

(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 Lewis
~~Town~~
~~Village~~

Local Law No. 6 of the year 19 91

A local law AMENDING LOCAL LAW NO. 4-1984, COUNTY OF LEWIS BEING A LOCAL LAW FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE.

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

County

~~City~~ of Lewis as follows:
~~Town~~
~~Village~~

SEE ATTACHED SHEETS

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

A LOCAL LAW AMENDING LOCAL LAW NO. 4-1984, COUNTY OF LEWIS BEING A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE.

Introduced by Legislator Julius Guignard, Chairman of the Courts and Law Enforcement Committee.

BE IT ENACTED by the Board of Legislators of the County of Lewis as follows:

Section 1. That Local Law No. 4-1984, County of Lewis entitled "A LOCAL LAW FOR ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE." is hereby amended to read as follows:

Section 1. That this local law shall be known as the County of Lewis Local Law for administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

Section 2. The Board of Legislators of the County of Lewis makes the following findings: Our County is now fully subject to the provisions of Chapter 707 of the Laws of 1981 being an act to amend the Executive Law and the State Finance Law in relation to fire prevention and building codes. It is the purpose and intent of this Board to comply with such law and to enforce the provisions thereof pursuant to the within local law. It is the feeling and determination of this Board that the best way to accomplish such enforcement is by the County contracting with an outside firm or entity or individual to, as an independent contractor, act as and perform the duties of building inspector with the delegation of certain administrative and clerical duties to the Director of Planning of the County of Lewis.

Section 3. That the Board of Legislators be and it hereby is authorized to contract with an outside firm or entity or individual to act as building inspector for the County of Lewis for such compensation as may be determined. That such contract may include any provisions, not in conflict with this local law,

as the Board of Legislators may determine proper. That such firm or entity or individual shall, for all purposes, be deemed an independent contractor and not an employee, agent, servant, officer or official of the County of Lewis and said County of Lewis shall never be responsible for any of the acts or activities or negligence or lack of care of such building inspector.

Section 4. Such building inspector shall carry such policies of insurance as may be required by Lewis County Board of Legislators or the Courts and Law Enforcement Committee of such Lewis County Board of Legislators for the protection of the County and it's officers, officials, agents and employees.

Section 5. That there is hereby delegated to the Director of Planning of the County of Lewis the following duties:

(a) to have available for all members of the public, during business hours, all necessary forms and information with relation to fire protection and building codes.

(b) to keep permanent and official records of all transactions and activities conducted by him, including, but not necessarily limited to, all applications received, plans approved, permits and certificates issued, all inspection reports, all rules and regulations promulgated by him with the consent of Lewis County Board of Legislators or the Courts and Law Enforcement Committee of said Lewis County Board of Legislators, all papers in connection with appeals and all notices and orders issued. All such records shall be public records open to public inspection during normal business hours. The Director shall annually submit to Lewis County Board of Legislators, before the 31st day of January

following, a written report and summary of all business conducted by him during the preceding calendar year with reference to fire prevention and building codes.

(c) to initiate any enforcement or prosecute any violations of this Local Law and such rules and regulations as may be promulgated hereunder or to refer such enforcement or prosecution to the Sheriff of the County of Lewis or other authorized or appropriate department, division, officer, agent or employee of the County of Lewis.

(d) to perform such other duties as may be directed and prescribed by the Lewis County Board of Legislators or the Courts and Law Enforcement Committee of the Lewis County Board of Legislators.

Section 6. That there is hereby delegated to the Clerk of the County of Lewis the following duties:

(a) to collect and properly account for all fees.

(b) to keep permanent and official records in connection therewith.

(c) Shall annually submit to the Lewis County Board of Legislators, before the 31st day of January following, a written report and summary of all fees collected by him during the preceding calendar year with reference to fire prevention and building codes.

Section 7. In accordance with Article 18 of the Executive Law of the State of New York, and any other laws, rules and regulations:

(a) It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip or occupy any building or structure, or portion thereof, in violation of any provision of any law, rule or ordinance, as well as any regulations or rules promulgated by the Director of Planning or Courts and Law Enforcement Committee of Lewis County Board of Legisla-

tors or Lewis County Board of Legislators, or to fail in any manner to comply with a notice, directive or order of the Director of Planning or Courts and Law Enforcement Committee of Lewis County Board of Legislators or Lewis County Board of Legislators or the Sheriff of the County of Lewis or any authorized or appropriate department, division, official, agent or employee of the County of Lewis, or to construct, alter, use or occupy any building or structure thereof in a manner not permitted by an appropriate building permit or certificate of occupancy.

(b) Any person who shall fail to comply with a written order or directive herein within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part in or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of law, rules or regulations or any lawful order, notice, directive, permit or certificate made hereunder, shall be punishable by a fine or imprisonment or both. Each day that a violation continues shall be deemed a separate offense.

(c) Except as provided otherwise by law, such violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person found guilty of such an offense.

Section 8. Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises and these remedies shall be in addition to penalties otherwise prescribed by law.

Section 9. If any clause, sentence, paragraph, part or provision of this local law shall for any reason be adjudged by any court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its effect and operation to the clause, sentence, paragraph, part of provision thereof directly involved in the controversy in which such judgment is rendered.

Section 10. That the within local law shall take effect immediately upon all legal requirements being met.

(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. 6 of 19 91 of the (County)~~(City)(Town)(Village)~~ of Lewis was duly passed by the Board Of Legislators on December 20 19 91, 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.

Mary E. Terrillion
Clerk of the County legislative body, ~~XXXXXX~~
Mary E. Terrillion
Date: December 23rd, 1991

(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 Lewis

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

Kenneth B. Wolfe
Signature Kenneth B. Wolfe
Title County Attorney

County
~~XXXX~~ of Lewis
~~XXXXXX~~
~~XXXXXX~~

Date: December 23rd, 1991