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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 Yates
~~Town~~
~~Village~~

Local Law No. 23 of the year 1984

for the
A local law Enforcement and Administration of New York State Uniform Fire Prevention and Building Code (Insert title)

Be it enacted by the Legislature of the (Name of Legislative Body)

County
~~City~~ of Yates as follows:
~~Town~~
~~Village~~

Section 1. Applicability

This Local Law shall provide the basic method for administration and enforcement of the State of New York Uniform Fire Prevention and Building Code within those towns and villages within the County of Yates wherein the County of Yates has the responsibility for enforcement of said New York Uniform Fire Prevention and Building Code, and shall establish powers, duties and responsibilities in connection therewith.

Section 2. Effective Date

This Local Law shall take effect on the 1st day of July, 1984.

Section 3. Administration

There is hereby designated the Yates County Fire Coordinator to administer and enforce the New York Uniform Fire Prevention and Building Code within those towns and villages wherein the County of Yates has the responsibility for enforcement of said code. In the absence of the Yates County Fire Coordinator, or in the case of his inability to act for any reason, the Chairman of the Yates County Legislature shall have the power, with the consent of the Yates County Legislature, to designate a person to act on behalf of the Yates County Fire Coordinator to exercise all the powers conferred on him by this law.

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

Section 4. Appointment of Inspectors

The Yates County Fire Coordinator with the approval of the Yates County Legislature may appoint one building inspector or more, as the need may appear, to act under the supervision and direction of the Fire Coordinator and to exercise any portion of the powers and duties of the Fire Coordinator, as designated in this law, and as directed by him. The compensation shall be fixed by the Yates County Legislature.

Section 5. Restrictions on Employees

The Fire Coordinator, Building Inspector or any employee of the Fire Coordinator's office directly involved in code enforcement, shall not engage in any activity inconsistent with his duties, or with the interests of the building department; nor shall he, during the term of his 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 County of Yates where the County of Yates is responsible for the enforcement of the New York State Fire Prevention and Building Code, excepting 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 him for his own personal use and occupancy or for the use and occupancy of members of his immediate family, and not constructed for sale.

Section 6. Duties and Powers of Fire Coordinator, in Relation to this Law

(a) Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Fire Coordinator shall administer and enforce all of the provisions of laws, ordinances, rules and regulations applicable to the 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 the location, use and occupancy thereof.

(b) He shall promulgate rules and regulations subject to the approval of the Yates County Legislature to secure the intent and purposes of this ordinance and a proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alteration or repairs. The Fire Coordinator shall publish all rules and regulations at least 14 days prior to the effective date thereof in a newspaper of general circulation within the areas that the County of Yates has the responsibility for enforcement of said code.

or his designee
(c) He shall receive applications, approve plans and specifications,

and issue permits for the erection and alteration of buildings or 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 laws, ordinances, rules and regulations governing building construction or alterations.

or his designee

(d) He/shall receive applications for and issue Fire Safety Operations Permits for the operation of facilities which store or use in their operations or activities hazardous or flammable materials, and other permits as may be necessary for the enforcement of the New York State Uniform Fire Prevention and Building Code.

or his designee

(e) He/shall conduct periodic inspections of industrial, commercial and other facilities including, but not limited to, areas of public assembly and those operations whose activities require obtaining Fire Safety Operations Permits.

Section 7. Records and Reports

or his designee

(a) The Fire Coordinator/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 Yates County Legislature, and notices and orders issued. All such records shall be public records open to public inspection during normal business hours.

(b) The Fire Coordinator shall, annually, submit to the Yates County Legislature a written report and summary of all business conducted by the department of buildings, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

Section 8. Permits

Upon payment of fee as prescribed in the Schedule of Fees to be adopted by the Yates County Legislature, permits shall be issued by and bear the name and signature of the Fire Coordinator, or his designee, and shall specify:

A. Activity or operation for which permit is issued.

Address of location where activity or operation is to be conducted.

Name and address of permittee.

Permit number and date of issuance.

Period of permit validity.

- B. Permits shall not be transferable and any change in activity, operation, location, ownership, or use shall require a new permit.
- C. Permits shall continue until revoked or for a period of time designated at the time of issuance. An extension of the permit time period may be granted provided a satisfactory reason can be shown for failure to start or complete the work or activity authorized within the required time period.
- D. When more than one permit is required for the same property or premises, a single permit may be issued listing all materials or operations covered. Revocation of a portion or portions of such consolidated permit, for specific hazardous materials or operations, shall not invalidate the remainder.

Locations of Permits. Permits shall be kept on property or premises covered by the permit or carried by the permit holder.

Revocation of Permits. Permits may be suspended or revoked when it is determined there is a violation of a condition under which the permit was issued, or there has been misrepresentation or falsification of material facts in connection with the permit application or a condition of the permit.

Section 9. Inspections

(a) The Inspector shall conduct periodic inspections for compliance with the provisions of the New York State Uniform Fire Prevention and Building Code. Such inspections shall be made at any reasonable time.

(b) If entrance to make an inspection is refused or cannot be obtained, the Inspector may apply for a warrant to make an inspection to any Court of competent jurisdiction.

Section 10. Violations

(a) A person owning, operating, occupying or maintaining property or premises within the scope of the New York State Uniform Fire Prevention and Building Code or this Local Law shall comply with all the provisions of the New York State Uniform Fire Prevention and Building Code, this Local Law, and all orders, notices, rules, regulations or determinations issued in connection therewith.

(b) Whenever the inspector finds that there has been a violation of the

New York State Uniform Fire Prevention and Building Code, this Local Law, or any rule or regulation adopted pursuant to this Local Law, a violation order shall be issued to the person or persons responsible.

Violation orders shall be in writing; shall identify the property or premises; shall specify the violation and remedial action to be taken; shall provide a reasonable time limit for compliance; and shall state the time within which an appeal may be taken.

Violation orders may be served by personal service; by mailing by registered or certified mail; or by posting a copy thereof in a conspicuous place on the premises, and by mailing a copy thereof to the premises on the same day as posted enclosed in a postpaid wrapper addressed to the person responsible.

In case the owner, lessor, occupant or the agent of any of them shall fail, neglect or refuse to remove, eliminate or abate the violation within the time specified in the violation order, a request to take appropriate legal action shall be made to the County Attorney of the County of Yates.

Section 11. Penalties

(a) Failure to comply with any provision of the New York State Uniform Fire Prevention and Building Code, this Local Law, rules and regulations adopted pursuant to this Local Law, or a violation order shall be deemed a violation and the violator shall be liable for a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or imprisonment not to exceed 15 days, or both, and each day such violation continues shall constitute a separate violation.

(b) An action or proceeding in the name of Yates County may be commenced in any Court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the New York State Fire Uniform Fire Prevention and Building Code, this Local Law, rule or regulation adopted pursuant to this Local Law, or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

Section 12. 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 Fire Coordinator or his designee.

(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 by the Fire Coordinator, or his designee.

(c) No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Fire Coordinator or his designee.

(d) A certificate of occupancy shall be issued, where appropriate, within 30 days after written application therefor is made.

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

(f) Upon request, the Fire Coordinator or his designee may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed provided such portion or portions as have been completed may be occupied safely without endangering life or the public health or welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good cause the building official may allow a maximum of two extensions for periods not exceeding three months each.

Section 13. Applicable Fees

Each application shall be accompanied by a filing fee, the amount of which fee shall be based upon the estimated cost of the building or alteration. There shall also be a charge for the issuance of a Certificate of Occupancy.

Such fees shall be in an amount as shall be set, from time to time, by resolution of the Yates County Legislature.

This Local Law shall take effect the 1st day of July, 1984.

(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 1984...
County
of the ~~Town~~ of Yates..... was duly passed by the Yates County Legislature.....
~~Town~~ ~~Village~~ (Name of Legislative Body)
on June 11, 1984 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 by the
not disapproved 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 by the
not disapproved 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.

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 by the on
not disapproved 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 paragraph¹..... above.

Martha Marchionda

Clerk of the County legislative body, ~~City or Village Clerk or~~
~~office designated by local legislative body.~~

Date: June 18, 1984

(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 YATES

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.

John M. Hill
.....
Signature

County Attorney
.....
Title

County
~~City~~ of Yates
~~Town~~
~~Village~~

Date: June 18, 1984