

A Local Law: To Administer the New York State Uniform Fire and Building Code

Be it enacted by the: Board of Trustees of the Village of: Cassadaga as Follows:

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Section 100. Applicability

This local law shall provide the basic method for administration and enforcement of the State uniform Fire & Building Code in the Village of Cassadaga and shall establish powers, duties and responsibilities in connection therewith.

Section 200. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Section 300. Enforcement Office**Section 301.** Compensation fixed by the Village Board

The position of Enforcement Officer is hereby created, to be filled by appointment by the Village Board. The Enforcement Officer shall perform the duties required by this local law at a rate of compensation to be fixed by the Village Board.

Section 302. Consent of the Village Board

In the absence of the Enforcement Officer, or in the case of his inability to act for any reason, the Mayor shall have the power, with the consent of the Village Board, to designate a person to act on behalf of the Enforcement Officer and to exercise all the powers conferred upon him by this law.

Section 303. Plans or specifications that are within the Village of Cassadaga

The Enforcement Officer shall not engage in any activity inconsistent with his duties, nor shall he, during the term of his employment, 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 the preparation of plans or specifications thereof within the Village of Cassadaga in connection with buildings or construction projects which are subject to his inspection, excepting that this provision shall not prohibit any Enforcement Officer from engaging in any such activities in connection with the construction of a building or structure owned by him for his compliance with the provisions of applicable laws, ordinances, rules and regulations covering building construction or alteration, he may, in his discretion, accept and rely upon written reports of tests in the field by experienced, professional person or be accredited and authorized testing laboratories or service and inspection bureaus or agencies.

(F) He shall issue a Certificate of occupy where appropriate, for a building constructed or altered in accordance with the provisions of the state uniform construction code which such certificate shall certify that the building conforms to the requirements of the state uniform construction code.

(G) He shall keep permanent official records of all transaction and activities conducted by him including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Village Board and notices and orders issued. all such records shall be public records open to public inspection during normal business hours.

(H) He shall, annually, submit a written report and summary of all business conducted including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections, and tests made and appeals or litigation pending or concluded.

(I) He shall make fire inspections annually to insure compliance with Chapter C of the Uniform Fire and Building Code. for uses involving hazardous or flammable materials, more frequent inspections may be made at the discretion of the Enforcement Officer.

(J) He shall make inspections of new construction, as necessary, to insure compliance with Chapter C of the Uniform Fire and Building code. A minimum of seven inspections shall be made, although they may be made concurrently, where possible. Inspections shall be made at reasonable times after showing proper credentials.

Section 400. Permits

Section 401. Application

(A) No person, firm or corporation shall commence the erection, construction, enlargement, alteration, improvement or conversion, or change the location or nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Enforcement Officer for each such building or structure; except that no building permit shall be required for:

- (1) necessary repairs which do not materially affect the structural features;
- (2) alterations to existing buildings, provided that the alterations:
 - (I) cost less than \$10,000;
 - (II) do not materially affect structural features;
 - (III) do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;
 - (IV) do not involve the installation or extension of electrical systems; and
 - (V) do not include the installation of solid fuel burning heating appliances and associated chimneys and flues; and

(3) small noncommercial structures not intended for use by one or more persons as quarters for living, sleeping, eating or cooking, for example, a small storage building.

(B) Application for a building permit shall be made on forms provided and shall contain the following information:

- (1) a description of the land on which the proposed work is to be done;
- (2) a statement of the use of occupancy of all parts of the land and the proposed building or structure;
- (3) the valuation of the proposed work;
- (4) the full name and address of the owner and of the applicant and the names and addresses of their responsible officers, if any of them are corporations, and the name and address of the owner's authorized agent, if any;
- (5) a brief description of the nature of the proposed work;
- (6) if the construction is to be in accordance with the provisions of the state uniform construction code, a statement that the application is made for permission to construct in accordance with the provisions of such
- (7) a statement that the applicant consents to permit the building official, any building inspector and any officer or employee of the building department to enter upon the premises without a search warrant in the manner prescribed in this law.
- (8) such other information as may reasonably be required by the Enforcement Officer to establish compliance of the proposed work with the requirements of the applicable building law ordinances, rules and regulations.

(C) The application shall be signed by the owner or his authorized agent.

(D) The application shall be made by the owner or by the agent, architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application; and the affidavit shall contain a statement that the owner authorized the applicant to consent to permit the Enforcement Officer access to the premises for inspection purposes.

(E) Each application for a building permit shall be accompanied by duplicate copies of plans or specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, and, where required by the building official, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data; plans and specifications shall bear the signature of the person responsible for the design and drawings and where required by Sections 7202 or 7302, as amended, of Articles 145 or 147 of the Education Law of the State of New York, the seal of licensed architect or a licensed professional engineer. The Enforcement Officer may waive the requirements for filing plans and specifications for minor alterations and issue a building permit so stating.

(F) Amendments, if any, to the application or the the plans and specifications accompanying the same shall be filed and approved prior to the commencement of such,change of work.

(G) The Enforcement Officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty days from the date of submission of the application.

(H) Upon approval of the application and upon receipt of the legal fees therefor, the building permit shall be issued to the applicant upon the form prescribed by the Enforcement Officer who shall affix his signature or cause his signature to be affixed thereto.

(I) Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the building department and the other set shall be kept by the applicant at the building site open to inspection by the building official or his authorized representative at all reasonable times.

(J) If the application together with plans, specifications and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable building regulations, the Enforcement Officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Enforcement Officer shall cause such refusal together with the reasons therefor, to be transmitted to the applicant in writing.

(K) Upon payment of fee as prescribed in the schedule of fees adopted herein, permits shall be issued by and bear the name and signature of the Enforcement Officer and shall specify:

- Activity or operation for which such permit is issued.
- Address or location where such activity or operation to be conducted.
- Name and address of permittee.
- Permit number and date of issuance.
- Periods of validity.

(L) Permits shall not be transferable and any change in activity, operation, location, ownership, or use shall require a new permit.

(M) Consolidated Permits. When more than one permit is required for the same property or premises, a single permit may be issued listing all materials. or operations covered. Revocation of a portion or portions or such consolidated permit, for specific hazardous materials or operations, shall not invalidate the remainder.

Section 402. Fees

The following schedule of fees shall apply to new construction or alterations of existing structures intended for residential uses:

0 - 500 Sq. Ft.	\$15
501 - 1,000 Sq. Ft.	\$20
1,001 - 1,500 Sq. Ft.	\$30
1,501 - 2,000 Sq. Ft.	\$40
2,001 - 2,500 Sq. Ft.	\$50
2,501 - 3,000 Sq. Ft.	\$60
3,001 - 5,000 Sq. Ft.	\$100
5,001 - 10,000 Sq. Ft.	\$200
Over 10,000 Sq. Ft.	\$300

The schedule of fees for new construction or alterations of existing structures intended for commercial or industrial uses is \$.005 per cubic foot (e.g., 30' X 40' X 8' high = 9,600 cubic feet @ \$.005 = \$48.00).

Other fees include:

- (A) A minimum fee of \$15 for any type of permit or compliance application.
- (B) Additional review as required by revisions to plans \$15 per hour with minimum charge of 2 hours, plus permit fee.
- (C) Denied permit shall result in the applicant receiving a 50% refund on fees of \$30 or more provided no work was commenced.
- (D) Certificate of Occupancy - No charge if building permit is in effect, otherwise \$25 for each one-two family dwelling, \$100 for all others.
- (E) Temporary certificate of occupancy for 6 months \$15. First renewal - \$15; second and subsequent renewals \$100.
- (F) Plan review where no permit is requested 50% of permit cost; additional plans \$15 per hour with minimum of 2 hours.
- (G) Renewals of permits \$15 providing there are no changes in the original application and plans.

Section 403. Validity Period

A building permit shall be effective for a period of one year after the date of its issuance. for good cause, the Enforcement Officer may issue a renewal permit. All work shall conform to the approved application, plans and specifications and shall be in accordance with applicable building laws, ordinances, rules and regulations.

Section 404. Display

Building permits shall be prominently displayed on the job site at all times during the progress of the work so as to be readily seen from adjacent thoroughfares.

Section 405. Revocation / Stop Order

(A)The Enforcement Officer may revoke a building permit theretofore issued in the following instances:

- (1) Where in finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;
- (2) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;
- (3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications; or
- (4) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Enforcement Officer.

(B) Whenever the Enforcement Officer has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, plans or specifications on the which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notices shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, 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 him by certified mail at the address set forth in the application for permission for the construction of such building.

Section 406. Certificates of Occupancy

(A) Applicability

- (1) No building hereafter erected or relocated shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Enforcement Officer.
- (2) No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit, shall be occupied or used for more than 30 days after the completion of the alteration or work or expiration of building permit, whichever comes first, unless a certificate of occupancy shall have been issued by the Enforcement Officer.

(3) No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Enforcement Officer.

(4) The owner or his agent shall make application for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Enforcement Officer an affidavit of the registered architect or licensed professional engineer who supervised the construction of the work, or of the superintendent of construction who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought. The affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, that the structure has been erected in accordance with approved plans, and as erected complies with the law governing building construction or as varied by a variance which has been legally authorized. Such variances and qualifying conditions imposed therewith, if any, shall be specified in the affidavit.

(B) Inspection Prior to Issuance of Certificate of Occupancy

Before issuing a certificate of occupancy, the Enforcement Officer shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair or change the use or nature of occupancy, and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained by the Enforcement Officer a record of all such examinations and inspections together with a record of finds of violations of the law.

(C) Issuance of Certificate of Occupancy

(1) When, after final inspections, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances, rules and regulations, and also in accordance with the application, plans and specifications filed in connection with issuance of the building permit, the Enforcement Officer shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the Enforcement Officer shall not issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

(2) A certificate of occupancy shall be issued, where appropriate, within 30 days after written application therefore is made.

(3) The certificate of occupancy shall certify that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances, rules and regulations, and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

(D) Temporary Certificate of Occupancy

Upon request, the Enforcement Officer 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 such portion or portions as have been completed may be occupied safely without endangering life or the public health. A temporary certificate of occupancy shall remain in effect for a period not exceeding six months from its date of issuance. For good cause, the Enforcement Officer may allow a maximum of two extensions for a period not exceeding six months each.

Section 500. Reserved For Future Use

Section 600. Legality

Section 601. 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 thereof.

Section 602. Violations

(A) A person owning, operating, occupying or maintaining property or premises within the scope of this local law shall comply with all the provisions of this local law, and all orders, notices, rules, regulations or determinations issued in connection therewith.

(B) Whenever the Enforcement Officer finds that there has been a violation of this local law, or any rule or regulation adopted pursuant to this local law, a violation order shall be issued to the person or persons responsible.

(C) Violation orders shall be in writing; shall identify the property or premises; shall specify the violation and remedial action to be taken; shall provide a reasonable time limit for compliance; and shall state the time within which an appeal may be taken.

(D) Violation orders may be served; by personal service; or by mailing registered or certified mail or by posting a copy thereof in a conspicuous place on the premises, and by mailing a copy thereof to the premises on the same day as posted, enclosed in a postpaid wrapper addressed to the person responsible.

(E) In case the owner, lessor, occupant or the agent of any of them shall fail, neglect or refuse to remove, eliminate or abate the violations within the time specified in the violations order, appropriate legal action shall be taken by the Enforcement Officer or the Village Board.

Section 603. Penalties

(A) Failure to comply with any provision of this local rules or regulations adopted pursuant to this local law, or a violation order shall be deemed a violation and the violator shall be liable for a fine of not more than \$250, or imprisonment not to exceed 15 days, or both, and each day such violation continues shall constitute a separate violation.

(B) An action or proceeding in the name of the Village of Cassadaga