

(Please Use this Form for Filing your 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  
Town of ..... Nanticoke .....  
Village

Local Law No. .... 1 ..... of the year 19<sup>85</sup> .....

A local law ... for Administering and Enforcing the New York State Uniform Fire  
Prevention and Building (Insert title) Code

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

County  
City  
Town of ..... Nanticoke .....  
Village ..... as follows:

A LOCAL LAW OF THE TOWN OF NANTICOKE  
FOR ADMINISTERING AND ENFORCING THE  
NEW YORK STATE UNIFORM FIRE PREVENTION  
AND BUILDING CODE (UNIFORM CODE)

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NANTICOKE AS FOLLOWS:

SECTION 1 Purpose

The Town Board of the Town of Nanticoke 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 as Public Official

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

SECTION 3 Acting Building Inspector

In the absence of the Building Inspector, or in the case of his 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 in behalf of Building Inspector and to exercise all the powers conferred upon him 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 Uniform Fire Prevention Building Code the regional board of review created under Section 440.1 exercising its powers, functions and duties in the County of Broome shall have the power to vary or modify, in whole or in part, any provision of 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 fee required by Section 440.7.

SECTION 5 Restrictions on Employees

No Building Inspector or Acting Building Inspector shall engage in any activity inconsistent with his duties or with the interests of the Town; nor shall he, during the term of his 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 Nanticoke, 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 any member of his immediate family and not constructed for sale.

## SECTION 6

### Duties and Powers of Building Inspector

- a. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided the Building Inspector 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.
- b. He 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.
- c. He shall receive applications and issue permits for erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.
- d. He 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 such laws, ordinances and regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he 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 the same are certified by a responsible official thereof.
- e. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction, he 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.

## SECTION 7

### Department Records and Reports

- a. The Building Inspector shall keep permanent official records of all transactions and activities conducted by him including all applications received, permits and certificates issued, fees charged and collected, inspection reports, and notices and orders issued. All such records shall be public records open to public inspection during business hours.

b. The Building Inspector shall, annually, submit to the Town Board a written report and summary of all business conducted by him, 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 may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of all municipal officials exercising any 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 Fees**

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 Building Inspector before the permit is issued, the fee required in this section, as follows:

a. Fees for building permits.  
Total Valuation of Construction or  
Other Activity to be Undertaken Fees .01¢ per sq. ft.

b. Other inspections and fees related to building construction.

Residence.....	\$ 40 for complete inspection.
Garages and outside buildings.....	\$ 15
Trailers with HUD seal.....	\$ 10

- Older trailers..... \$ 25
- Commercial and industrial..... \$ 25 per hou
- Additional plan review required by changes, additions or revisions to approved plans..... \$ 25 per hou

In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50 percent of the fee paid, provided no work has commenced. If work has commenced and the application is not approved, the fees paid shall not be refunded.

- Building permit-renewal..... no charg
- or 10 percent of the original building permit fee, whichever is larger.
- Certificate of occupancy..... no charg
- if building permit is in effect. Otherwise, \$25 for one- and two-family dwellings, \$100 for all others.

c. 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 twice the amount of the regular fee above set forth.

d. The Building Inspector 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, and 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(b). If the building inspector, after inspection, determines that the installation is in compliance with the Uniform Code, he 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**

a. 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 in every 12 months. Inspection of the common areas of such building such as halls, foyers, staircases, etc. shall be so inspected at least once in every 12 months.

b. All other buildings, uses and occupancies may be inspected at least once in every 6 months.

c. There shall be a \$15.00 per hour charge for such fire prevention and safety inspection including chimney fires.

d. 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.

## 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 Nanticoke for loss of life or damage to person or property caused by any defect therein, nor shall the Town of Nanticoke be deemed to have assumed any such liability by reason of any inspection made pursuant to this Local Law.

## SECTION 13

### Penalty

a. 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 herein imposed for such violation. Each act committed in violation of any provision of this Local Law shall constitute a separate offense.

b. For every violation of any provision of this Local Law the person violating the same shall be subject to a fine of not more than \$50.00 or imprisonment not exceeding 15 days, or both.

c. Any person violating this Local Law shall be subject to a civil penalty enforceable and collectable by the Town in the amount of \$50.00 for each such offense.

d. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law or said New York State Uniform Fire Prevention and Building Code or to vacate the occupancy or building in case of imminent peril of life or property, notwithstanding that a penalty or other punishment for such violation has otherwise been provided.

## SECTION 14

### Separability

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 15

Repealer

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 16

Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. .... of 1985  
County  
City of ..... Nanticoke ..... was duly passed by the Nanticoke Town Board  
Town of .....  
Village .....  
(Name of Legislative Body)  
on ..... July 11, ..... 1985. in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, or repassage after disapproval.)

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

3. (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 § 36 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.

*[Handwritten signature]*



... 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.

*Joanne Costley*  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body  
JOANNE COSTLEY, Town Clerk

Date: July 11, 1985

(Seal)

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

STATE OF NEW YORK  
COUNTY OF BROOME

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.

*Richard A. Barber*  
RICHARD A. BARBER Signature  
Attorney for the Town of Nanticoke  
Title

Date: July 11, 1985

County  
City of Nanticoke  
Town  
Village