

**LOCAL LAW 3 OF 2006
COUNTY OF WASHINGTON, NEW YORK**

**By Supervisors Banks, Hall, Gallinari, Rymph, Shay, Clark, Alexander
A LOCAL LAW Superceding Local Law No. 1 of 2003 as Amended and Authorizing County
Administration of the New York State Uniform Fire Prevention & Building Code**

BE IT ENACTED by the Board of Supervisors of the County of Washington as follows:

SECTION ONE: Local Law No. 1 of 2003 as amended is hereby rescinded. However, the continuity of enforcement pursuant to that law and the enactment of this law is hereby specifically retained. All actions taken and permits issued pursuant to Local Law No. 1 of 1984 and Local Law No. 1 of 2003 as previously amended are hereby given full force and effect under this law.

SECTION TWO: The Board of Supervisors of Washington County pursuant to Executive Law Sect 381 (2) hereby states its intent to enforce the provisions of the **New York State Uniform Fire Prevention & Building Code** as provided in New York State statute and as provided herein.

SECTION THREE: This local law is hereby enacted pursuant to the home rule authority granted to the County under Article 10 of the New York State Municipal Home Rule Law.

SECTION FOUR: This local law provides the method for administration and enforcement of the **New York State Uniform Fire Prevention & Building Code** in the County of Washington and shall establish the powers, duties and responsibilities of the County and its officials hereunder.

SECTION FIVE:

5.1 All new construction, alterations, improvements, removal or demolition of any building or structure shall be in compliance with the latest enactment of the **New York State Uniform Fire Prevention & Building Code** as provided by the State of New York and in compliance with the provisions of this local law as contained herein.

SECTION SIX: The Department of Code Enforcement

6.1 The Board of Supervisors of the County of Washington (herein after "Board of Supervisors") hereby establishes the Department of Code Enforcement to administer and enforce the **New York State Uniform Fire Prevention & Building Code** (hereinafter "the Code") within those municipalities in Washington County which have elected to not enforce the Code.

6.2 The Positions of Administrator and Code Enforcement Officer are hereby established and/or continued to staff the Department of Code Enforcement.

6.3 The Administrator shall be appointed by resolution of the Board of Supervisors. Code Enforcement Officers shall be appointed according to the provisions of State and local Civil Service laws and regulations.

6.4 All Code Enforcement Officers shall complete a State prescribed minimum course of training program on the Code within a specified time period as determined by state law and regulation.

SECTION SEVEN: STAFF DUTIES

7.1 The Administrator shall be an official of the County of Washington and shall supervise and administer the Department of Code Enforcement.

7.2 The Code Enforcement Officer(s) shall:

(a) except as otherwise specifically provided by law, or except as herein otherwise provided, administer and enforce all of the provisions of the Code applicable to the plans, specifications, or permits for the construction, alteration and repair of buildings and structures, the installation and use of materials and equipment therein, and the location, use and occupancy thereof in regard to building construction specifications and fire prevention requirements.

(b) 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.

(c) issue in writing all appropriate notices or orders, including STOP 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.

(d) make all building construction and fire prevention inspections which are necessary and proper for the carrying out of duties as required by the Code.

(e) issue a certificate of occupancy (CO) where appropriate for a building constructed or altered in accordance with the provisions of the Code which shall certify that the building conforms to the requirements of the Code.

(f) perform such other duties as directed by the Departmental Administrator

SECTION EIGHT: BUILDING PERMITS

8.1 No person, firm, corporation, association, or other organization shall commence the erection, construction, alteration, improvement, removal, or demolition of any building or structure, except agricultural buildings or structures, or the installation of heating equipment without having applied for and obtained a Building Permit from the Department of Code Enforcement. At the request of the applicant, Building Permit requirements may be waived where the work to be done involves minor interior or exterior alterations.

8.2 Applications for Building Permits shall be available through local Town/Village Clerks Officers of municipalities that have passed local laws, properly filed with the New York State Department of State to transfer local administration and enforcement of the Code. Building Permit applications shall also be available directly from the County Department of Code Enforcement.

8.3 Applications for Building Permits shall be delivered in person or sent directly to the County Department of Code Enforcement for review and processing.

8.4 The Building Permit Application shall contain at a minimum:

(a) the requisite number of copies of certified plan specifications and maps;

- (b) the signature of the applicant or authorized agent;
- (c) the work site;
- (d) a statement of the use or occupancy of all parts of the land and of the proposed buildings or structures;
- (e) a brief description of the proposed work, including plans and specifications;
- (f) the estimated cost of the proposed work;
- (g) the name and address of the owner and applicant, and if a corporation, the name(s) and address(es) of the responsible officers.

8.5 The applicant shall provide the Department a completed Local Regulation Compliance Certificate at the time of Permit submission. The Local Regulation Compliance Certificate shall have the signature of both the applicant and chief elected official, or his designee, of the local municipality. A building permit shall not be issued until a completed Local Regulation Compliance Certificate is received by the Department.

8.6 On site sewage disposal systems:

For building permit projects involving the placement of a new on site sewage disposal system, applicants shall submit either an application for approval, or proof of previous approval, for such system in accordance with applicable provisions of Washington County Local Law No. 1 of 1988 and its amendments. Such submittals shall be made at the time of application for the Building Permit.

8.7(a) The Department of Code Enforcement shall examine, or cause to be examined, Building Permit applications and plans, specifications and documents filed therewith. The application shall be approved or disapproved within sixty (60) days from the date of submission of the completed application.

(b) Upon approval of the application and upon receipt of the required fees, a Building Permit shall be issued to the applicant in the form prescribed by the Department of Code Enforcement.

(c) Upon approval of the application, the plans and specifications shall be endorsed a seal or other marking of the department signifying approval of the same. One set of endorsed materials shall be retained in the files of the Department of Code Enforcement and the other set(s) shall be returned to the applicant together with the Building Permit and shall be kept by the applicant at the building site open to inspection by the Administrator or Code Enforcement Officer at all reasonable times.

(d) If the application together with plans, specifications and other documents filed therewith describe proposed work which does not conform to the requirements of the applicable building code or local laws and regulations, the Department of Code Enforcement shall disapprove the same and shall return the plans and supporting materials to the applicant. Upon request of the applicant, the Department of Code Enforcement shall cause such refusal, together with the reasons therefore, to be transmitted to the applicant in writing.

8.8 The Building Permit issued pursuant to this local law shall, at a minimum, contain:

- (a) the address of the proposed construction or structural alteration activity.
- (b) the activity for which the permit is issued;
- (c) the date of permit issuance;
- (d) any conditions relevant or required as part of the issuance;
- (e) the signature of the issuing Code Enforcement Officer

8.9 The Department of Code Enforcement may revoke a Building Permit previously issued in the

following instances:

- (a) where it is found that there was any false statement or misrepresentation as to a material fact in the application or supporting materials on which the Building Permit was issued;
- (b) where it is found that the Building Permit was issued in error and should not have been issued in accordance with the applicable provisions of the Code;
- (c) where it is found that the work performed under the permit is not being completed in accordance with the provisions of the application, plans, specifications as approved or in compliance with the Code;
- (d) where the person to whom a Building Permit was issued fails or refuses to comply with a STOP order issued by the Department of Code Enforcement
- (e) where the local compliance certificate is withdrawn by the issuing municipality.

8.10 A Building Permit shall expire one year from the date of issuance or upon the issuance of a Certificate of Occupancy, whichever occurs first. A Building Permit may, upon written request to the Department of Code Enforcement, be renewed for successive one year periods provided that the permit was not revoked or suspended at the time application for renewal is made. Information in the application for renewal must be current for an extension to be issued.

SECTION NINE: INSPECTIONS

9.1 All dwellings, structures and uses regulated under the State Uniform Fire Prevention & Building Code, including but not limited to those buildings and structures for which a Building Permit has been obtained, shall be subject to inspection for compliance with building construction and fire prevention provisions of the Code.

9.2 Except as otherwise required by the Code, no regular or periodic inspections of occupied dwelling units shall be required. This shall not, however, be a limitation on inspections conducted at the invitation of the occupant, or by an affected property owner, where conditions on the premises are shown to threaten or present a hazard to public health, safety or welfare.

9.3 Access to buildings and premises by the Department of Code Enforcement to conduct inspections shall be made only after reasonable prior notice is given to the owner or authorized representative.

9.4 If entrance for inspection is refused, or cannot be obtained, the Department of Code Enforcement may apply for a warrant for such inspection from a court of competent jurisdiction.

9.5 Building Construction Inspections are the responsibility of the Building Permit applicant and shall be arranged through the Department of Code Enforcement

9.6 Required Fire Prevention Inspections shall be conducted by the Department of Code Enforcement to ensure compliance with the fire prevention provisions of the Code.

SECTION TEN: CERTIFICATE OF OCCUPANCY

10.1 The Department of Code Enforcement, upon determination that a dwelling or structure undergoing construction or alteration has complied with the provisions of the Code, shall issue a Certificate of Occupancy. No occupancy or use of a dwelling or structure is allowed without a Certificate of Occupancy.

10.1.1 A Certificate of Occupancy shall not be issued until a second completed Local Regulation Compliance Certificate, indicating that the project has complied with all local rules and regulations, is received by the Department. The Local Regulation Compliance Certificate shall have the signature of both the applicant and chief elected official, or his designee, of the local municipality.

10.2 The Certificate of Occupancy issued pursuant to this local law shall, at a minimum, contain:

- (a) the address of the dwelling or structure inspected;
- (b) the use for which the Certificate of Occupancy is issued;
- (c) the date the dwelling or structure was inspected and the date the Building Permit was issued;
- (d) any conditions relevant or required as part of the issuance;
- (e) the signature of the issuing Code Enforcement Officer

10.3 Upon request from the owner, applicant or his agent, the Department of Code Enforcement may issue a Temporary Certificate of Occupancy for a building or structure, or part thereof, before the entire work covered by the Building Permit is completed. Each portion or portions completed must be capable of safe occupancy without endangering life or the public health and welfare. A Temporary Certificate of Occupancy shall remain in effect and be valid until the expiration of the Building Permit. For good cause, the Department of Code Enforcement may issue a renewal of the Temporary Certificate of Occupancy upon the renewal of the Building Permit.

SECTION ELEVEN: ENFORCEMENT

11.1 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 the New York State Uniform Fire Prevention & Building Code or this County Law as may be amended from time to time, as well as any regulation or rule promulgated by the Department of Code Enforcement or the State of New York in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the Department of Code Enforcement, 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 issued pursuant to this local law. In the event of a violation and the failure to comply, neither a Building Permit nor a Certificate of Occupancy shall be issued. If a Certificate of Occupancy was previously issued and thereafter a violation is found, the Certificate shall be revoked unless said violation is remedied.

11.2 Whenever the Department of Code Enforcement has reasonable ground to believe that work on any building or structure is being done in violation of the applicable provisions of the code, or not in conformity with the provisions of the applicable plans, specifications on the basis of which a Building Permit was issued or in an unsafe and dangerous manner, the owner of the property or the owner's agent, shall be notified in the form of a STOP order, to stop all work. Such persons shall forthwith stop such work and suspend all building activities until the STOP order is rescinded. Such order and notice shall be in writing and shall state the conditions under which the work may be resumed. It may be served upon a person to whom it is directed either by delivery in person or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the order by certified mail to the address set forth in the Building Permit application if such application shall have been made.

11.3 Any person who shall fail to comply with a written order of the Department of Code Enforcement within the time fixed for compliance, and any owner, builder, architect, tenant, contractor,

subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of the law, or any lawful order, notice, permit or certificate of the Department of Code Enforcement shall be subject to a fine and/or penalty consistent with the provisions of Article 18 of the Executive Law of the State of New York.

SECTION 12: APPEALS

12.1 Any owner, or authorized representative, of buildings or premises affected by the State Uniform Fire Prevention and Building Code or this law, may appeal to the appropriate New York State Regional Board of Review the following actions:

- (a) the application of the code where practical difficulties or unnecessary hardship may result;
- (b) any order or determination, or the failure within a reasonable time to make such order or determination, by an administrative official charged with the enforcement, or purporting to enforce, the Code;

12.2 An appeal to the Regional Board of Review shall be in writing, on forms prescribe by the Secretary of State of the State of New York, and be accompanied by the necessary fees as determined by the State.

SECTION THIRTEEN: FEES

13.1 Building Permit application fees, inspection fees and other related fees shall be established by resolution of the Board of Supervisors.

SECTION FOURTEEN: SEVERABILITY

14.1 The invalidity or invalid application of one provision of this local law shall not affect the validity of any other provision, or any other application of any provision of this local law.

SECTION FIFTEEN: EFFECTIVE DATE:

15.1 This local law shall be effective upon its filing with the Secretary of State of the State of New York.