

1984-1

(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 Enfield  
Town  
~~Village~~

Local Law No. 1 of the year 19 84

A local law Uniform Fire Prevention and Building Code Administration and Enforcement  
(Insert title)

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

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

SECTION I - TITLE

This Local Law shall be known as the Town of Enfield Uniform Fire Prevention and Building Code Administration and Enforcement law.

SECTION II - PURPOSE

The purpose of this Local Law is to establish and provide for the administration and enforcement procedure in the Town of Enfield applicable to the New York State Uniform Fire Prevention and Building Code.

SECTION III - ADMINISTRATION AND ENFORCEMENT

A. Building Permits

1. No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure or any part thereof when such activity is an activity subject to the New York State Uniform Fire Prevention and Building Code in the Town of Enfield or the use of any building, structure, property, site or part thereof in the Town of Enfield, without having first obtained a Building Permit therefor from the Town of Enfield.

2. Application for a Building Permit shall be made to the Town Clerk. Applicants shall provide such information as shall be required by the application form together with such other and further information as the authorized inspector shall reasonably require from time to time. Applicants shall be the owner(s) of the premises or any other person, firm, corporation, association or organization authorized to apply by the owner(s) of the subject premises.

B. Inspections

1. To ensure that a building or structure complies with the applicable provisions of the State Fire Prevention and Building Code, all work for which a Building Permit has been issued shall be inspected for approval prior to enclosing

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

or covering any portion thereof upon completion of each stage of construction including, but not limited to, excavation, foundation, superstructure, electrical, plumbing, and heating and air conditioning. Every such building, property, and all such work, shall, in addition, be inspected upon final completion. Inspections pursuant to this paragraph shall be a condition precedent to the issuance of a Certificate of Compliance. The term inspection includes reinspection(s) when work does not meet approval on first inspection.

2. All buildings, structures and premises within the Town of Enfield to which the State Fire Prevention and Building Code applies shall be periodically inspected for compliance with the provisions of such Code as they apply to fire prevention and safety, except that periodic inspections of owner-occupied one and two family dwellings shall not be required by this law. However, nothing contained herein shall be a limitation on inspections conducted at the invitation of the owner or occupant or a limitation on the enforcement of this Law or the State Fire Prevention and Building Code and inspections where conditions on the premises threaten or present a hazard to public health, safety or welfare.

3. The authorized inspectors of the Town of Enfield shall have the power to order in writing the remedying of any condition found to exist in, on, or about any building, structure or premises in violation of the State Fire Prevention and Building Code and the time period within which such condition must be remedied. Such orders may be served upon the owner or his authorized agent personally or by registered mail, return receipt requested, sent to the address set forth in the application for any permit submitted to the Town of Enfield or the owner's or agent's last known address or if not known, to the address used for the mailing of annual town tax bills.

4. It shall be the responsibility of the owner, applicant or his agent to inform the authorized inspectors that the work is ready for each required inspection under this law and to schedule such inspection.

5. The authorized inspectors of the Town of Enfield, or their authorized representatives, shall have the right of entry, at all reasonable hours, to any building, structure or site where work or activity is contemplated or being done under the provisions of this law, or to any building or site alleged to be a fire hazard or otherwise unsafe to life or health, upon the exhibition of proper evidence of authority; and interference with such authorized entry in official capacity, shall be punishable as a violation of this law.

6. All other provisions of this section notwithstanding, inspections of the buildings, structures and premises belonging to the State or Federal Governments, or any agency thereof, public institutions, or public educational institutions, shall continue to be made in the same manner and shall be conducted by the same personnel as has been the case prior to the adoption of this Local Law.

C. Code Enforcement Officers and Special Inspectors

1. The Town of Enfield shall appoint one or more Code Enforcement Officers, or Assistant Code Enforcement Officers as the need shall appear, to perform the administration and enforcement of the State Fire Prevention and Building Code as provided in this Law in acting upon applications for building permits and performance of all inspections required under this Law.

2. The Town of Enfield by its Code Enforcement Officers, shall have the right, as the need shall appear, to appoint for the purpose of individual inspections, one or more plumbing and/or electrical inspectors, including, but not limited to, inspectors of the New York Board of Fire Underwriters, to perform inspections of plumbing and electrical work within the jurisdiction of the State Fire Prevention and Building Code and this law. Such inspectors shall be known as special inspectors. The cost of such inspections shall be solely borne by the applicant for a permit under this law or the property owner for whom such inspection is required.

3. Code Enforcement Officers and Special Inspectors shall be authorized inspectors for purposes of this law.

D. Fees

1. Fees for a Building Permit as provided in the Law shall be \$20.00. Such fee may be increased not more frequently than annually by the Town Board effective 30 days after posting and publication in the same manner as a Town Ordinance.

2. In addition to the Building Permit fee, the applicant shall be solely responsible for the cost of any inspections performed by any Special Inspectors who are not in the employ of the Town of Enfield and who are appointed by the Town of Enfield pursuant to Section III.C.2 of this Law.

E. Certificate of Compliance

1. At the time a Building Permit is issued, an application shall be made for a Certificate of Compliance. The Certificate must be issued upon completion of all work done in conformance with the provisions of the State Fire Prevention and Building Code and this Law.

2. It is unlawful to use or occupy or permit the use or occupancy of any building, structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued therefor by the Code Enforcement Officer stating that the proposed use of the building, structure, or premises conforms to the requirements of Town of Enfield, this Law and the State Fire Prevention and Building Code and that the proposed work has been completed in compliance with the State Fire Prevention and Building Code and this Law.

3. A temporary Certificate of Compliance may be issued by the Code Enforcement Officer for a period not exceeding six months during alterations or partial occupancy of a building or structure or use of premises pending its completion, provided that such temporary Certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. In his discretion, the Code Enforcement Officer may also condition such temporary certificate upon a performance guarantee, whether by bond or cash deposit, that all improvements to be made by the applicant in compliance with the State Fire Prevention and Building Code and this Law will be made. However, no such performance guarantee shall be construed to prevent the applicant from canceling or reducing the scope of his construction or alterations providing the State Fire Prevention and Building Code and this Law are nonetheless complied with and the work which is actually to be performed is done within the period allotted by the temporary certificate. The Code Enforcement Officer may also grant extensions of such temporary certificate of compliance on good cause shown.

F. Violations

1. Any person, firm, corporation, or other party knowingly violating any provision of this Law, the State Fire Prevention and Building Code, or any lawful order of the Code Enforcement Officer is deemed guilty of an offense upon conviction and is subject to a fine not exceeding \$250.00 and/or 15 days imprisonment. In addition, a violation of this Law constitutes a violation under the Penal Law of the State of New York. Each day that a violation continues shall be deemed a separate offense.

2. The Code Enforcement Officer is empowered to issue appearance tickets for any violations of this law or the State Fire Prevention and Building Code.

3. Jurisdiction of any such violation shall be in the Town Justice Court of the Town of Enfield.

4. In addition to other remedies, the Town of Enfield may institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration, use or compel correction or removal of any building, structure or premises in violation of the requirements of the State Fire Prevention and Building Code and this Law or a lawful order of the Code Enforcement Officer.

SECTION IV - APPEALS

A. Board of Appeals

1. The Town Board of the Town of Enfield is designated the Board of Appeals to determine any grievance, complaint or denial of a Building Permit or Certificate of Compliance, or appeal of any decision of the Code Enforcement Officer under this Law. The Town Supervisor shall preside over all hearings. The Board of Appeals shall not determine violations issued pursuant to Section III.F of this Law.

B. Procedure

1. Any party desiring to appeal to the Board of Appeals any matter as provided in Section IV.A.1 shall file his appeal on form provided for such purpose by the Town Clerk within 30 days of such decision of the Code Enforcement Officer or denial of a permit requiring review. The time to file an appeal may be waived by the Board of Appeals on good cause shown to the Board of Appeals.

2. The Board of Appeals by a quorum consisting of a majority of its members shall hear such appeal within 30 days of the filing of the same. Adjournments of the hearing may be granted only on good cause shown to the Board of Appeals or on its own motion.

3. The Board of Appeals shall issue its decision within three days from the close of hearing in writing by mailing a copy of the decision to the appellant at the address set forth in the form filed for appeal.

4. The Board of Appeals may adopt such other procedures for the conduct of appeals as it deems necessary and useful providing the same are not inconsistent with this Law or any other applicable law, and are filed with the Town Clerk.

SECTION V - MISCELLANEOUS

A. Minimum Requirements

1. The provisions of this Law are intended to be the minimum requirements necessary to accomplish the purpose of the Law and must be interpreted and applied accordingly. When requirements of this Law conflict with the requirement of other lawfully developed rules, regulations, or Law, the most restrictive or that imposing higher standards shall take precedence.

B. Severability

1. The invalidity of any Section or provision of this Law does not invalidate any other Section or provision thereof.

C. Repealer

1. All Laws and parts of Laws which are inconsistent with the provisions of this Law are hereby repealed.

D. Effective Date

1. The Law shall be effective immediately.

(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 1984  
County  
of the City of Enfield was duly passed by the Enfield Town Board  
Town (Name of Legislative Body)  
Village  
on September 5, 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 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  
of the City of ..... was duly passed by the .....  
Town (Name of Legislative Body)  
Village  
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  
of the City of ..... was duly passed by the ..... on  
Town (Name of Legislative Body)  
Village  
..... 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 ..... above.

Shirley M. Holcomb  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: February 6, 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 TOMPKINS

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.

Shirley K. Egan  
Signature  
Town Attorney  
Title

Date: February 6, 1985

County  
City of Enfield  
Town  
Village