

LOCAL LAW NO. 2, 1986

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

Section 1. ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of Fenner is hereby designated to administer and enforce the New York State Uniform Fire Prevention and Building Code (Uniform Code) in the Town of Fenner.

Section 2. BUILDING PERMITS

A. No person, firm, corporation, association or other organization shall commence the erection, construction, alteration, improvement, removal, or demolition of any building or structure, except an agricultural building or structure, nor install heating equipment 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 and which are done in conformance with the Uniform Code.

B. Application for a building permit may be obtained from the Office of the Town Clerk. A completed application shall be delivered to the Code Enforcement Officer, and must include:

1. The signature of the applicant or authorized agent.
2. A description of the site on which the proposed work is to be done.
3. A statement of the use of occupancy of all parts of the land and of the proposed building or structure.
4. A brief description of the proposed work.
5. The estimated cost of the proposed work with appropriate substantiation.
6. The full name and address of the owner and the applicant, and if either be a corporation, the names and addresses of responsible officer.
7. One set of plans and specifications for the proposed work.

8. The fee specified in this local law.
9. A statement granting the applicants permission for the Code Enforcement Officer to enter the property and structure thereon as frequently as he deems necessary to inspect the same for the compliance with the Uniform Code.

The applicant may request that the requirement of plans and specifications be waived where the work to be done involves minor alterations or are 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 shall be prominently displayed on the property or premises to which it pertains.

E. 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.

F. 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 (1) the permit has not been revoked or suspended at the time the application for renewal is made, (2) the relevant information in the application is up to date, and (3) the renewal fee is paid.

Section 3. 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. The owner or his agent shall make application for 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 4. INSPECTION

A. 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 agent to inform the Code Enforcement Officer that the work is ready for inspection and to schedule such inspection before the work is enclosed or covered.

B. Existing buildings not subject to inspection under subdivision (a) 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, and the common areas of multiple dwellings - every six (6) months; all buildings or structures open to the general public - every twelve (12) months; all other buildings - every eighteen (18) months. Notwithstanding any requirement of this subdivision to the contrary, no regular, periodic inspections of occupied dwelling units shall be required, however, 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 public health, safety, or welfare.

Section 5. INSPECTORS

A. The inspections required by Section 4 of 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. Such orders shall be served in person upon a responsible party or his authorized agent or by certified mail sent to the address of a responsible party set forth in any application for a permit or in any certificate. 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 subject to inspection under Section 4 may be required by the Code Enforcement Officer to have such inspection performed at his 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 inspection to the Town of Fenner. Any person required by the Code Enforcement Officer to have an inspection performed at his own cost and expense shall not be assessed the fees otherwise prescribed in this local law.

Section 6. FEES

A. Fees for building permits shall be fifty dollars (\$50.00).

B. Other fees shall be as follows:

Certificate of Occupancy	No Charge
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Section 7. PENALTIES

A. A violation of this local law shall be punishable by a fine of three hundred fifty dollars (\$350.00), or imprisonment not to exceed thirty (30) days, or both, and each day such violation continues shall constitute a separate violation.

B. An action or proceeding in the name of the Town of Fenner 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 8. PARTIAL INVALIDITY

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 impair or invalidate the remainder thereof.