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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.

Town of New Scotland

Local Law No. 9 of the year 2006

A local law providing 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 New Scotland as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law:

"Building Inspector" shall mean the Chief Code Enforcement Officer, appointed pursuant to Section 3 of this local law. The Building Inspector shall be in charge of The Code Enforcement Officer and all Code Inspectors.

"Building Permit" shall mean a permit issued pursuant to section 4 of this local law. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Certificate of Occupancy/Use/Compliance" shall mean a certificate issued pursuant to subdivision (b) of section 8 of this local law.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 4 of this local law.

“Code Enforcement Personnel” shall include the Building Inspector, Code Enforcement Officer and all Inspectors.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

“Notice of Violation” shall mean an order issued by the Building Inspector, Code Enforcement Officer or Inspector pursuant to subdivision (a) of section 16 of this local law.

“Operating Permit” shall mean a permit issued pursuant to section 11 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop Work Order” shall mean an order issued pursuant to section 7 of this local law.

“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of section 8 of this local law.

“Town” shall mean the Town of New Scotland.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3. BUILDING INSPECTOR

(a) The office of Building Inspector is hereby created. The Building Inspector shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Building Inspector shall be the Chief Code Enforcement Officer with all Code Enforcement Officers and Inspectors being under his/her supervision. The Building Inspector shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Use / Compliance, Temporary Certificates

and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy / Use / Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Use / Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Building Inspector may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Use / Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue notices pursuant to subdivision (a) of section 16 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Town Board of this Town;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Building Inspector and Code Enforcement Officer by this local law.

SECTION 4. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall work under, and be responsible to, the Building Inspector. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties, as directed by the Building Inspector:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Use / Compliance, Temporary Certificates

and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to recommend that the Building Inspector issue such Building Permits, Certificates of Occupancy / Use / Compliance, Temporary Certificates and Operating Permits, and to recommend that the Building Inspector include in the Building Permits, Certificates of Occupancy / Use / Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance Certificates of Occupancy / Use / Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue notices pursuant to subdivision (a) of section 16 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Town Board of this Town;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the Building Inspector and this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Building Inspector and the Code Enforcement Officer and to assist the Building Inspector and the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Building Inspector and the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town.

SECTION 5. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, and for any new or existing building or structure which is erected, modified or added on to, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Building Inspector.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(2) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(3) installation of fences which are not part of an enclosure surrounding a swimming pool;

(4) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

- (5) construction of temporary motion picture, television and theater stage sets and scenery;
- (6) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (7) installation of movable cases less than 5'-9" in height;
- (8) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (9) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (10) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (11) repairs, provided that such repairs do not involve
 - (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural member, beam or load bearing component;
 - (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (iii) the enlargement, alteration, replacement or relocation of any building system;
 - (iv) the removal from service of all or part of a fire protection system for any period of time; or
 - (v) any extension to any electrical or mechanical system.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Building Inspector. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Building Inspector or the Code Enforcement Officer deems sufficient to permit a determination by the Building inspector or Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. Where applicable, the application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which;
 - (i) define the scope of the proposed work;
 - (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
 - (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- (6) proof, by the individual applying for the permit, of compliance with the mandatory coverage of the Workman's Compensation Law

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Building Inspector or the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Building Inspector, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and any other applicable Law or Code that the application must be in compliance with. The Building Inspector shall issue a Building Permit when the Building Inspector or the Code Enforcement Officer is satisfied that the

proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code, and any other applicable Law or Code that the application must be in compliance with.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. Unless directed otherwise by the Building Inspector, all work shall be performed in accordance with the construction documents which were submitted with, and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Building Inspector of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Building Inspector determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Building Inspector.

(j) Revocation or suspension of Building Permits. If the Building Inspector determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Building Inspector shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that;

(1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and

(2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid at the time of issuance of an approved application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 6. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector, the Code Enforcement Officer or

by an Inspector authorized by the Building Inspector or the Code Enforcement Officer. The Permit Holder shall notify the Building Inspector or the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following are the minimum elements of the construction process that shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) foundation drainage systems
- (4) preparation for concrete slab;
- (5) framing;
- (6) building systems, including underground and rough-in;
- (7) fire resistant construction;
- (8) fire resistant penetrations;
- (9) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (10) Energy Code compliance;
- (11) any Building Code issue particular to the specific building permit application
- (13) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, has been re-inspected and has been found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 7. STOP WORK ORDERS.

(a) Authority to issue. The Building Inspector, the Code Enforcement Officer and the Inspectors are authorized to issue Stop Work Orders pursuant to Section 190-84 of the Town Zoning Law.

(a) Content of Stop Work Orders. Stop Work Orders shall;

- (1) be in writing,
- (2) be dated and signed by the Building Inspector, the Code Enforcement Officer or an Inspector designated by the Building Inspector,
- (3) state the reason or reasons for issuance, and
- (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

SECTION 8. CERTIFICATES OF OCCUPANCY/USE/ COMPLIANCE

(a) CERTIFICATES OF OCCUPANCY /USE/ COMPLIANCE required. A Certificate of Occupancy/Use/Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy/Use/Compliance.

(b) Issuance of CERTIFICATES OF OCCUPANCY /USE / COMPLIANCE. The Building Inspector shall issue a Certificate of Occupancy/Use/Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Building Inspector, Code Enforcement Officer or an Inspector authorized by the Building Inspector or the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy/Use/Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building Inspector or the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy/Use/Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Use/Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

(c) Contents of Certificate of Occupancy/Use/Compliance. A Certificate of Occupancy/Use/Compliance shall contain the following information, when applicable:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy/Use/Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/Use/Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Building Inspector issuing the Certificate of Occupancy/Use/Compliance and the date of issuance.

(d) Temporary Certificate. The Building Inspector shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Building Inspector issue a Temporary Certificate unless the Building Inspector, the Code Enforcement Officer or an Inspector designated by the Building Inspector determines;

- (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely,
- (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and
- (3) that all required means of egress from the building or structure have been provided.

The Building Inspector may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed 3 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. For good cause the Building Inspector may allow a maximum of two extensions for periods not exceeding three months each. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Building Inspector determines that a Certificate of Occupancy/Use/Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector, the Code Enforcement Officer or the Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy/Use/Compliance or for Temporary Certificate.

SECTION 9. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Building Inspector or the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

SECTION 10. UNSAFE BUILDING AND STRUCTURES

Unsafe buildings, structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by The Property Maintenance Code of New York State as now in effect or as hereafter amended from time to time.

SECTION 11. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial

and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

- (3) use of pyrotechnic devices in assembly occupancies;
- (3) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (4) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Building Inspector. Such application shall include such information as the Building Inspector or the Code Enforcement Officer deems sufficient to permit a determination by the Building Inspector or the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Building Inspector or the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Building Inspector or the Code Enforcement Officer at the expense of the applicant.

(c) Inspections. The Building Inspector, the Code Enforcement Officer or an Inspector designated by the Building Inspector shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Building Inspector may require a separate Operating Permit for each such activity, or the Building Inspector may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Building Inspector to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Building Inspector, payment of the applicable fee, and approval of such application by the Building Inspector.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid at the time submission of an application

for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 12. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Building Inspector or the Code Enforcement Officer or an Inspector designated by the Building Inspector at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed consistent with local conditions, not to exceed thirty-six (36) months.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Building Inspector or the Code Enforcement Officer or an Inspector designated by the Building Inspector at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Building Inspector or the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Building Inspector or the Code Enforcement Officer of any other information, reasonably believed by the Building Inspector or the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b Notwithstanding any other provision of this section to the contrary:

(1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

(4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 13. COMPLAINTS

The Building Inspector, the Code Enforcement Officer or an Inspector designated by the Building Inspector shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Building Inspector may deem to be appropriate:

(a) perform an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 16 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 14. RECORD KEEPING.

- (a) The Building Inspector or the Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
 - (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, Certificates of Occupancy/Use/Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;
 - (5) all statements and reports issued;
 - (6) all complaints received;
 - (7) all investigations conducted;
 - (8) all other features and activities specified in or contemplated by sections 5 through 13, inclusive, of this local law,
 - (9) all fees charged and collected.
- (b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 15. PROGRAM REVIEW AND REPORTING

(a) The Building Inspector shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Building Inspector shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Building Inspector shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

SECTION 16. NOTICE OF VIOLATIONS

(a) Notice of Violations. Building Inspector, the Code Enforcement Officer or an Inspector designated by the Building Inspector are authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Building Inspector, the Code Enforcement Officer or an Inspector designated by the Building Inspector shall issue a Notice of Violation in accordance with Section 190-84 through Section 190-86 of the Town Zoning Law. The Notice of Violation shall:

- (1) be in writing;
- (2) be dated and signed by the Building Inspector, the Code Enforcement Officer or by an Inspector designated by the Building Inspector;
- (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law;
- (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity;
- (5) specify the period of time which the Building Inspector, the Code Enforcement Officer or an Inspector designated by the Building Inspector deems to be reasonably necessary for achieving compliance;
- (6) direct that compliance be achieved within the specified period of time; and

(7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

SECTION 17. FEES

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy/Use/Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 18. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Building Inspector of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 19. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 20. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. 9 of 2006 of the Town of New Scotland was duly passed by the New Scotland Town Board on December 13, 2006, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 ____ of the Town of New Scotland was duly passed by the New Scotland Town Board _____ on 20 ____ , and was

(approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____ , 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 20 ____ of the Town of New Scotland was duly passed by the New Scotland Town Board _____ on _____ 20 _____ , and was (approved) (not approved) (repassed after disapproval) by the _____ on _____, 20____, Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 ____ , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 ____ of the Town of New Scotland was duly passed by the _____ on _____

20 ____ , and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 ____ . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20 ____ , 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the 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 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (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 _____, 20 ____, 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 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____, 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 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.

New Scotland Town Clerk

(Seal)

Date: _____

(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 ALBANY

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 _____
New Scotland Town Attorney

Date: _____