

1989-2

(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.

County
City of Chenango
Town
Village
Local Law No. 2 of the year 19 ..87.....

A local law Amending Local Law No.1 of 1984 Authorizing County Administration and.....
(Insert title)
Enforcement of the New York State Uniform Fire Prevention and Building Code.

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

County
City of Chenango as follows:
Town
Village

See annexed sheet for context of local law.

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

LOCAL LAW NO. 2 OF 1987

AMENDING LOCAL LAW NO. 1 OF 1984, AUTHORIZING COUNTY
ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE
UNIFORM FIRE PREVENTION AND BUILDING CODE

Mr. Wrightington offered the following and moved its adoption:

Be It Enacted by the Board of Supervisors of the County of Chenango, as follows:

Section 1. Subdivision 5.2 of said County Law is hereby amended to read, as follows:

5.2 The position of Uniform Fire and Building Code Enforcement Officer is created and such Officer shall be appointed by resolution of this Board.

Section 2. A new-subdivision designated (f) is hereby added to Subdivision 5.4 of said County Law to read, as follows:

(f) In the absence of the Code Enforcement Officer, or in his inability to act for any reason, the Chairman of the Board of Supervisors shall have the power, with the consent of the Chairman of the Planning and Safety Committee, to designate a person to act on behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this law.

Section 3. Subdivision 6.1 of Article II of said County Law is hereby amended to read, as follows:

6.1 No person, firm, corporation, association, or other organization 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 Code Enforcement Officer. 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.

Section 4. Subdivision 6.4 of Article II of said County Law is hereby amended to read, as follows:

- 6.4 The Planning and Safety Committee of the Board of Supervisors shall set the necessary fees for Building Permit Applications.

Section 5. Subdivision 6.5 of Article II of said County Law is hereby amended to read, as follows:

- 6.5 The Building Permit Application shall specify at a minimum: the requisite number of copies of certified plan specifications and maps; the signature of the applicant or authorized agent; the work site; a statement of the 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 that the proposed construction complies with all locally enforced regulations; and if either is a corporation, the names and addresses of responsible officers.

Section 6. Subdivisions 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 of Section 7 of Article II of said County Law are hereby repealed and new subdivisions added, as follows:

Section 7 Inspections

- 7.1 All dwellings, structures and uses regulated under the State Uniform Fire Prevention and Building Code, including but not limited to those buildings and structures for which a Building Permit has been obtained, shall be inspected for compliance with building construction and fire prevention provisions of the Code.
- 7.2 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, 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 Officer that the work is ready for inspection and to schedule such inspection.
- 7.3 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 or 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.

- 7.4 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. Other reasonable and reliable information that such violation exists.
- 7.5 Access to buildings and premises by either the agent doing the inspection, or the Code Enforcement Officer, to conduct inspections shall be made only after reasonable prior notice has been given to the owner or his authorized representative.
- 7.6 If entrance to make an inspection is refused or cannot be obtained, the Code Enforcement Officer or his representative may apply for a warrant to make an inspection to any court of competent jurisdiction.
- 7.7 Building and Fire Code Inspectors shall be designated by the Code Enforcement Officer. The Code Enforcement Officer and/or Building Inspectors shall provide all of the necessary inspections for compliance with the Code.
- 7.8 As of January 1, 1985, all County Code Enforcement personnel, including the Code Enforcement Officer and Building Inspectors, who commence employment on or after January 1, 1985, shall complete a prescribed State Minimum Basic Code Enforcement Training Program within a specified time period determined by the State.

Section 7. Subdivision 8.1 and 8.2 of Article II of said County Law are hereby repealed and new paragraphs 8.1, 8.2 and 8.3 are hereby added to read, as follows:

- 8.1 No building erected subject to the Uniform Code and this local law shall be used or occupied, except to the extent provided in this section, until a certificate of occupancy has been issued. 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.

8.2 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.

8.3 No certificate of occupancy shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation of the Uniform Code in the area intended for use.

Seconded by Mr. Alishauskas

Results of a roll call vote were: Yes-2,433, No-0, Absent-38

Absent: Supervisor Eccleston

The Chairman declared the local law adopted.

(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.2..... of 19.87..
County
of the ~~City~~ of Chenango was duly passed by the Board of Supervisors
~~Town~~ (Name of Legislative Body)
~~Village~~
on July 13, 19.87 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
of the ~~City~~ of was duly passed by the
~~Town~~ (Name of Legislative Body)
~~Village~~
on 19..... and was approved ~~not disapproved~~ by the
~~repassed after disapproval~~ 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.....
County
of the ~~City~~ of was duly passed by the
~~Town~~ (Name of Legislative Body)
~~Village~~
on 19..... and was approved ~~not disapproved~~ by the
~~repassed after disapproval~~ 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
~~general~~
thereon at the special election held on 19....., in accordance with the appli-
~~annual~~
cable 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
of the ~~City~~ of was duly passed by the on
~~Town~~ (Name of Legislative Body)
~~Village~~
..... 19..... and was approved ~~not disapproved~~ by the on
~~repassed after disapproval~~ Elective Chief Executive Officer *
..... 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.)

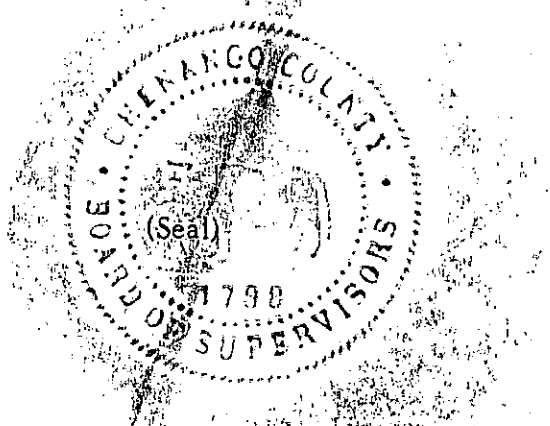
I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of State of New York, having been submitted to the Electors at the General Election of November 19..... pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received 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 1..... above.

[Signature]
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: July 16, 1987



Chenango County, SS
Recorded on this 17th Day
of July 1987 at 3:50
o'clock P. M. in Liber of
Local Laws
at Page 29 and examined
Fred A. Udel Clerk

(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 Chenango

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.

[Signature]
County Attorney
Title

Date: July 17, 1987

County
City of Chenango
Town
Village