Amended by Local Law #1-95 on July 6, 1995

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STATE OF NEW YORK
DEPARTMENT OF STATE

FILED MAY 11 1987

Secretary of State

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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.

~~County~~ ~~City~~ Town ~~Village~~ of VAN ETTEN

Local Law No. 4 of the year 19 84

A local law known and cited as Local Law No. 4 of the Year 1984 (Insert title)
Town of Van Etten Uniform Fire Prevention and Building Code Administration and Enforcement.

Be it enacted by the TOWN BOARD (Name of Legislative Body) of the

~~County~~ ~~City~~ Town ~~Village~~ of VAN ETTEN as follows:

ARTICLE I

TITLE

SECTION 1. This local law shall be known and cited as Local Law No. 4 of 1984 Town of Van Etten Uniform Fire Prevention and Building Code Administration.

ARTICLE II

PURPOSE

SECTION 1. The purpose of this local law is to establish and provide for the administration and enforcement procedures in the Town of Van Etten applicable to the New York State Uniform Fire Prevention and Building Code.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

SECTION 1. A. Building Permits.

1. No person, firm, corporation, association, or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal, or demolition of any building or structure or any part thereof when such activity is an activity subject to the New York State Uniform Fire Prevention and Building Code in the Town of Van Etten, or the use of any building, structure, property,

(If additional space is needed, please attach sheets of the same size as this and number each)

site or a part thereof in the Town of Van Etten without having first obtained a Building Permit therefor from the Town of Van Etten.

2. Application for a Building Permit shall be made to the Town Clerk. Applicants shall provide such information as shall be required by the application form. Applicants shall be the owner(s) of the premises or any other person, firm, corporation, association or organization authorized to apply by the owner(s) of the subject premises.

B. Inspections.

1. To ensure that a building or structure complies with the applicable provisions of the New York State Uniform Fire Prevention and Building Code, all work for which a Building Permit has been issued shall be inspected for approval prior to enclosing or covering any portion thereof upon completion of each stage of construction including, but not limited to, excavation, foundation, superstructure, electrical, plumbing, and heating and air conditioning. Every such building, property, and all such work, shall, in addition, be inspected upon final completion. Inspections pursuant to this paragraph shall be a condition precedent to the issuance of a Certificate of Compliance.

2. All buildings, structures and premises within the Town of Van Etten to which the New York State Uniform Fire Prevention and Building Code applies shall be periodically inspected for compliance with the provisions of such Code as they apply to fire prevention and safety.

3. The authorized inspectors of the Town of Van Etten shall have the power to order in writing the remedying of any condition found to exist in, on, or about any building, structure or premises in violation of the New York State Uniform Fire Prevention and Building Code and the time period within which such condition must be remedied. Such orders may be served upon the owner or his authorized agent personally or by certified mail, return receipt requested, sent to the address set forth in the application for any permit submitted to the Town of Van Etten or the owner's or agent's last known address or if not known to the address used for the mailing of annual town tax bills.

4. It shall be the responsibility of the owner, applicant, or his agent to inform the appropriate inspectors that the work is ready for each required inspection under this law and to schedule such inspection.

5. The authorized inspectors fo the Town of Van Etten, or their authorized representatives, shall have the right of entry, at all reasonable hours, to any building, structure or site where work or activity is contemplated or being done under the provisions of this law, or to any building or site alleged to be a fire hazard or otherwise unsafe to life or health, upon the exhibition of proper evidence of authority; and interference with such authorized entry in official capacity, shall be punishable as a violation of this Law.

6. All other provisions of this section nothwithstanding, inspections of the buildings, structures and premises belonging to the State or Federal Governments, or any agency thereof, public institutions, or public educational institutions, shall continue to be made in the same manner and shall be conducted by the same personnel as has been the case prior to the adoption of this Local Law.

C. Code Enforcement Officers.

1. The Town of Van Etten shall appoint one or more Code Enforcement Officers, as the need shall appear, to perform the administration and enforcement of the New York State Uniform Fire Prevention and Building Code as provided in this Law in acting upon applications for building permits and performance of all inspections required under this Law.

2. The Town of Van Etten, by its Code Enforcement Officers, shall have the right, as the need shall appear, to appoint for the purpose of individual inspections, one or more plumbing and/or electrical inspectors, including, but not limited to, inspectors of the New York Board of Fire Underwriters, to perform inspections of plumbing and electrical work within the jurisdiction of the New York State Uniform Fire Prevention and Building Code and this Law. The cost of such inspections shall be solely borne by the applicant for a permit under this Law or the property owner for whom such inspection is required.

D. Fees

1. Fees for a Building Permit as provided in the Law shall be $20.00. Such fee may be increased annually by the Town Board on January 1 in any year, effective 30 days after posting and publication in the same manner as a Town Ordinance.

2. In addition to the Building Permit Fee, the applicant shall be solely responsible for the cost of any inspections performed by any inspectors who are not in the employ of the Town of Van Etten and who are appointed by the Town of Van Etten pursuant to Article III, Section 1.C.2 of this Law.

E. Certificate of Compliance.

1. At the time a Building Permit is issued an application shall be made for a Certificate of Compliance. The Certificate of Compliance must be issued upon completion of all work done in conformance with the provisions of the New York State Uniform Fire Prevention and Building Code and this Law.

2. It is unlawful to use or occupy or permit the use or occupancy of any building, structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued therefor by the Code Enforcement Officer stating that the proposed use of the building, structure or premises conforms to the requirements of the Town of Van Etten, this Law and the New York State Uniform Fire Prevention and Building Code and that the proposed work has been completed in compliance with said laws.

3. A temporary Certificate of Compliance may be issued by the Code Enforcement Officer for a period not exceeding six months during alterations or partial occupancy of a building or structure or use of premises pending its completion, provided that such temporary Certificate may require such conditions and safeguards as will protect the safety of the occupants and the public, subject to approval of the Town of Van Etten Town Board, and with a performance guarantee acceptable to the Town of Van Etten Town Board that all improvements to be made by the applicant in compliance with this Law shall be made.

F. Violations.

1. Any person, firm, corporation, or other party violating any provision of this Law is deemed guilty of an offense upon conviction and is subject to a fine not exceeding $250.00 and/or 15 days imprisonment. In addition, a violation of this Law constitutes a violation under the Penal Law of the State of New York. Each day that a violation continues shall be deemed a separate offense.

2. In addition to other penalties, the Town of Van Etten may institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration or use of any building, structure or premises in violation of the requirements of the New York State Uniform Fire Prevention and Building Code and this Law.

3. The Code Enforcement Officer is empowered to issue citations for any violations of this Law or the New York State Uniform Fire Prevention and Building Code.

4. Jurisdiction of any such violation shall be in the Town Justice Court of the Town of Van Etten.

ARTICLE IV

APPEALS

SECTION 1. A. Board of Appeals

1. The Town Board of the Town of Van Etten is designated the Board of Appeals to determine any grievance, complaint or denial of a Building Permit or Certificate of Compliance, or appeal of any decision of the Code Enforcement Officer under this Law. The Town Supervisor shall preside over all hearings. The Board of Appeals shall not determine violations issued pursuant to Article III, Section 1, F. of this Law.

B. Procedure

1. Any party desiring appeal to the Board of Appeals of any matter set forth in Article IV, Section 1, A.1 shall file any appeal on forms provided for such purpose by the Town Clerk within 30 days of such decision of the Code Enforcement Officer or denial of a permit requiring review. The time to file an appeal may be waived by the Board of Appeals on good cause shown.

2. The Board of Appeals by a quorum consisting of a majority of its members shall hear such appeal within 30 days of the filing of the same. Adjournments of the hearing may be granted only on good cause shown to the Board of Appeals.

3. The Board of Appeals shall issue its decision within three days from the hearing in writing by mailing a copy of the decision to the appellant at the address set forth in the form filed for appeal.

ARTICLE V

MISCELLANEOUS

SECTION 1. A. Minimum Requirements.

1. The provisions of this Law are intended to be the minimum requirements necessary to accomplish the purpose of the Law and must be interpreted and applied accordingly. When requirements of this Law conflict with the requirement of other lawfully developed rules, regulations or Law, the most restrictive or that imposing higher standards takes precedence.

ARTICLE VI

SEPARABILITY

SECTION 1. The invalidity of any Section or provision of this Law does not invalidate any other Section or provision thereof.

ARTICLE V

REPEALER

SECTION 1. All Laws and parts of Laws which are inconsistent with the provisions of this Law are hereby repealed.

ARTICLE VI

EFFECTIVE DATE

SECTION 1. This Local Law shall take effect upon its adoption and publication as required by law.