

LOCAL LAW NO. 2 OF THE YEAR 1984

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

Be it enacted by the Town Board of the Town of Cohocton as follows:

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 York State Fire Prevention and Building Code (hereinafter Code).

Date: February 4, 1985

in the case of his inability with the consent of the enforcement Officer and w.

Dear Sir/Madam:

Please be advised that Local Law(s) No. 2 and 3 of 1984 of the Town of Cohocton was/were received and filed on 12/18/84

Additional forms for filing local laws with this office will be forwarded upon request.

NYS Department of State
Bureau of State Records

activity inconsistent with during the term of his iness, in the furnishing n of, the construction, eparation of plans or ision shall not prohibit ith the construction of d occupancy or for the constructed for sale.

383602-004 (12/82)

DUTIES AND POWERS OF CODE ENFORCEMENT OFFICER

(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 the 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 monthly, 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.

VIOLATIONS

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 10.

FEES

In connection with enforcement of the Code and this Local Law, fees shall be payable as per the schedule of fees set forth in the rules and regulations as from time to time promulgated by the Code Enforcement Officer and approved by the Town Board.

SECTION 11.

APPEALS

(A) There is hereby created within the Town of Cohocton a board of appeals, consisting of not less than three (3) members who shall be appointed by the Town Board and whose terms of appointment shall be determined and fixed by the Town Board, which shall be known and cited as the Town of Cohocton Fire and Building Code Board of Appeals.

(B) Any owner or authorized representative of buildings or premises affected by the Code or this Local Law may appeal, within thirty (30) days to the Town of Cohocton Fire and Building Code Board of Appeals, the following actions:

(1) A determination of the Code Enforcement Officer of a violation of the Code or this Local Law;

(2) The application of the Code where a practical difficulty or unnecessary hardship may result.

(C) Within thirty (30) days of the conclusion of any hearings held or evidence submitted upon application submitted to the Town of Cohocton Fire and Building Code Board of Appeals for review, a notice of determination shall be made, in writing, and submitted to such applicant.

(D) Within thirty (30) days of notice of the determination of the Town of Cohocton Fire and Building Code Board of Appeals of any such appeal, such owner may appeal such determination to the New York State Regional Board of Review.

SECTION 12.

DISCLAIMER

Despite the presence of this Local Law and the Code, hazards from fire and inadequate building construction may occur. The adoption of this Local Law shall not be deemed to provide Town residents absolute protection from injury, loss of property, or loss of life as a result of fire or an accident resulting from inadequate building construction.

SECTION 13.

MISCELLANEOUS

(a) All rules and regulations, as from time to time promulgated, including any and all fees required to be paid, in connection with the Code and this Local Law shall be in writing and kept on file in the Office of the Clerk of the Town.

(b) Any and all of the rules and regulations in connection with the administration and enforcement of the Code and this Local Law, including all fees required to be paid, may be modified, amended, changed, repealed, deleted or added to by resolution of the Town Board at a regular or special meeting of said Town Board, at which a

quorum shall be present, provided, however, that no such modification, amendment, change, repeal, deletion or addition to said rules and regulations shall be effective until said amendment be filed and a notice of the same be conspicuously posted in the Office of the Clerk of Town of Cohocton.

(c) Whenever in this Local Law reference be made to the masculine or the singular, the same shall apply with equal effect to the feminine and plural in each case applicable.

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.

(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~~
~~City~~ of Cohocton was duly passed by the Town Board
~~Town~~ (Name of Legislative Body)
~~Village~~
on November 14 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
City
of the Town of was duly passed by the
Village (Name of Legislative Body)
on 19..... and was approved not disapproved 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..... and was approved not disapproved 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.

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..... and was approved not disapproved 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.

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

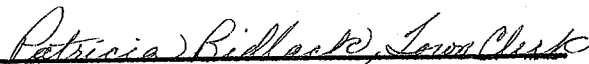
I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of ^{§ 36} § 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} general election held on 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 1 above.


~~XX~~
~~XX~~
 Patricia Bidlack, Clerk

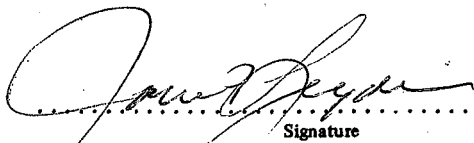
Date: November 16, 1984

(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 OFSTEUBEN.....

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

 Attorney
 Title

Date: November 16, 1984

County
 City of Cohocton
 Town
 Village