

TOWN OF GENOA
LOCAL LAW No. 1 of the year 1987

A local law providing for the Administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

SECTION I. REPEAL OF PRIOR LAWS.

Local Laws number 1 of the Year 1983, of the Town of Genoa Cayuga County, New York are hereby repealed.

SECTION II. ADOPTION OF THE N.Y. STATE UNIFORM FIRE PREVENTION & BUILDING CODE.

The New York State Uniform Fire Prevention and Building Code is hereby adopted, and is henceforth effective in the Town of Genoa, Cayuga County, New York.

SECTION III. APPLICABILITY

This Local Law shall provide the basic method for administration and enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of Genoa, Cayuga County, New York, and establish powers, duties and responsibilities in connection therewith.

SECTION IV. EFFECTIVE DATE

This local law shall take effect September 1, 1987.

SECTION V. PARTIAL INVALIDITY

If any section of this Local Law shall be held unconstitutional, invalid or ineffective in whole or part, such determination shall not be deemed to effect, impair or invalidate the remainder thereof.

SECTION VI. ADMINISTRATION

The Town Board of the Town of Genoa, Cayuga County, New York, shall appoint such person or persons, agency or agencies, or if authorized by law may contract with any person or corporation, as in their discretion is necessary for the proper enforcement of the provisions of the Local Law and the New York State Uniform Fire Prevention and Building Code and rules and regulations promulgated thereunder. Such person or persons, agency or corporation, shall be known as "Code Enforcement Officers". The compensation of such code enforcement officers shall be fixed by the Town Board of the Town of Genoa, Cayuga County, New York. Additionally the Town Board may contract with any person or persons, agency or agencies, or corporation, that meet the requirements as provided by the laws and regulations of the State of New York to be a "Code Enforcement Officer", to provide technical expertise and advice to the Code Enforcement Officer;

SECTION VII. RULES & REGULATIONS

The Town Board of the Town of Genoa, Cayuga County, New York, is hereby authorized to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this local law and the New York State Uniform Fire Prevention and Building Code. All rules and regulations adopted in accordance with Article 18 Section 381 of the Executive Law as it exists or may be amended are adopted by reference. The Town Board shall file a copy of all rules and regulations which they may adopt with the Clerk of the Town of Genoa. Such rules and regulations shall have the same force and effect as the provisions of this local law, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this local law or the New York State Uniform Fire Prevention and Building Code, as hereinafter provided.

SECTION VIII. DUTIES OF CODE ENFORCEMENT OFFICERS

A. The designated code enforcement officer or officers shall make such inspections or investigations as deemed necessary to insure compliance with the provisions of the New York State Uniform Fire Prevention Code and any rules and regulations enacted thereunder.

B. The code enforcement officer shall receive applications for the erection and alteration of buildings and structures or parts thereof. Shall examine the premises for which such application has been received, plans approved or such permits have been issued, for the purpose of insuring compliance with the laws, ordinances, rules and regulations governing building construction or alteration.

C. The code enforcement officer shall approve or deny building permits as outlined in Section IX following.

D. The code enforcement officer shall issue in writing all appropriate notices or orders:

- 1) to remove illegal or unsafe conditions;
- 2) to require the necessary safeguards during construction and;
- 3) to insure compliance during the entire course of construction with the requirements of such laws ordinances, rules and regulations.

E. The code enforcement officer shall issue a certificate of occupancy where appropriate for a building constructed or altered in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code which such certificate shall certify that the building conforms to the requirements of the State Uniform Code.

F. When the code enforcement officer finds that there has been a violation of the State Uniform Code, this local law, or any rule or regulation adopted pursuant to this local law, a violation order shall be issued to the person or persons responsible by the code enforcement officer. Violation orders shall be in writing; shall identify the property or premises; shall specify the violation and remedial action to be taken; and the time to take such remedial action. Violation orders shall be served upon the owner or his agent. Such notice shall be deemed to be properly served upon such owner or agent if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; and by registered mail addressed to the owner as reflected on the Town's assessment roll, or if service is made by a method authorized by the CPLR.

SECTION IX. BUILDING PERMITS.

A. No person, shall commence the alteration, enlargement, improvement, or change in the nature of the occupancy of any building or structure, without first obtaining a building permit from the code enforcement officer for each such building or structure. No building permit shall be required for the performance of necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical or heating ventilation systems not of structural nature and construction of small non-commercial structures not intended for human habitation.

Application for a building permit shall be made by the owner or his agent to the code enforcement officer on forms provided by the Town of Genoa, and available from the Town Clerk, or code enforcement officer, which shall contain the information as provided by regulation and which will be accompanied by supporting documents and information as provided by regulation.

C. Amendments, to the application or to the specifications shall be filed with the code enforcement officer prior to the commencement of such change of work.

D. The code enforcement officer shall examine or cause to be examined all applications for permits and the documents filed therewith. If the application together with other documents filed therewith describe work which conforms to all of the requirements of the applicable building regulations, the code enforcement officer shall

approve the same and issue a building permit. If the application together with other documents filed therewith describe work which does not conform to all of the requirements of the applicable building regulations, the code enforcement officer shall disapprove the same. Upon request of the applicant, the code enforcement officer shall cause the refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

F. A building permit shall be effective to authorize the commencing of work for a period of six months after the date of its issuance. The code enforcement officer shall allow extensions as may be provided for by regulation.

G. A building permit shall be displayed on the job site during the progress of the work.

H. By the application for the building permit the owner consents to construction inspection by the code enforcement officer, at such times during the course of construction as will permit the observation of the foundation, structural elements, electrical systems, plumbing systems, heating ventilation and air conditioning systems, fire protection and detection systems, and exact features, by said code enforcement officer as he deems necessary.

I. The code enforcement officer may deny or revoke a permit in the following instances:

1. Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, or other documents on which the building permit was based.
2. Where he finds that the work performed under the permit is not being prosecuted in accordance with the applicable law and provisions of the application.
3. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the code enforcement officer.
4. If the owner, or the owner's agent denies access to the premises, to the code enforcement officer during day light hours.
5. In any circumstance set forth by regulation.

SECTION X. CERTIFICATE OF OCCUPANCY.

A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the code enforcement officer.

B. No building hereafter enlarged, extended, or altered or upon which work has been performed, which required the issuance of a building permit, shall be occupied or used after the completion of the alteration or work unless a certificate of occupancy shall have been issued.

D. The owner or his agent shall make application for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Town of Genoa, an affidavit of the architect or licensed professional engineer who supervised the construction of the work, or of the superintendent of construction who supervised the construction, and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, that the structure has been erected in accordance with approved plans, and, as erected, complies with the law governing building construction or as a variance which has been legally authorized. Such variances and qualifying conditions imposed therewith, if any, shall be specified in the affidavit.

E. When, after inspection or inspections by the code enforcement officer as he deems necessary, it is found by the code enforcement officer that the proposed work has been completed in accordance with the applicable laws, ordinances, rules and regulations, the code enforcement officer shall issue a certificate of occupancy. If it is found the proposed work has not been properly completed, the code enforcement officer shall not issue a certificate of occupancy.

F. The certificate of occupancy shall certify that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable laws, ordinances, rules and regulations. It shall specify the use or uses and the extent therefor to which the building or structure or its several parts may put to use.

G. Upon request, the code enforcement officer may issue a temporary certificate of occupancy for building or structure or part thereof, before the entire work covered by the building permit shall have been completed provided such portions as have been completed may be occupied safely without endangering life or public health and welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good causes the code enforcement officer may allow extensions for periods of time as may be provided by regulation.

SECTION XI. FIRE SAFETY INSPECTIONS

A. Fire safety inspections of areas of public assembly as defined in Part 606 of Title 9 of the Official Compilation of Codes, Rules and Regulations as it exists or as may be amended shall be made by the code enforcement officer at least annually.

B. Fire Safety inspections of all multiple dwellings, and all non-residential occupancies shall be made at intervals consistent with local conditions.

C. Inspections shall be made by the code enforcement officer in response to bona fide complaints regarding conditions or activities allegedly failing to comply with the Uniform Code.

SECTION XII. STOP ORDERS

Whenever the code enforcement officer has reasonable grounds to believe that the work on any building or structure is being prosecuted in violation of the provision of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, or in an unsafe and dangerous manner, he shall notify the owner of the property or the owners agent, to suspend all work and suspend all building activities until the stop order has been rescinded. Such order and notice shall appear in writing, shall state the conditions under which work may be resumed and may be served in the same manner as set forth in section XII, Violations.

SECTION XIII. VIOLATIONS

A. It shall be a violation for any person, to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the New York State Uniform Fire Prevention and Building Code, this Local Law, and any rule or regulation promulgated by the Town of Genoa thereunder.

B. It shall be a violation for any person fail to comply with a written order of the code enforcement officer or any owner, builder, architect, tenant, contractor, or any person taking part of assisting in the construction or use of the building who violates any of the applicable provisions of law, or any lawful order, notice, directive, permit or certificate of the code enforcement officer made thereunder.

SECTION XIV. REMEDIES

A. Failure to comply with any provision of the New York State Uniform Fire Prevention and Building Code, this local law, or rules or regulations, adopted pursuant to this Local Law, or a violation order shall be subject to the penalties as prescribed by Section 382 of Article 18 of the Executive Law as it exists or as it is amended, is a violation.

B. An action or proceeding in the name of the Town of Genoa may commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this local law, any rules or regulations adopted pursuant to this local law, or a violation order, or to vacate the occupancy or building in the case imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

C. The code enforcement officer is in accordance with Section 382 of Article 18 of the Executive Law as it exists or as amended, may issue appearance tickets for violations of the Uniform Code.

D. Except as otherwise prescribed by law, a violation shall not be a crime and shall be punishable by imprisonment for one day or by a fine of not more than \$250.00 for each violation, each week a violation continues shall constitute separate violation.

SECTION XV. FEES/RECORDS

A. The Town Board of the Town of Genoa shall promulgate a schedule of fees which shall be paid by applicants to secure the necessary permits or approvals as mandated by the New York State Uniform Fire Prevention and Building Code, this local law, and any rules and regulations promulgated thereunder. The fee schedule may be amended by the Town Board by a resolution of the Board.

B. The code enforcement officer shall maintain permanent official records of all transactions and activities including applications, plans approved, permits, certificates issued, fees charged, and collected, inspection reports, all rules and regulations adopted by the Town Board, said records shall be open to the public, and made available to the Town of Genoa.

SECTION XVI. STATE REVIEW BOARDS

A. A Board of Review has been established by the State of New York, and is administered by the state of New York, for the purpose of granting variances where enforcement of any provision or requirement of the New York State Uniform Fire Prevention and Building Code results in practical difficulties or unnecessary hardships. Said review board is authorized to grant variances to this local law or any regulations or rules adopted by the Town of Genoa hereunder.

Note:

There are spelling and other typographical errors in the document. These are errors that exist in the actual law itself, and have merely been ignored during transferal to electronic format in the interest of continuity. However, if there seems to be an error not present in the law itself, contact the webmaster.