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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 MACHIAS
Town
~~Village~~
Local Law No. 1 of the year 19 86

A local law "THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE
UNIFORM FIRE PREVENTION AND (Insert title) BUILDING CODE IN THE TOWN OF
MACHIAS, NEW YORK"

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

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

(see attached)

Section 1. APPLICABILITY

This Local Law shall provide the basic method for administration and enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of Machias, New York, and shall establish powers, duties and responsibilities in connection therewith.

Section 2. ADMINISTRATION

There is hereby designated in the Town of Machias a public official to be known as the Building Inspector, who shall be appointed by the Supervisor with the approval of the Town Board at a compensation to be fixed by it, to administer and enforce the New York State Uniform Fire Prevention and Building Code within the Town of Machias.

Section 3. RULES AND REGULATIONS

A. The Town Board of the Town of Machias shall promulgate rules and regulations to secure the intent and purpose of the Local Law and a proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alterations or repairs.

B. The Town Board of the Town of Machias shall publish all rules and regulations at least thirty (30) days prior to the effective date thereof in a newspaper of general circulation within the Town of Machias.

Section 4. DUTIES OF INSPECTOR

A. Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the inspector shall administer and inspect 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. The inspector shall receive applications for the erection and alteration of buildings and structures or parts thereof and shall examine the premises for which such application has been received, plans approved, or such permits have been issued for the purpose of insuring compliance with the laws, ordinances, rules and regulations governing building construction or alteration.

C. The inspector shall issue in writing to the municipality all appropriate notices or orders to remove all 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 such laws, ordinances, rules and regulations, and such notices or orders which may be served upon the property owner or his agent personally by the Town of Machias 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 place of the premises to which the notice applies. He shall make all inspections which are necessary or proper for the carrying out of his duties.

D. Whenever the same may be appropriate to determine compliance with the provisions of applicable laws, ordinances, rules or regulations covering building construction or alteration, he may in his discretion, accept and rely upon a written report of tests in the field by experienced, professional persons or by an accredited authoritative testing laboratory or service and inspection bureaus or agencies.

E. The Building Inspector may issue a certificate of occupancy where appropriate for a building constructed or altered in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code which such certificate shall certify that the building conforms to the requirements of the State Uniform Code.

Section 5. BUILDING PERMITS

A. No person, firm or corporation shall commence the erection, construction, alteration, enlargement, improvement, conversion, or change in the nature of the occupancy of any building or structure, including mobile home placement, or cause the same to be done, without first obtaining a separate building permit from the Building Inspector for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature; alterations to existing buildings, provided that the alterations;

1. Cost less than \$2,500.00;

2. Do not materially effect structural features;

3. Do not effect fire safety features such as smoke detectors, sprinklers, required fire separations and exists;

4. Do not involve the installation or extension of electrical systems;

5. Do not include the installation of solid fuel burning heating appliances and associated chimneys and flues;

and small non-commercial structures not intended for use by one or more persons as quarters for living, sleeping, eating or cooking, for example, a small storage building.

B. Application for a building permit shall be made to the Building Inspector on forms provided by him and shall contain the following information:

1. A description of the land on which the proposed work is to be done;

2. A statement of the use or occupancy of all parts of the land and the proposed building or structure;

3. The valuation of the proposed work;

4. The signature of the applicant or agent;

5. The full name and address of the owner and of the applicant, and the full names and addresses of their responsible officers if any of them are corporations, and the name and address of the owner's authorized agent, if any;

6. A brief description of the work;

7. Such other information as may reasonably be required by the inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances, rules and regulations.

C. The application shall be made by the owner or by his agent, architect, engineer, or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application, and the affidavit shall contain a statement that the owner authorizes the applicant to permit the inspector to enter upon the premises without a search warrant.

D. Each application for a building permit shall be accompanied by duplicate copies of specifications, including a plot plan drawn to scale, showing location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to

be performed and the materials to be incorporated, distance from lot lines, walks, alleys, and, where required by the inspector, details of structural, mechanical, and electrical work including computations, stress diagrams and other essential data; plans and specifications, when required, shall bear the signature of the person responsible for the design and drawings.

E. Amendments, if any, to the application or the plans or specifications accompanying the same shall be filed with the building inspector and with the Town Clerk of the Town of Machias and approval shall be received from the inspector prior to the commencement of such change of work.

F. The inspector shall examine or cause to be examined all applications for permits and the documents filed therewith. He shall then approve or disapprove the application.

G. Upon approval of the application and upon receipt of the fees therefor, the Building Inspector shall issue a building permit to the applicant upon forms prescribed by him.

H. If the application together with other documents filed therewith describe work which does not conform to all the requirements of the applicable building regulations, the inspector shall disapprove the same. Upon request of the applicant, the inspector shall cause the refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

I. A building permit shall be effective to authorize the commencing of work for a period of six (6) months after the date of its issuance. For good causes the inspector may allow a maximum of two extensions for periods not exceeding three (3) months each. All work shall conform to the approved application, and shall be in accordance with the applicable laws, ordinances, rules and regulations.

J. A building permit shall be prominently displayed on the job site at all times during the progress of the work so as to be readily seen from adjacent thoroughfares.

K. The inspector may revoke a permit in the following instances:

1. Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, or other documents on which the building permit was based;

2. Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;

3. Where he finds that the work performed under the permit is not being prosecuted in accordance with the applicable law and provisions of the application;

4. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the inspector.

Section 6. INSPECTIONS

A. Before issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, alter, enlarge, repair or change the use or nature of occupancy, and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained by the building inspector a record of all such inspections and examinations together with a record of findings of violations of law.

B. Existing building not subject to inspection under subdivision (A) of this section shall be subject to periodic inspections for compliance with the Uniform Code. Such inspections may be made at any reasonable time.

C. If entrance to make an inspection is refused or cannot be obtained the Town Board of the Town of Machias after being notified by the inspector of the situation, may apply for a warrant to make an inspection to any court of competent jurisdiction.

D. The periodic inspections to meet compliance with the above mentioned provisions shall be agreed upon between the Town Board and the Building Inspector.

Section 7. VIOLATIONS

In accordance with Section 383 of Article 18 of the Executive Law of the State of New York:

A. It shall be unlawful for any person firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of law, as well as any rule or regulations promulgated by the Town of Machias in accordance with applicable laws, or fail in any manner to comply with a notice or directive or order of the Town of Machias 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.

B. Any person who shall fail to comply with a written order within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any person taking part or assisting in the construction or use of the building who shall knowingly violate any of the applicable provisions of law, or any lawful order, notice, directive, permit or certificate of the inspector made thereunder shall be punishable by a fine or imprisonment or both. Each week that a violation continues shall be deemed a separate offense.

C. Whenever the Building Inspector finds that there has been a violation of the State Uniform 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 by the Town of Machias or by the Building Inspector.

D. 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.

E. 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.

F. 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, legal action may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violations of any provision of the State Uniform Code or this Local Law, or any rule or regulation promulgated hereunder.

Section 8. PENALTIES

A. Failure to comply with any provision of the New York State Uniform Fire Prevention and Building Code, this Local Law, rules or 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 of not less than ONE HUNDRED (\$100.00) DOLLARS or imprisonment not to exceed fifteen (15) days, or both, and each week such violation continues shall constitute a separate violation.

B. An action or proceeding in the name of the Town of Machias may be

commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this Local Law, any rules or regulations 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.

C. Except as otherwise provided by law, such violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person found guilty of such an offense.

Section 9. RIGHT OF ENTRY

The inspector, upon showing proper credentials and in discharge of his duties, shall be permitted to enter upon any building, structure or premises without interference, during reasonable working hours.

Section 10. FEES

A. Any duly appointed inspector who is hereby authorized by the Town Board of the Town of Machias to make inspections and reinspections of all buildings and structures under construction, subject to the provisions of the New York State Fire Prevention and Building Code, and to approve and disapprove the same, will do so at no cost or expense to the Town of Machias.

B. A copy of the fee schedule will be kept on file with the Town Clerk and a copy will be part of the application package.

C. When applicable the cost for professional engineers approval will be assumed by the applicant.

D. In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of fifty (50%) percent of the fee paid, provided no work has commenced. If work has been started and the application is not approved the fees paid shall not be refunded.

E. The cost estimate for all existing buildings or structures subject to periodic fire prevention inspections will be reviewed with the Town Board of the Town of Machias on an annual basis.

F. Payment schedule for the fees addressed above can be remitted quarterly, semi-annually, or annually as agreed upon.

Section 11. STOP ORDERS

Whenever the inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provision of the applicable building laws or ordinances, rules or regulations, or not in conformity with the provisions of an application, or in an unsafe or dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work and to suspend all building activities until the stop order has been rescinded. Such order and notice shall appear in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for the permission for the construction of such building.

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 Building Inspector.

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 thirty (30) days after the completion of the alteration or work unless a certificate of occupancy shall have been issued.

C. No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.

D. The owner or his agent shall make application for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the municipality an affidavit of the registered architect or licensed professional engineer who supervised the construction of the work, or of the superintendent of construction who supervised the construction and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, that the structure has been erected in accordance with the approved plans and as erected complies with the law governing building construction or has a variance which has been legally authorized. Such variances and qualifying conditions imposed therewith, if any, shall be specified in the affidavit.

E. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable laws, ordinances, rules or regulations, and also in accordance with the application, the Building Inspector shall issue a certificate of occupancy upon forms provided by him, if it is found that the proposed work has not been properly completed, the Building Inspector shall not issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

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

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

H. Upon request, the Building Inspector 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 portions as have been completed may be occupied safely without endangering life or the public health and welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three (3) months from its date of issuance. For good causes a Building Inspector may allow a maximum of two extensions for a period not exceeding three (3) months each.

Section 13. REVIEW BOARD

A. A regional Board of Review for the New York State Uniform Fire Prevention and Building Code has been established pursuant to Title 19, Part 440 of the New York Code of Rules and Regulations for the purpose of granting variances where enforcement of any provision or requirement of the New York State Uniform Fire Prevention and Building Code results in practical difficulties or unnecessary hardships. Any such variations shall be consistent with the spirit of the Code and shall not be inconsistent with Subdivision 2, Section 391 of the Executive Law.

B. The composition and the powers and duties of the Board of Review shall be as set forth in Part 440 of Title 19 of the New York Code of Rules and Regulations, a copy of which and any amendments thereto shall

be on file in the office of the Town Clerk.

Section 14. EFFECTIVE DATE

This Local Law shall take effect immediately upon the filing thereof in the office of the Secretary of State of the State of New York.

(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 1986..
County
City
of the Town of Machias..... was duly passed by theTown Board.....
Town (Name of Legislative Body)
Village
on August 18, 1986 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
Town (Name of Legislative Body)
Village
on 19..... not disapproved and was approved by the
Elective Chief Executive Officer *
repassed after disapproval
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
Town (Name of Legislative Body)
Village
on 19..... not disapproved and was approved by the
Elective Chief Executive Officer *
repassed after disapproval
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
City
of the Town of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... not disapproved and was approved by the on
Elective Chief Executive Officer *
repassed after disapproval
..... 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.)

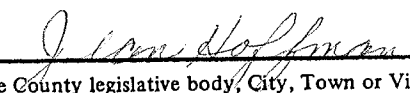
I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
of the City of..... having been submitted to referendum pursuant to the
provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority
of the qualified electors of such city voting thereon at the special 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 Muni-
cipal 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
Deputy Town Clerk

Date: August 26, 1986

(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 OFCATTARAUGUS.....

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

..... Town Attorney

Title

Date: August 26, 1986

*County
City of Machias.....
Town
Village