

LOCAL LAW NUMBER 1 OF 2006

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

SECTION I INTRODUCTORY PROVISIONS

1.1 Enactment.

The Town Board of the Town of Richford, Tioga County, New York, does hereby enact the Town of Richford Uniform Code pursuant to the authority and provisions of Section 10 of Article 2 of the Municipal Home Rule Law and all other applicable laws. This Local Law repeals Local Law #2 of 1995.

1.2 Title.

This local law shall be known as the "Town of Richford Uniform Code".

1.3 Intent and purpose.

The purpose of this law is to protect the public health, welfare and safety of the residents of the Town of Richford, to preserve a clean, wholesome, and attractive environment in the Town, and to encourage the use or reuse of legally existing buildings and structures, by providing for the enforcement and administration of the New York State Uniform Fire Prevention and Building Code (hereinafter referred to as the Uniform Code) in the Town of Richford.

SECTION II CODE ENFORCEMENT OFFICIAL

2.1 Code Enforcement Official.

There is hereby designated in the Town of Richford a public official known as the Code Enforcement Official. The Code Enforcement Official will be appointed by the Town Board at a compensation to be fixed and adjusted from time to time by the Town Board.

In the absence of the Code Enforcement Official, or in the case of his or her inability to act for any reason, the Town Board shall appoint a person to act on behalf of the Code Enforcement Official and to exercise all of the powers conferred upon him or her by this Local Law.

The Town Board may appoint one or more inspector(s) as the need may arise, to act under the supervision and direction of the Code Enforcement Official and to exercise any portion of the powers and duties of the Code Enforcement Official as directed by him or her, at a compensation to be fixed and adjusted from time to time by the Town Board.

2.2 Code Enforcement Official's Duties and Powers

2.2.1 Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Code Enforcement Official shall administer and enforce all the provisions of the New York State Uniform Fire Prevention and Building Code and the provisions of all laws, local laws, ordinances, and regulations applicable to plans, specifications, or permits for the construction, erection, alteration, repair, removal

and/or demolition of buildings and structures, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof, including:

- a. Receiving building permit applications, reviewing plans and specifications and conducting inspections;
- b. Issuing permits for the construction, erection, alteration, removal, relocation, addition, repair, and/or demolition of buildings or structures or parts thereof and issuing certificates of occupancy.
- c. Issuing 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 laws, ordinances and regulations.
- d. Collecting fees as set forth by the Town Board and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Town Board.

2.2.2 The Code Enforcement Official shall issue 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 laws, ordinance, and regulations. He or she shall make all inspections necessary or proper for the carrying out of his or her duties, except that he or she may accept written reports of inspection from Code Enforcement Officials or other authorized employees of the Town or from generally recognized and authoritative service and inspection bureaus, provided they are certified by a responsible official thereof.

2.2.3 The Code Enforcement Official shall have the power to recommend to the Board the adoption of rules to secure the intent and purposes of the Local Law and a proper enforcement of the laws, ordinances and regulations governing building construction.

2.2.4 The Code Enforcement Official may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus by agencies whenever necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction. Such services will be paid in full by the applicant.

2.2.5 The Code Enforcement Official is authorized to pursue administrative actions and in consultation with the Town Attorney, legal action as necessary to remedy conditions not in compliance with the Uniform Code, and the laws, rules and regulations of the Town of Richford or the State of New York.

2.2.6 The Code Enforcement Official and his/her agent shall perform in a professional and confidential manner only those duties set forth in the law. The Code Enforcement Official or agent shall respond within one (1) week to any application for a permit, counsel applicants where necessary to comply with this law, provide applicants with a copy of this law if requested, assist in necessary research for compliance with the specifications of this law, and seek specialized help provided by the State of New York.

2.3 Conflict of Interest

The Code Enforcement Official or agent directly involved in code enforcement shall not engage in any activity inconsistent with their duties.

During the term of his or her employment, the Code Enforcement Official shall not be engaged directly or indirectly in any building business, in the furnishing of labor, materials, supplies, or appliances for or the supervision of, the construction, alteration, demolition or maintenance of a building or preparation of plans or specifications thereof within the Town of Richford.

This provision shall not prohibit any employee from engaging in any such activities in connection with the construction of building or structure owned by them for their own personal use and occupancy or for the use and occupancy of members of their immediate family, and not constructed for sale,

2.4 Records and Reports

2.4.1 The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by him or her, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, notices and orders issued.

2.4.2 All such reports shall be public information, open to public inspection during normal business hours. All plans and records pertaining to the buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period required by State Law and regulation.

2.4.3 The Code Enforcement Official shall submit monthly reports and an annual written report of all business conducted to the Town Board.

2.4.4 Upon leaving office, the Code Enforcement Official shall inventory all records and materials in his or her possession and deliver all such records and materials to the Town Clerk (or to the Town Board appointed successor Code Enforcement Official) within two (2) weeks of leaving office.

SECTION III PERMITS

3.1 Required Permits

Except as hereinafter provided, no person, firm, corporation, association, partnership or other entity shall commence the excavation, erection, construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure, including manufactured homes and agricultural buildings, or any portion thereof, or install a solid fuel burning heating apparatus, equipment, chimney or flue in any dwelling unit, or cause the same to be done, without first having obtained a building permit from the Code Enforcement Official for each such building or structure.

3.2 Exemptions

No permit shall be required for:

1. Necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical, or heating/ventilation systems
2. The construction or installation of residential storage sheds and other small non-commercial structures and/or storage facilities of less than 144 (one hundred forty-four) square feet of gross floor area which are not intended for use by one or more persons as quarters for living, sleeping, eating or cooking. Such work shall nevertheless be done in conformance with the Uniform Code.

3. Alterations to existing buildings, providing that the alterations:

- a. Cost less than \$10,000;
- b. Do not materially affect structural features;
- c. Do not convert open to enclosed spaces
- d. Do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;
- e. Do not involve the installation or extension of electrical, plumbing, or heating/ventilation systems; and
- f. Do not involve the installation of solid fuel-burning heating appliances and associated chimneys or flues.

3.3 Permit application process

3.3.1 The application for a building permit and its accompanying documents shall contain sufficient information to permit a determination that the intended work is in accord with the requirements of the Uniform Code.

3.3.2 The form of the permit and application therefore shall be prescribed by the Code Enforcement Official or by resolution of the Town Board. The application shall be signed by the owner of the building or work (or his/her authorized agent) and shall contain at least the following:

- a. The full name and address of the owner and if by a corporation, the names and addresses of the responsible officials;
- b. Identification and/or description of the land on which the work is to be performed, including 1) a tax map number, 2) a copy of the tax map; 3) a legible plot plan, i.e.; a map or survey of the property with the location of the building indicated;
- c. Description of use or occupancy of the land and existing or proposed building;
- d. Description of the proposed work;
- e. Estimated cost of the proposed work;
- f. Statement that the work shall be performed in compliance with the Uniform Code and applicable state and local laws, rules and regulations;
- g. The required fee as set by the Town Board. Fees may be charged for the issuance of permits, certificates of occupancy, temporary certificates of occupancy, and for fire safety inspections.

3.3.3 The application shall be accompanied by such documents, drawings, plans (including plot plans) and specifications as the applicant shall deem adequate and appropriate for compliance with the Local Law, or as the Code Enforcement Official may require as being necessary or appropriate in his/her judgment. Applicant may confer with the Code Enforcement Official in advance of submitting the application to discuss the Code Enforcement Official's requirements for same.

3.3.4 Any plans (including plot plans) or specifications that constitute a portion of the application, whether submitted subsequently or upon requirement by the Code Enforcement Official, shall be stamped with the seal of an architect or professional engineer or land surveyor licensed in the State of New York, and shall in all respects comply with section 7209 and 7307 of the Education Law of the State of New York as same may be amended from time to time.

- a. All septic systems shall be designed by a New York State licensed professional engineer.

b. The permit application must include the minimum requirements for plans or specifications.

3.3.5 Applicant shall notify the Code Enforcement Official of any changes in the information contained in the application during the period for which the permit is in effect.

3.3.6 A permit will be issued when the application has been determined to be complete, and when the proposed work has been determined to conform to the requirements of the Uniform Code and the applicable laws, rules and regulations of the Town of Richford or the State of New York, and all applicable fees have been paid. The Code Enforcement Official shall issue a Building Permit to the applicant upon the form prescribed by the Code Enforcement Official and shall affix his or her signature, or cause his or her signature to be affixed thereto. The set of plans and specifications shall be endorsed with the word 'approved'. The authority conferred by such permit may be limited by conditions, if any, contained therein.

3.3.7 A building permit issued pursuant to this law shall be prominently displayed on the property or premises to which it pertains.

3.3.8 A building permit shall not be transferable and any change in activity, operation, location, ownership, or use shall require a new building permit.

3.3.9. 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 misrepresentation or falsification of a material fact in connection with the application for the permit, or fails or refuses to comply with a Stop Work Order issued by the Code Enforcement Official.

3.3.10 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 comes first. The permit may, upon written request, be renewed for successive one year periods provided that:

- a. The permit has not been revoked or suspended at the time the application for renewal is made;
- b. The relevant information in the application is up to date; and
- c. The renewal fee is paid.

SECTION IV PERMIT STANDARDS

4.1 Lot size

Minimum lot size shall be two (2) acres. Each lot may contain no more than one (1) dwelling with the capability of proper water and septic operation and replacements.

4.2 Set backs

Each building or other structure shall be set back at least twenty-five (25) feet from the edge of the right-of-way of any road, street or highway. All structures must be a minimum of ten (10) feet from side and rear lot lines.

4.3 Driveways

All driveway construction shall conform to Town, County or State requirements, whichever is applicable. All driveways must allow safe ingress and egress and be able to accommodate emergency vehicles. When building on a seasonal road, the owner must realize that the Town is under no obligation in any way to maintain or plow a seasonal road.

4.4 Request for variance

Request for a variance shall be made to the Board of Appeals. The Code Enforcement Official shall provide the Board of Appeals copies of all documents submitted to the Code Enforcement Official with the application for a building permit

4.5. Waste disposal systems

Individual, business, commercial and residential structures shall be serviced by a waste disposal system designed to be in conformance with standards as established by the New York State Health Department. Depending on the results of percolation tests, alternative waste disposal methods may be prescribed. Such prescription may be made by a design professional utilizing current New York State Department of Health Sanitation codes.

4.6. Industrial waste

Any structure that discharges industrial waste shall have a waste water distribution system designed by a duly licensed engineer. A permit for a State Pollution Elimination Disposal System (SPEDS) from the New York State Department of Environmental Conservation must also accompany application for these types of structures.

SECTION V CERTIFICATE OF OCCUPANCY

5.1 Certificate of Occupancy

5.1.1 No building hereafter erected shall be used or occupied in whole or in part, until a Certificate of Occupancy is issued by the Code Enforcement Official.

5.1.2 No building hereafter enlarged, extended, or altered, or upon which has been performed work which required the issuance of a building permit, shall be occupied or used after the completion of the alteration or work, unless a Certificate of Occupancy is issued by the Code Enforcement Official.

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

5.1.4. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable laws, ordinances, rules and regulations, and also in accordance with the application, the Code Enforcement Official shall issue a Certificate of Occupancy.

If it is found that the proposed work has not been properly completed, the Code Enforcement Official shall *not* issue a Certificate of Occupancy, and shall order that the work be completed in conformity with the building permit and in conformity with the applicable building regulations.

5.1.5. A certificate of occupancy shall be issued, where appropriate, within thirty (30) days after a request is made.

5.1.6. The certificate of occupancy shall acknowledge that the work has been completed, and that 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 to which the building or structure or its several parts may be put to use.

5.2 Temporary Certificate of Occupancy

Upon request and with the recommendation of the contractor, the Code Enforcement Official 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 the building or structure or part thereof is sufficiently completed that it may be put to the use for which it is intended and may be occupied safely without endangering life or the public health and welfare. The Code Enforcement Official may place special conditions on Temporary Certificates of Occupancy as necessary to insure safety and to protect the interests of the Town.

5.2.1. A Temporary Certificate of Occupancy shall remain effective for a period not exceeding three (3) months from its date of issuance.

5.2.2. For good causes, the Code Enforcement Official may allow a maximum of two (2) extensions for periods not exceeding three (3) months each.

SECTION VI MANUFACTURED HOMES

6.1 Definition

A manufactured home is any portable structure 1) designed to be used as a detached single family residence that is intended to be occupied as living quarters on a year-round basis and contains sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, and plumbing and electrical connections for attachment to outside systems; 2) capable of being transported after fabrication on streets and highways, arriving at the site ready for permanent installation; and 3) requiring a permanent foundation. This definition of a manufactured home includes single-wide and double-wide trailers, but excludes house trailers and recreational vehicles.

A manufactured home shall be considered a single-family dwelling and shall comply with all applicable sections of this local law.

6.2 Proper construction

All manufactured homes must display a HUD Seal or data plate to verify proper construction. Mobile homes manufactured before 1976, and relocated, renovated, improved, or otherwise altered in any way that requires a building permit, shall meet all structural, electrical, plumbing, and heating standards required of mobile homes of similar size manufactured after 1976. All manufactured homes must be constructed in accordance with The New York State Uniform Fire Prevention and Building Code.

6.3 Installation

All manufactured homes must be installed in accordance with The New York State Uniform Fire Prevention and Building Code. Installation of a manufactured home shall be made by a person

or business certified by the Department of State as an installer, who shall provide a warranty to the owner of the manufactured home.

All manufactured homes must be installed following manufacturers' installation instructions. All foundations shall be designed by a NYS licensed professional. If instructions are not available, the installer must reference ANSI A225-1 for installation requirements.

6.4 Removal

If a manufactured home is replaced, the original structure must be removed from the lot within sixty (60) days after a Certificate of Occupancy is issued for the replacement structure.

SECTION VII INSPECTIONS

7.1 Inspections.

Work for which a building permit has been issued under this 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, septic, heating and air conditioning. Inspections for manufactured homes shall include, but not be limited to, site preparation, pad construction, manufactured home installation, and electrical and plumbing connection.

It shall be the responsibility of the owner, applicant, or his/her agent to inform the Code Enforcement Official that the work is ready for inspection and to schedule such inspection.

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

7.2 Fire Prevention and Safety Inspections

7.2.1 All dwelling units in a building consisting of three (3) or more such units may be inspected by the Code Enforcement Official for the purpose of determining compliance with safety requirements of the Uniform Code at least once in every thirty-six (36) months.

7.2.2 Inspection of the common areas of such buildings including halls, foyers, staircases, etc., may be so inspected at least once in every twenty-four (24) months.

7.2.3 Fire safety inspection of buildings or structures with areas of public assembly as designated in Part 606 of Title 9 of the Official Compilation of Codes, Rules, and Regulations shall be performed at least once in every twelve (12) months by the Code Enforcement Official.

7.2.4 All other buildings, uses, and occupancies (except one- or two-family dwellings) may be inspected at least every twenty-four (24) months by the Code Enforcement Official.

7.2.5 An inspection of a building or dwelling unit shall be performed at any time upon:

- a. The request of the owner, authorized agent or tenant;
- b. Receipt of a written statement specifying the grounds upon which the complainant believes a violation of the Uniform Code exists; or
- c. Other reliable and reasonable information that such violation exists.

7.2.6 If entrance to make an inspection is refused or cannot be obtained, the Town Board, after being notified by the Code Enforcement Official of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.

7.3 Removal of dangerous buildings or structures

A building or structure, or part thereof, which is an imminent danger to life and safety of the public, deemed uninhabitable by the Code Enforcement Officer, or is condemned, is hereby declared to be a public nuisance.

7.3.1 Whenever the Code Enforcement Official finds a building or structure, or part thereof, to be an imminent danger to life and safety of the public, deemed uninhabitable, or condemned, the Code Enforcement Official may cause work to be done in and about the building or structure as may be necessary to remove the danger within a reasonable amount of time as determined by the Code Enforcement Official. Such work may include demolition and/or removal of the building or structure. The Code Enforcement Official shall inform the owner of the property of such required work by registered letter. Sending such registered letter is considered sufficient notification of the owner.

7.3.2 The Code Enforcement Official may require the occupants of any such building or structure, or part thereof, to vacate the premises forthwith. No person shall use or occupy such building or structure, or part thereof, until it is made safe. Except for the owner or the Code Enforcement Official, no person shall enter the premises which have been ordered vacated unless authorized to perform inspections, repairs, or to demolish and remove such building or structure, or part thereof.

7.3.3 Any building or structure requiring demolition shall be so demolished and removed within a reasonable amount of time as determined by the Code Enforcement Official, but not to exceed a maximum of sixty (60) days.

7.3.4. Any work to remove a danger required by the Code Enforcement Official and not completed by the owner within the reasonable time frame established by the Code Enforcement Official, may be conducted by the Town of Richford. The Town of Richford has the option to demolish any building or structure, rather than conduct work to remove the danger. The Town of Richford shall notify the owner of such work or demolition by registered letter. Mailing of such registered letter is deemed sufficient notification of the owner.

7.3.5 All costs and expenses incurred by the Town of Richford in connection with any work done to remove the danger or in connection with the demolition and removal of any such building or structure, including legal expenses, shall be assessed against the land on which such building or structure is located, and a bill for such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained, then such bill shall be posted in a conspicuous place on the premises. Such assessment shall be, and constitute, a lien upon such land.

SECTION VIII STOP WORK ORDERS

8.1 Stop Work Orders

Whenever the Code Enforcement Official has reasonable grounds to believe that the work in, on, or about any building or structure is proceeding without a permit, or is otherwise being performed in violation of the provisions of the Uniform Code or the applicable laws, rules, or regulations of the Town of Richford or the State of New York, or not in conformity with the

provisions of an application, plans or specifications on the basis of which a building permit was issued, or is being conducted in an unsafe and dangerous manner:

8.1.1 The Code Enforcement Official shall notify the owner of the property, or the owner's agent, or the person, firm or corporation performing the work to immediately suspend all work.

8.1.2 Such person(s) shall immediately stop such work and suspend all building activities until the Stop Work Order (s) has been rescinded.

8.1.3 All Stop Work Orders and notices shall be in writing and shall state the reasons for the stop-work order, together with the date of issuance, the conditions upon which work may be resumed, and shall bear the signature of the Code Enforcement Official.

a. The Stop Work Order shall be prominently posted at the work site.

b. The Stop Work Order shall be served upon the person to whom it is directed either by delivering it personally 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 the person, firm or corporation by certified mail.

SECTION IX PENALTIES

9.1 Failure to comply

It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use, or occupy any building or structure or part thereof in violation of any provision of the Uniform Code, or any amendment hereafter made thereto, as well as any regulation or rule promulgated by the Town Board, or promulgated by the Code Enforcement Official and approved buy the Town Board or to fail to comply with a notice, order, or directive of the Code Enforcement Official or to construct, alter, move, or equip any building or structure or part thereof in a manner not permitted by an approved building permit.

Any person, firm, corporation or other entity that fails to comply with a written notice or order of the Code Enforcement Official within a fixed time set by the Code Enforcement Official, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agent, or any other person taking part of assisting in the use, construction, alteration, repair or movement of any building, who shall violate any provision of the Uniform Code or applicable laws, rules and regulations of the Town of Richford or the State of New York, or any lawful notice, order, directive, permit, or certificate of the Code Enforcement Official, shall be subject to a penalty.

9.2 Penalties

9.2.1 Prior to the imposition of a penalty, a violator shall be given a reasonable period of time set by the Code Enforcement Official to correct the violation.

9.2.2 If after such time the violation still exists, then an appropriate fine of not more than \$250.00 and/or one (1) day in jail shall be imposed for each violation. Each day the violation continues constitutes a separate violation.

9.2.3 Cost of a building permit shall be doubled if a building permit has not been obtained prior to beginning work.

9.3 Court Proceedings

Any action or proceeding in the name of the Town of Richford may be commenced in any court of competent jurisdiction to compel compliance with, or restrain by injunction the violation of, any provisions of the Uniform Code, this Local Law, or any rule or regulation relating thereto, or to vacate the occupancy or building in case of imminent peril of life or property notwithstanding that a penalty or other punishment for such violation has otherwise been provided. Such remedy shall be in addition to any other penalties prescribed by law.

9.4 Enforcement.

Alternatively, or In case of any violation or threatened violation of any provision of this local law, in addition to other remedies herein provided, the Town may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, enjoin, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

SECTION X MISCELLANEOUS PROVISIONS

10.1 Appeals

Any requests for an appeal from the Code Enforcement Official's decision shall be made to the Board of Appeals.

10.2 Severability

If any article, section, paragraph or provisions of this local law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) adjudged invalid, and the rest of this local law shall remain valid and effective.

10.3 Amendments

Any reference herein to any state, county and/or local law, rule, or regulation shall include any future amendments thereto which become effective after the adoption of this local law.

10.4. Higher standards to prevail

This local law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Whenever the requirements of this local law are at variance with the requirements of any other laws, the most restrictive or that imposing the higher standards shall govern.

10.5 Effective Date

This local law shall take effect immediately upon filing in the office of the New York Secretary of State.