

Local Law 1 1985:
June 24, 1985

A local law providing for the administration and enforcement of the Uniform Fire Prevention and Building Code.

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

A local law providing for the administration and enforcement of the uniform fire prevention and building code.

SECTION 1

Definition. (a) The words and terms used in this local law shall have meaning as those contain in Executive Law. Article 1B, as added by Chapter 707 of the Law of 1981, unless the context say otherwise require. (b) "Enforcement official" shall mean the building inspector authorized and empowered to administer and enforce the Uniform Code in the town.

SECTION 2

Permit. (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 with first having obtained a permit from the Town Clerk 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 therefor 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 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 duplicate set of plans, drawings and specifications (except for demolition or removal of a building) shall accompany such application. All drawings and plans shall be to the satisfaction of the Building Inspector and shall comply with the applicable provisions of the Uniform Code and local requirements.

SECTION 3

Fees. (a) Fees for permits shall be based on the estimated value of the work as prescribed herein and shall accompany the application for the permit.

(b) the following fees shall be applicable;
Building Permit Application.....\$15.00
Building Permit: 2c/sq.ft. x Total Sq. Footage
less 120 Sq.Ft. and not
to exceed.....\$75.00

SPECIAL FEES:

Extension of Building Permit.....\$10.00
Demolition Permit.....\$15.00
Certificate of Occupancy (change of occupancy).....\$25.00
(6) Certificate of Occupancy (if building permit is in effect) no charge. Otherwise \$25.00 for one and two-family dwellings. \$25.00 for an individual dwelling owned in condominium or cooperative form. \$100.00 for all others.

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 being 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.

(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

Fire Prevention and Safety Inspection. (a) All dwelling units in a building consisting of more than three or more units, shall be inspected for the purpose of determining compliance with safety requirements of the Uniform Code at least once in every 12 months. Inspection of the common areas of such building such as halls, foyers, staircases, etc. shall be so inspected once in every 12 months. A fee of \$10.00 per dwelling unit shall be charged to the owner of the building or dwelling unit for each such inspection and of a fee of \$25.00 shall be charged for inspection of the common areas of such building. The fee shall be paid by such owner within 10 days of date of the statement therefor.

(b) All other buildings, uses and occupancies shall be inspected at least once in every 12 months.

(c) An inspection of building or dwelling unit shall be performed at any other time upon (1) request of owner or authorized agent, (2) receipt of a written statement specifying ground upon which the subscriber believes a violation of the Uniform Code exists or (3) other reasonable and reliable information that such violation exists.

(d) Such inspection shall be performed by the Enforcement Officer.

SECTION 7

Annual Reports.

The enforcement official shall annually submit a report to the town board on or before December 31 of that year, 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 violation and abatement thereof, the number and type of permits issued, and recommendations for improving the administration and enforcement of the Uniform Code.

SECTION 8

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 19 NYCRR 440.

SECTION 9

Remedies and Penalties.

In addition to the remedies prescribed by Executive Law, Section 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 \$500.00 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.

SECTION 10

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 the 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 11

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