

Club

(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 Wayland
~~Town~~
~~Village~~
Local Law No. 1 of the year 1985

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

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

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

SECTION 1,

DESIGNATION OF CODE ENFORCEMENT OFFICER

There is hereby designated in the Town, a public official to be known as the Code Enforcement Officer, who shall be appointed by the Supervisor with the approval of the Town Board at a compensation to be fixed by said Board, and who shall be charged with the responsibility of enforcing and administering the New Yprk State Fire Prevention and Building Code (hereinafter Code).

SECTION 2.

ACTING CODE ENFORCEMENT OFFICER

In the absence of the Code Enforcement Officer, or in the case of his inability to act for any reason, the Supervisor shall have the power with the consent of the Town Board to designate a person to act in behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this Local Law.

SECTION 3.

RESTRICTIONS OF EMPLOYEES

The Code Enforcement Officer shall not engage in any activity inconsistent with his duties or with the interest of his office; 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 Town, 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 4.

(A) ENFORCEMENT

Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Code Enforcement Officer shall administer and enforce the code and rules and regulations applicable to the plans, specifications, or permits for the construction, alteration and repair of buildings and structures, and the storage, installation and use of materials and equipment therein, and the location, use and occupancy thereof.

(B) MAKE RULES

The Code Enforcement Officer shall promulgate rules and regulations subject to the approval of the Town Board to secure the intent and purposes of this Local Law and a proper administration and enforcement of the Code and rules and regulations governing building plans, specifications, construction, and alteration and repairs, and the storage, installation and use of materials and equipment therein and the locations, use and occupancy thereof.

(C) MAKE INSPECTIONS

The Code Enforcement Officer shall conduct periodic inspections for the compliance with the provisions of the Code which said inspection may be made at any reasonable time.

(D) RECEIVE APPLICATIONS

The Code Enforcement Officer 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 the Code and rules and regulations governing building construction or alterations.

(E) ISSUE NOTICES

The Code Enforcement Officer shall issue, in writing, all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of the Code and rules and regulations, and such notices or orders may be served upon the property owner or his agent personally, or by sending by certified mail a copy of such order to the owner or his agent at the address set forth in the application for permission for the construction or alteration of such building and by posting the same upon a conspicuous portion of the premises to which the notice applies.

(F) RECEIVE REPORTS

Whenever the same may be appropriate to determine compliance with the provisions of applicable laws, ordinances, rules and regulations governing building construction or alterations, the Code Enforcement Officer may, in his discretion, accept and rely upon written reports or tests in the field by experienced professional persons or by accredited or authoritative testing laboratories or service inspection bureaus and agencies.

(G) ISSUE CERTIFICATES

The Code Enforcement Officer shall issue a certificate of occupancy, where appropriate, for building construction or alteration in accordance with provisions of the Code which such certificate shall certify that the building conforms to the requirements of such code. In addition, the Code Enforcement Officer shall issue, when applicable, necessary and appropriate certificates of compliance certifying that said building conforms to the requirements of said Code.

SECTION 5,

RECORDS AND REPORTS

(A) The Code Enforcement Officer 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 to public inspection during normal business hours.

(B) The Code Enforcement Officer shall annually, submit to the Town Board a written report and summary of all business conducted by him, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigations pending or concluded.

SECTION 6.

RIGHT OF ENTRY

The Code Enforcement Officer, upon the showing of proper credentials and in the discharge of his duties, shall be permitted to enter upon any building, structure or premise without interference, during reasonable hours.

SECTION 7.

VIIOLATIONS

In accordance with Article 18 of the Executive Law of the State of New York:

(a) No person shall own, operate, occupy or maintain property or premises within the scope of the Code or this Local Law unless and until there shall be compliance with all of the provisions of the Code, this Local Law and all notices, directives, orders, rules and regulations or determinations issued in connection therewith.

(b) No person, firm or corporation shall commence the erection, construction, enlargement, alteration, improvement, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Code Enforcement Officer for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are non-structural in nature, or for any building not subject to the provisions of the Code.

(c) It shall be unlawful for any person, firm or corporation to contract, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provisions of law or ordinance, as well as any regulations or rules promulgated by the Code Enforcement Officer in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer, 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 or certificate of compliance, if such permit be required hereunder.

(d) Except as may be provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed thereof, shall not be deemed for any purposes a penal or a criminal penalty of punishment, and shall not impose any disability upon or effect or impair the credibility as a witness, or otherwise, of any person found guilty of such offense.

SECTION 8.

PENALTIES FOR VIOLATION

Any person, firm or corporation who shall fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, sub-contractor, construction superintendent or their agents, or any other person, firm or corporation taking part or assisting in the construction, alteration or use or occupancy of any building who shall knowingly violate any of the applicable provisions of law, or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made thereunder, shall be punishable by a fine of not more than \$500.00 or imprisonment of thirty(30) days, or both.

SECTION 9.

ABATEMENT OF VIOLATION

Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premise or to prevent illegal acts, conduct a business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

SECTION 14.

SEPARABILITY

Should any section or provision of this Local Law or the rules and regulations as from time to time promulgated in connection therewith, be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local 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

This Local Law shall take effect immediately upon filing with the Secretary of State.

CODE ENFORCEMENT OFFICER

REGULATION #1, 1985

Motion By: Councilman Pirrung
 Seconded By: Councilman Kimmel

1 **RESOLVED:** That the following Electrical Inspection ^{Regulation} ~~Ordinance~~ be adopted by the (City) (Town)
 2 ~~(Village)~~ of Wayland creating the position of Electrical Inspector, and setting forth
 3 duties and violations thereunder, to be known as Regulation #1, 1985 of the Fire
 4 Protection/ and Building Code of the (City) (Town) ~~(Village)~~ of Wayland.
 5 THE CODE ENFORCEMENT OFFICER shall appoint the Chief Electrical
 6 Section 1 — ~~ELECTRICAL INSPECTOR~~ ^{Inspector} ~~who~~ Inspector, and each of the duly appointed
 7 Inspectors of The New York Board of Fire Underwriters ^{who} are hereby authorized and deputized as agents of
 8 the (City) (Town) ~~(Village)~~ of Wayland to make inspections and reinspections of all elec-
 9 trical installations heretofore and hereafter described, and to approve or disapprove the same. In no event,
 10 however, will the cost or expense of such inspections and reinspections be a charge against the (City) (Town)
 11 ~~(Village)~~ of Wayland.
 12 Section 2 — **DUTIES OF THE ELECTRICAL INSPECTOR.** It shall be the duty of the Inspector
 13 to report in writing to the Code Enforcement/ ^{Officer} whose duty it shall be to enforce all provisions of this
 14 Code, all violations or deviations from or omissions of the electrical provisions of the Building Code appli-
 15 cable to the (City) (Town) ~~(Village)~~ of Wayland and of all local laws, Ordinances
 16 and the Building Code as referred to in this / ^{Regulation} insofar as any of the same apply to electrical wiring.
 17 The Inspector shall make inspections and reinspections of electrical installations in and on properties in the
 18 ~~(City) (Town) (Village)~~ of Wayland upon the written request of an authorized official of
 19 the ~~(City) (Town) (Village)~~ of Wayland or as herein provided. The Inspector is author-
 20 ized to make inspections and reinspections of electrical wiring, installations, devices, appliances and equip-
 21 ment, in or on properties within the (City) (Town) ~~(Village)~~ of Wayland where he deems
 22 it necessary for the protection of life and property. In the event of an emergency it is the duty of the Inspec-
 23 tor to make electrical inspections upon the oral request of an official or officer of the (City) (Town) ~~(Village)~~
 24 ~~(Village)~~ of Wayland .
 25 It shall be the duty of the Inspector to furnish written reports to the proper officials of the (City) (Town)
 26 ~~(Village)~~ of Wayland and owners and/or lessees of property where defective
 27 electrical installations and equipment are found upon inspection. He shall authorize the issuing of a certifi-
 28 cate of compliance when electrical installations and equipment are in conformity with this regulation. He
 29 shall direct that a copy of the certificate of compliance be sent to the (City) (Town) ~~(Village)~~ of
 30 Wayland to the attention of the Code Enforcement Officer.
 31 Section 3 — **VOLATIONS OF THE ^{Local Law} ~~Ordinance~~** It shall be a violation of this ~~Ordinance~~ for any
 32 person, firm or corporation to install or cause to be installed, or to alter electrical wiring for light, heat or
 33 power in or on properties of the (City) (Town) ~~(Village)~~ of Wayland until an application
 34 for inspection has been filed with The New York Board of Fire Underwriters. It shall be a violation of this
 35 ^{regulation} ~~Ordinance~~ for a person, firm or corporation to connect or cause to be connected electrical wiring in or on
 36 properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a tem-
 37 porary certificate, or a certificate of compliance by The New York Board of Fire Underwriters.
 38 Section 4 — This ^{regulation} ~~Ordinance~~ will take effect immediately.

Adopted: September 9, 1985

Stephen R. Rhetler
 Town Clerk

(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. 1 of 19 85
~~County~~
of the ~~City~~ Town of Wayland was duly passed by the Town Board
~~Village~~ (Name of Legislative Body)
on April 8, 19 85 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
City
of the Town of _____ was duly passed by the _____
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.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
City
of the Town of _____ was duly passed by the _____
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 applicable 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
City
of the Town of _____ was duly passed by the _____ on _____
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 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.

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

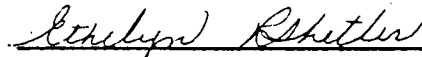
I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such 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 above.



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

Ethelyn Shetler

Date: April 11, 1985

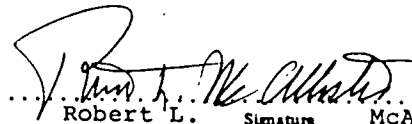
(Seal)

(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 STEUBEN.....

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.



Robert L. McAllister

..... Town Attorney.....
Title

Date: April 11, 1985

County

SNY

Town

Village

of

Wayland

ADDITION TO LOCAL LAW #1-YEAR-1985

UNDER:

Section 4 - Rule B

Adopted: Resolution-Sept. 9, 1985