

LOCAL LAW NO. 2 OF THE YEAR 1985

**A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT
OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE**

ADOPTED BY TOWN OF CAMBRIA TOWN BOARD MARCH 7, 1985

Be it enacted by the Town Board of the Town of Cambria as follows:

Section 1. Definitions.

- (a) The words and terms used in this local law shall have the same meaning as those contained in Executive Law, Article 18 as added by Chapter 707 of the Laws of 1981, unless the context may otherwise require.
- (b) "Code Enforcement Official" shall mean fire inspector, building inspector or plumbing inspector authorized and empowered to administer and enforce the Uniform Code in the town.

Section 2. Permits.

- (a) No person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal or demolition of any building or structure or any portion thereof without first having obtained a permit from the enforcement official of the town. No such permit shall be required for necessary repairs which are not of a structural nature and do not involve abatement of a violation of the Uniform Code.
- (b) The form of the permit and application therefore shall be prescribed by a resolution of the Town Board. The application shall be signed by the owner or authorized agent of the building or work and shall contain at least the following: (1) the name and address of the owner; (2) identification or description of the land on which the work is to be done; (3) a description of use or occupancy of the land and existing or proposed building; (4) a brief description of the proposed work; (5) estimated value of the proposed work; and (6) a statement that the work shall be performed in compliance with the Uniform Code and applicable state and local laws, ordinances and regulations.
- (c) A set of plans, drawings, and specifications (except for demolition or removal of a building) shall accompany such application, together with a statement of this state that such plans and specifications comply with the applicable provisions of the Uniform Code and local requirements.

Section 3. Fees.

Fees for permits shall be based on estimated value of the work as described herein and shall accompany the application for the permit. Such fee shall be established by the Town Board periodically by resolution, which fee shall be incorporated herein and made a part hereof.

Section 4. Building Inspections.

- (a) The progress of work for which a permit has been issued shall be inspected at such times and intervals as may be necessary and appropriate to determine whether the work is performed in compliance with the Uniform Code and applicable regulations. Such inspection shall be carried out prior to enclosing or covering of the particular portion or phase of building construction, including but not limited to excavation, foundation, superstructure, electrical, plumbing, heating and air conditioning.

- (b) The inspection shall be made by the enforcement official under direction of the Town Board.
- (c) It shall be the duty and responsibility of the owner or authorized agent to inform the enforcement official that the work is ready for each phase of inspection.

Section 5. Certificate of Occupancy.

- (a) A building or structure for which a permit has been issued shall not be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the enforcement official. Such certificate of occupancy shall be issued when after final inspection it is determined that the construction and other work has been completed in compliance with the Uniform Code and other applicable laws, rules and regulations.
- (b) A temporary certificate of occupancy may be issued pending final completion of the work provided the use or occupancy of the building shall not present a danger to any person or property.
- (c) A certificate of occupancy may be issued for any building or individual dwelling unit at any other time after inspection thereof by request, determination of compliance and payment of the prescribed fees.

Section 6. Annual Reports.

The enforcement official shall annual submit a report to the Town Board on or before April 1st containing such information as the Town Board shall prescribe by resolution, including but not limited to the number and category of inspections conducted during the town's preceding fiscal year, the number of violations and abatement thereof, the number and type of permits issued, and recommendations for improving the administration and enforcement of the Uniform Code.

Section 7. Variance and Review.

A request for a variance from the Uniform Code and an appeal to review determination of or failure to render a determination by the enforcement official shall be processed with the appropriate board of review as provided in 19NYCRR 440.

Section 8. Remedies and Penalties.

In addition to the remedies prescribed by Executive Law, §382, any person, corporation, association, firm or partnership that fails to remedy the condition found to exist in violation of the Uniform Code and this local law shall be subject to a fine of not more than \$250.00 or imprisonment for a period not exceeding 15 days or to both such fine and imprisonment. Each violation that continues to exist beyond the date fixed in the order of the enforcement official to remedy the violation shall be deemed a separate offense if such separate offense shall be considered a violation and not a misdemeanor.

Section 9.

A permit for installation of a solid fuel burning heating appliance, chimney and flue in any dwelling unit shall be obtained as provided in Section 2 of this local law. If the enforcement official, after inspection, determines that the installation is in compliance with the Uniform Code he shall issue a certificate of compliance on a form to be prescribed by resolution of the Town Board. A violation of this section and of subdivision 5 of Section 378 of the Executive Law shall be punishable as provided in such subdivision 5.

Section 10.

Delete Section 5 of Local Law No. 1 for 1984, Town of Cambria, and incorporate balance of said Local Law herein.

Section 11.

Delete Section 7 of Local Law No. 1 for 1984, Town of Cambria, and provide that penalty provision herein apply to said Local Law.

Section 12.

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