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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 Montgomery

Local Law No. 2 of the year 19 86

A local law for the Administration and Enforcement of the New York State Uniform
(Insert title)
Fire Prevention and Building Code

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

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

SECTION 1. ENFORCEMENT OFFICER

The Code Enforcement Officer of the County of Montgomery is hereby designated to administer and enforce the New York State Uniform Fire Prevention and Building Code (Uniform Code) for the buildings and properties which are dedicated to public use and are owned by the municipal entity named the County of Montgomery, New York and any buildings and properties present within the corporate limits of the entire Village of Fultonville, Montgomery County, New York.

The Code Enforcement Officer of the County of Montgomery, New York, is authorized and directed to develop written rules and regulations which ensure that publicly-owned County buildings, properties and facilities are constructed and maintained in accordance with the provisions of the Uniform Code. Such written regulations will be subject to the approval of the Montgomery County Board of Supervisors.

The following provisions of this Local Law (Sections 2. through 9.) apply only to buildings and properties, both publicly and privately owned, which are located within the corporate boundaries of the Village of Fultonville, New York.

SECTION 2. BUILDING PERMITS

A. No person, firm, corporation, association, or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal, or demolition of any building or structure, except an agricultural building or structure, nor install heating equipment without having applied for and obtained a permit from the Code Enforcement Officer. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature and which are done in conformance with the Uniform Code. The provisions for building permits apply specifically to buildings and properties found to be within the corporate limits of the Village of Fultonville, New York.

B. Applications for a building permit may be obtained from the Office of the Code Enforcement Officer or his designee. A completed application shall be delivered to the Code Enforcement Officer, and must include:

- (i) The signature of the applicant or authorized agent;
- (ii) A description of the site on which the proposed work is to be done;
- (iii) A statement of the use or occupancy of all parts of the land and of the proposed building or structure;
- (iv) A brief description of the proposed work;
- (v) The estimated cost of the proposed work with appropriate substantiation;
- (vi) The full name and address of the owner and the applicant, and, if either be a corporation, the names and addresses of responsible officers;
- (vii) Three sets of plans and specifications for the proposed work;
- (viii) The fee specified in this Local Law;
- (ix) The building permit shall conspicuously state the name of the party upon whom all appropriate notices shall be served;
- (x) A statement granting the applicant's permission for the Code Enforcement Officer to enter the property and structure thereon as frequently as he deems necessary to inspect the same for the compliance with the Uniform Code.

The applicant may request that the requirement of plans and specifications be waived where the work to be done involves minor alterations or are otherwise unnecessary.

C. The applicant shall notify the Code Enforcement Officer of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein.

D. A building permit issued pursuant to this Local Law shall be prominently displayed on the property or premises to which it pertains.

E. A building permit issued pursuant to this Local Law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been a misrepresentation or falsification of a material fact in connection with the application for the permit.

F. A building permit issued pursuant to this Local Law shall expire one (1) year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods provided that (i) the permit has not been revoked or suspended at the time the application for renewal is made, (ii) the relevant information in the application is up to date, and (iii) the renewal fee is paid.

SECTION 3. CERTIFICATE OF OCCUPANCY

A. No building erected subject to the Uniform Code and this Local Law shall be used or occupied, except to the extent provided in this section, until a certificate of occupancy has been issued. No building similarly 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 thirty (30) days after the completion of the alteration or work unless a certificate of occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or his agent shall make application for a certificate of occupancy.

B. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire six (6) months from the date of issuance, but may be renewed an indefinite number of times.

C. No certificate of occupancy shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation of the Uniform Code in the area intended for use and upon payment of the appropriate fee.

SECTION 4. INSPECTION

A. Work for which a building permit has been issued under this Local Law shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the owner, applicant, or his agent to inform the Code Enforcement Officer that the work is ready for inspection and to schedule such inspection.

B. Existing buildings not subject to inspection under subdivision (A) of this section shall be subject to periodic inspections for compliance with the Uniform Code in accordance with the following schedule: all areas of public assembly defined in the Uniform Code, all buildings or structures containing areas of public assembly, and the common areas of multiple dwellings - every six (6) months; all building or structures open to the general public - every twelve (12) months; all other buildings - every eighteen (18) months. Notwithstanding any requirement of this subdivision to the contrary, no regular, periodic inspections of occupied dwelling units shall be required, except that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety, or welfare.

SECTION 5. INSPECTORS

A. The inspections required by Section 4. of this Local Law shall be performed by the Code Enforcement Officer or such inspector as he may designate pursuant to the provisions of Subdivision B of this paragraph of this Local Law. The Code Enforcement Officer is authorized to order, in writing, the correction of any condition in violation of the Uniform Code found in, on, or about any building. Such orders shall be served in person upon a responsible party or his authorized agent or by certified mail sent to the address of a responsible party set forth in any relevant application for a permit or in any relevant certificate. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition within the specified time shall be subject to a penalty as provided by law.

B. The applicant for a building permit on premises subject to inspection under Section 4. may be required by the Code Enforcement Officer to have such inspection performed at his own cost and expense by a competent inspector acceptable to the Code Enforcement Officer. Such inspector may be a registered architect, licensed professional engineer, certified code enforcement officer, or other person whose experience and training has been demonstrated to the satisfaction of the Code Enforcement Officer. Such inspector shall certify the results of his inspection to the Code Enforcement Officer. Any person required by the Code Enforcement Officer to have an inspection performed at his own cost and expense shall not be assessed the fees otherwise prescribed in this Local Law.

C. If the Code Enforcement Officer is the owner of or is involved in work on the premises to be inspected, or if there shall otherwise be any conflict of interest, the Montgomery County Board of Supervisors shall appoint a qualified individual to perform such duties.

SECTION 6. FEES

A. Fees for building permits shall be ten dollars (\$10.00).

B. Other fees shall be as follows:

Renewal of Building Permit	\$10.00
Temporary Certificate of Occupancy	\$10.00
Third or Subsequent Temporary Certificate of Occupancy	\$50.00
Certificate of Occupancy	No Charge

SECTION 7. REMEDIES

A. In addition to, and not in limitation of any power otherwise granted by law, the Code Enforcement Officer or his designee shall have the authority to order, in writing, the remedying of any condition found to exist in, on, or about any building in the Village of Fultonville which is in violation of the Uniform Fire Prevention and Building Code, and to issue appearance tickets for violation of the Uniform Code.

B. Any person, having been served, either personally or by registered mail, with an order to remedy any condition found to exist in, on, or about any building in the Village of Fultonville which is in violation of the Uniform Fire Prevention and Building Code who shall fail to comply with such order within the time fixed by the Code Enforcement Officer or his designee, such time period to be stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the Uniform Code of this Local Law, or any order promulgated by the Secretary of State of the State of New York made thereunder regarding standards for construction, maintenance, or fire protection equipment, and systems shall be punishable by a fine of not more than Fifty Dollars (\$50.00) per day of violation, or imprisonment not to exceed 30 days, or both. Each day such violation continues will constitute a separate violation.

C. Where the construction or use of a building is in violation of any provision of the Uniform Code or this Local Law, any court of competent jurisdiction may order the removal of the building or an abatement of the condition in violation of such provisions. An application for such relief may be made by the Code Enforcement Officer in the name of the County of Montgomery, the Secretary of State or any other persons aggrieved by the violation.

SECTION 8. 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 9. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.