. 2 of 1987, both hereby repealed, shall be valid and continue in full force and effect and deemed to have been taken by the Department as provided herein. All actions taking place after the effective date of this County Law shall be in accord with the provisions of the Code and this County Law.

Seconded by Mr. Doyle

Results of a Roll Call vote were: Yes-2,050, No 0, Absent-215

Absent: Supervisors P. Flanagan and Dolan

The Chairman declared the local law duly adopted.

(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. 2 of 1998 of the (County)(City)(Town)(Village) of Chenango was duly passed by the Board of Supervisors on April 13 1998 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 on 19 , and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer*) 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 of the (County)(City)(Town)(Village) of was duly passed by the on 19 , and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer*) 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.

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 on 19 , and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer*) 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 means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson 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.

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 section (36)(37) 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 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 legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 15, 1998



(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK Chenango
COUNTY OF _____

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.

Chenango County, SS
Recorded on this 16th Day
of April 1998 at 8:39
o'clock A. M., in Liber 1
Local Laws
at Page 246 and examined
Mary C. Weidman Clerk

Richard W. Bush
Signature
County Attorney
Title
County Chenango
~~City~~ of _____
~~Town~~
~~Village~~

Date: April 15, 1998