

(Use this form to file a local law with the Secretary of State.)

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~~ of Fremont
~~Town~~
~~Village~~

Local Law No. Three of the year 19 96

A local law for administering and enforcing the New York State Uniform
(Insert Title)

Fire Prevention and Building Code (Uniform Code)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Fremont
~~Town~~
~~Village~~ as follows:

SECTION 1
PURPOSE

The Town Board of the Town of Fremont hereby enacts the following Administrative Local Law pursuant to the provisions of Section 381 of the Executive Law of the State of New York and of all other applicable laws.

SECTION 2
DESIGNATION OF BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER AS PUBLIC OFFICIAL

There is hereby established in the Town of Fremont the office of Building Inspector/Code Enforcement Officer. A Building Inspector/Code Enforcement Officer shall be appointed by the Town Board at a compensation to be fixed by it from time to time.

SECTION 3
ACTING BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

In the absence of the Building Inspector/Code Enforcement Officer, or in the case of his or her inability to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act on behalf of the Building Inspector/Code Enforcement Officer and to exercise all the powers conferred upon him or her by this Local Law.

SECTION 4
VARIANCE AND REVIEW

Pursuant to the provisions of Part 440 of the rules and regulations for administration and enforcement of the

(If additional space is needed, attach pages the same size as this sheet and number each.)

Uniform Fire Prevention and Building Code, the regional board of review created under section 440.1 exercising its powers, functions and duties in the Town of Fremont shall have the power to vary or modify, in whole or in part, any provision of the Uniform Code in cases where permitted under Section 440.4 and pursuant to the procedure established under Section 440.5 upon the payment of the fees required by Section 440.7.

SECTION 5
RESTRICTIONS ON EMPLOYEES

No Building Inspector/Code Enforcement Officer or Acting Building Inspector/Code Enforcement Officer shall engage in any activity inconsistent with his or her duties or with the interests of the Town of Fremont; nor shall he or she, during the term of his or her employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the Town of Fremont, excepting that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him or her or any member of his or her immediate family, and not constructed for sale.

SECTION 6
DUTIES AND POWERS OF BUILDING
INSPECTOR/CODE ENFORCEMENT OFFICER

- 1) Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector/Code Enforcement Officer shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.
- 2) The Building Inspector/Code Enforcement Officer shall have the power to recommend to the Town Board the adoption of rules to secure the intent and purposes of this Local Law and a proper enforcement of the laws, ordinances and regulations governing building construction.
- 3) The Building Inspector/Code Enforcement Officer shall receive applications and issue permits for the erection,

alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which applications have been received or permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.

4) The Building Inspector/Code Enforcement Officer 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, ordinances and regulations. He or she shall make all inspections which are necessary or proper for the carrying out of his or her duties, except that he or she may accept written reports of inspection from building inspectors or other employees of the Department of Buildings or from generally recognized and authoritative service and inspection bureaus, provided they are certified by a responsible official thereof.

5) The Building Inspector/Code Enforcement Officer 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.

SECTION 7

DEPARTMENT RECORDS AND REPORTS

1) The Building Inspector/Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him or her including all applications received, permits and certificates issued, inspection reports, and notices and orders issued. These shall be public records open to public inspection during business hours.

2) Each year the Building Inspector/Code Enforcement Officer shall submit to the Town Board a written report and summary of all business conducted by him or her, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals of litigation pending.

SECTION 8

COOPERATION OF OTHER DEPARTMENTS

The Building Inspector/Code Enforcement Officer may request

and shall receive, so far as necessary in the discharge of his or her duties, the assistance and cooperation of all municipal officials exercising jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein, including but not limited to fire officials and health officials.

SECTION 9
FEEES

Any person applying for a building permit shall, in addition to filing an application therefor as provided in Section 6 of this Local Law, pay to the Town Clerk before the permit is issued, the fee required under the existing fee schedule or as modified in the future.

a) In the event any work is commenced prior to the issuance of a permit pursuant to the terms of this section, the permit fee shall be required under the existing fee schedule or as modified in the future.

b) The Town Clerk shall keep a record of all fees collected and received under this Local Law with the name of the persons upon whose account the fee was paid out and the date and amount thereof, together with the location of the building or premises to which they relate. The amounts so collected shall be paid over monthly to the Supervisor of the Town.

SECTION 10
PERMIT FOR HEATING APPLIANCES

A permit for installation of a solid fuel burning heating appliance, chimney and flue in any dwelling unit shall be obtained in the same manner as provided in the Rules for Building referred to in Section 6(2). If the Building Inspector/Code Enforcement Officer, after inspection, determines that the installation is in compliance with the Uniform Code, he or she shall issue a certificate of compliance. 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 11
FIRE PREVENTION AND SAFETY INSPECTION

- 1) All dwelling units in a building consisting of more than two such units shall be inspected for the purpose of determining compliance with safety requirements of the Uniform Code, at least once every 24 months. Inspection of the common areas of the building such as halls, foyers, staircases, etc., shall be inspected at least once every 24 months.
- 2) All other buildings, uses and occupancies shall be inspected at least once every 12 months.
- 3) An inspection of buildings or dwelling units shall be performed at any other time upon (1) request of the owner or authorized agent; (2) receipt of written statement specifying the grounds upon which the subscriber believes a violation of the Uniform Code exists; or (3) other reasonable and reliable information that a violation exists.

SECTION 12
NO WAIVER OF ASSUMPTION OF LIABILITY

This Local Law shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure within the Town of Fremont for loss of life or damage to person or property caused by any defect therein, nor shall the Town of Fremont be deemed to have assumed any such liability by reason of any inspection made pursuant to this Local Law.

SECTION 13
PENALTY

Any person who commits any act in violation of any provision of this Local Law shall be deemed to have committed an offense against this Local Law and shall be liable for the penalties imposed herein for such violation pursuant to Section 382 of the Executive Law.. Each act committed in violation of any provision of this Local Law shall constitute a separate offense.

SECTION 14
INVALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be

adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Fremont hereby declares that it would not have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 15

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 16

This Local Law shall take effect immediately upon the filing in the office of the 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. THREE of 19 96 of the ~~(County)~~(City)(Town)(~~Village~~) of FREMONT was duly passed by the FREMONT TOWN BOARD on NOVEMBER 12 19 96 in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 19 ____ of the ~~(County)~~(City)(Town)(~~Village~~) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. 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 _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.

Karma J. Kilbury
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: NOVEMBER 13, 1996

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK STEUBEN
COUNTY OF _____

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]
Signature
ATTORNEY FOR THE TOWN
Title

~~County~~
~~City~~ of FREMONT
Town
~~Village~~

Date: 11/13/96



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

December 3, 1996

NORMA J. KILBURY
FREMONT TOWN CLERK
8223 CREAM HILL ROAD
ARKPORT NY 14807

RE: Town of Fremont (Steuben Co), Local Law 3, 1996, filed 11/18/96

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Please be advised only 1 original local law is required to be filed in our office.

Sincerely,

A handwritten signature in cursive script that reads "Janice G. Durfee".

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml