

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~XXXXXX~~
~~City~~ of Belmont
Town of Belmont
~~XXXXXX~~

Local Law No. 2 of the year 1990

A local law For the Administration and Enforcement of the New York State Fire prevention and Building Code
(Insert title)

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

~~XXXXXX~~
~~City~~ of Belmont as follows:
Town of Belmont
~~XXXXXX~~

SECTION I. Definitions.

- A) The words and terms used in this local law shall have the same meaning as those contained in Executive Law, Article 18 (Chapter 707 of the Laws of 1981) unless the context may otherwise require.
- B) "Code Enforcement Officer" shall mean the individual authorized and appointed by the Municipality to administer and enforce the New York State Uniform Fire Prevention and Building Code in the Municipality.
- C) Municipality means the local government enacting this local law.

SECTION II. Prior ordinances rescinded.

All prior local laws and ordinances enacted by the municipality to administer the State Uniform Fire Prevention and Building Code are hereby rescinded.

SECTION III. Permits.

A) Building permits. No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure, or appurtenant systems, including septic systems except an agricultural building or structure, nor install a solid fuel burning heating appliance without having applied for and obtained a permit from the Code Enforcement Officer. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature, which are done in conformance with the Uniform Code and which do not involve abatement of a violation of the Uniform code.

B) Application for Permit:

(1) Application for a building permit may be obtained from the Code Enforcement Officer. A completed application shall be delivered to the Code Enforcement Officer and must include:

(a) The signature of the applicant or authorized agent.

(b) A description of the site on which the proposed work is to be done.

(c) A statement of the use or occupancy of all parts of the land and of the proposed building or structure.

(d) A brief description of the proposed work.

(e) The estimated cost of the proposed work, with appropriate substantiation.

(f) The full name and address of the owner and the applicant and, if either shall be a corporation, the names and address of responsible officers.

(g) A duplicate set of plans, drawings and specifications for the proposed work which have been approved by a registered architect or licensed professional engineer of this state, if such approval is required under the provisions of the Education Law or in the discretion of the Code Enforcement Officer, if the nature of the proposed construction warrants it.

(h) The applicable fee.

(i) A statement granting the applicant's permission for the Code Enforcement Officer to enter the property and structure thereon as frequently as he/she deems necessary to inspect the same for the compliance with the Uniform Code.

(j) A statement that the work will be performed in compliance with the Uniform Code and applicable state and local laws, ordinances and regulations.

(2) The applicant may request that the requirement of plans and specifications be waived where the work to be done involves minor alterations or is otherwise unnecessary.

C) The applicant shall notify the Code Enforcement Officer 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 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.

D) 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 a misrepresentation or falsification of a material fact in connection with the application for the permit.

E) A building 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 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 is up to date and the renewal fee, if any, is paid.

SECTION IV. Permit Fees.

A) A schedule of fees shall be as approved by the Municipal Board by Resolution.

B) All fees are payable to the Municipality and shall be due upon application for permit, or upon service rendered.

SECTION V. Certificate of occupancy.

A) 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 (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. If the Code Enforcement Officer determines that the value of the actual work performed exceeds the estimated value contained in the application for the building permit, said officer shall collect the prescribed fee prior to granting 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 (6) months from the date of issuance, but may be renewed an indefinite number of times.

C) 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 and upon payment of the appropriate fee.

SECTION VI. Inspections.

A) Construction Inspection:

(1) 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/her agent to inform the Code Enforcement Officer that the work is ready for inspection and to schedule such inspection.

B) Fire Prevention and Safety Inspection.

(1) All dwelling units in a building consisting of more than two (2) such units shall be inspected for the purpose of determining compliance with safety requirements of the Uniform Code at least once every eighteen (18) months. Inspection of common areas of such buildings, such as halls, foyers, staircases, etc., shall be so inspected at least once in every twelve (12) months.

(2) All commercial or public buildings, uses and occupancies shall be inspected at least once in every twelve (12) months.

(3) An inspection of a building or dwelling unit shall be performed at any other time upon the request of the owner or authorized agent, receipt of a written statement specifying grounds upon which the

subscriber believes a violation of the Uniform Code exists or other reasonable or reliable information that such violations exist or where conditions on the premises threaten or present a hazard to public health, safety or welfare.

SECTION VII. Inspectors.

A) The inspections required by this local law may be performed by the Code Enforcement Officer. The Code Enforcement Officer is authorized to order, in writing, the correction of any condition in violation of the Uniform Code found in, on or about any building or structure. Such orders shall be served in person upon a responsible party or his/her authorized agent or by certified mail 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 provided by law.

B) A person whose property is subject to inspection may be required by the Code Enforcement Officer to have such inspection performed at his/her own cost and expense by a competent inspector acceptable to the Code Enforcement Officer. Such inspector may be a registered architect, licensed professional engineer, certified code enforcement officer or other person whose experience and training has been demonstrated to the satisfaction of the Code Enforcement Officer. Such inspector shall certify the results of his/her inspection to the Code Enforcement Officer. Any person required by the Code Enforcement Officer to have an inspection performed at his/her own cost and expense shall not be assessed the fees otherwise prescribed in this local law.

C) If the Code Enforcement Officer is the owner of or is involved in work on the premises to be inspected or if there shall otherwise be any conflict of interest, the Municipality shall appoint a qualified individual to perform such duties.

SECTION VIII. Annual reports.

The enforcement official shall annually submit a report to the Municipality, within one (1) month of the close of the Municipality's fiscal year, containing such information as the Board shall prescribe by resolution, including but not limited to the number and category of inspections conducted during the preceding fiscal year, the number of violations and abatement thereof, the number and type of permits issued and recommendations for improving the administration and enforcement of the Uniform Code.

SECTION IX. Variance and review.

A request for a variance from the Uniform Code and an appeal to review determination or failure to render a determination by the Code Enforcement Officer shall be processed with the appropriate Board of Review as provided in 19 NYCRR 440.

SECTION X. Penalties for offenses.

A) In addition to the remedies prescribed by the Executive Law, § 383, any person, corporation, association, firm or partnership that fails to remedy the condition found to exist in violation of the Uniform Code and/or this local law shall be subject to a fine of not more than five hundred dollars (\$500.) or imprisonment for a period not exceeding fifteen (15) days, or to both such fine and imprisonment. Each day that a violation continues to exist beyond the date fixed in the order of the Code Enforcement Officer to remedy the violation shall be deemed a separate offence.

B) An action or proceeding in the name of the Municipality may be commenced in any court of competent jurisdiction to compel compliance with or restrain violation of this local law or orders issued in compliance with this local law.

SECTION XI. Severability.

If any section of this local law shall 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 XII. When effective.

This local law shall take effect immediately upon filing with the Secretary of State.

(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.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1990
County
City of the Bellmont was duly passed by Bellmont Town Board
Town
Village
(Name of Legislative Body)
on May 22, 1990. in accordance with the applicable provisions of law.

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

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

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
City of the _____ was duly passed by the _____
Town
Village
(Name of Legislative Body)
on _____ 19_____. not disapproved and was approved by the _____
repassed after disapproval Elective Chief Executive Officer
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 appli-
annual cable provisions of law.

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

4. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
City of the _____ was duly passed by the _____ on _____
Town
Village
(Name of Legislative Body)
_____ 19_____. not disapproved and was approved 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 board of supervisors, 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.

(City local law concerning Charter revision proposed by petition.)

5. 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~~ ^{§ 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 the 19..... 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.

Laurie L. Perry
XX
XX
Laurie L. Perry, Town Clerk
Town of Belmont

Date: 5/22/90

(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 FRANKLIN

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.

Brian S. Stewart
.....
(Title of Officer)
BRIAN S. STEWART, ESQ., ATTORNEY FOR TOWN OF BELLMONT
~~County~~
~~City~~ ofBellmont.....
Town
~~XXXXXX~~

Dated: 6/4/90