
(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 OF LEWIS

Local Law No. 11 of the Year 2005

**THE COUNTY OF LEWIS LOCAL LAW FOR ADMINISTRATION AND
ENFORCEMENT OF THE NEW YORK STATE UNIFORM
FIRE PREVENTION AND BUILDING CODE.”**

(Insert Title)

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

Section 1. **Title:** 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. Local Law No. 6 - 1991, 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AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE”**”, is hereby amended and superseded to read as follows:

Section 3. **Purpose:** The County of Lewis 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 all other applicable laws.

Section 4. **Designation of Senior Code Enforcement Officer as Public Official:**

- (a) There is hereby established in the County of Lewis, the office of Senior Code Enforcement Officer. Said Senior Code Enforcement Officer shall be appointed by the Board of Legislators at a compensation to be fixed by it from time to time. He or she shall be deemed a public officer as defined by Public Officers Law § 3 and shall be subject to all of the duties and responsibilities prescribed therein.
- (b) There is further established the Office of Code Enforcement which shall be deemed a department of the County of Lewis, of which the Senior Code Enforcement Officer shall be the department head. The Senior Code Enforcement Officer may employ one or more assistant code enforcement

officers and such support staff as he or she may deem necessary within the budget and subject to such rules, regulations and employment policies as may now hereafter be established by the Board of Legislators.

- (c) In the absence of the Senior Code Enforcement Officer or in the case of his or her inability to act for any reason, the County Manager shall have the power, with the consent of the Board of Legislators, to designate a person to act on behalf of the Senior Code Enforcement Officer and to exercise all the powers conferred upon him or her by this Local Law.

Section 5. **Qualifications for Employment:**

- (a) The Senior Code Enforcement Officer, and any assistant code enforcement officer, shall at all times throughout the term of his or her office maintain all necessary licences, permits and certifications required under New York State Law and any regulation promulgated thereunder. In the event any such license, permit or certificate required by New York State and/or this Local Law be suspended, revoked or lapse for any reason whatsoever, the appointee or employee shall be deemed to have voluntarily resigned from his or her office or position as of the date of such suspension, revocation or lapse.
- (b) Notwithstanding the residency requirements contained in Public Officers Law § 3, the Senior Code Enforcement Officer need not be a resident of the County of Lewis as a qualification of employment. However, the person appointed as the Senior Code Enforcement Officer must be a resident of a county that is contiguous to Lewis County within one (1) month of the date of appointment. If the person appointed as Senior Code Enforcement Officer ceases to be a resident of either the County of Lewis or a contiguous county, the appointee shall be deemed to have voluntarily resigned from his or her office and the employment of such person shall terminate.

Section 6. **Restrictions on Employees:**

- (a) Neither the Senior Code Enforcement Officer nor any assistant code enforcement officer shall engage in any activity inconsistent with his or her duties or with the interests of Lewis County hereunder; nor shall he or she, during the term of his or her 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 of specifications thereof within the County of Lewis, excepting that this provision shall not prohibit any such individual from such activities in connection with the construction of a building or structure owned by him or her or any member of his or her immediate family, and not constructed for sale. This provision shall not apply to support staff notwithstanding their employment in the Office of Code Enforcement, subject to the provisions of

the Lewis County Code of Ethics.

- (b) The Senior Code Enforcement Officer and the assistant code enforcement officer shall be full time employees and shall devote their full professional time and effort to the duties of the office or position, which shall include a minimum of 40 hours per week. Furthermore, because towns and villages within Lewis County have the option of delegating the authority of enforcing the NYS Uniform Fire Prevention and Building Code to Lewis County, which includes the collection of fees for such services, the Board of Legislators finds that it would be a conflict of interest for the Senior Code Enforcement Officer and/or the assistant code enforcement officer to be engaged in the ownership, management operation or participation of any business for compensation (in whatever form) that provides building inspection and/or code enforcement for any municipality within Lewis County. Therefore it shall be deemed a term and condition of employment that the Senior Code Enforcement Officer and the assistant code enforcement officer shall not, without the prior written consent of the Board of Legislators: own, operate, manage, finance, join, control, or participate in the ownership, management, operation, financing or control of, or be connected as a shareholder, director, officer, partner, principal, agent or enterprise engaged in the inspection of buildings and/or structures for the purpose of enforcing the NYS Uniform Fire Prevention and Building Code by or for any municipality within Lewis County.

Section 7.

Duties and Powers of the Code Enforcement Officer: Except as otherwise specifically provided by law, ordinance or regulation, or except as otherwise provided herein, the Code Enforcement Officer shall:

- (a) 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) Make available for all members of the public, during business hours, all necessary forms and information with relation to fire protection and building codes.
- (c) Receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which applications have been received or permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.
- (d) 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 the laws, ordinances and regulations.

- (e) 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.
- (f) Perform such other duties as may be directed and prescribed by the Lewis County Board of Legislators or such legislative committee as may be appointed by the Board of Legislators for the purpose of overseeing the implementation and administration of this Local Law.
- (g) 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 whenever necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction.
- (h) Promulgate such rules and regulations, subject to the approval of the legislative committee having jurisdiction over the Office of Code Enforcement, as within the discretion of the Senior Code Enforcement Officer, is deemed necessary for the orderly and efficient administration of the NYS Uniform Fire and Building Code, the provisions of this Local Law, and any other applicable local law, rule or ordinance.

Section 8.

Collection of Fees, Department Records and Reports

- (a) The Board of Legislators shall establish, with the consultation of the Senior Code Enforcement Officer, such fees as it shall deem necessary and appropriate for the cost of issuing permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof within Lewis County. The Senior Code Enforcement Officer shall be responsible to collect and properly account for all such fees and shall deposit the same promptly with the County Treasurer.
- (b) The Senior Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him or her including all applications received, permits and certificates issued, fees charged and collected, inspection reports, and notices and orders issued. These shall be public records open to public inspection during business hours.
- (c) The Senior Code Enforcement Officer shall submit to the County Manager,

at the end of each calendar quarter, a written report and summary of all business conducted by the Office of Code Enforcement, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals of litigation pending.

Section 9.

Administration and Enforcement of NYS Uniform Fire Prevention and Building Code in the County of Lewis: Pursuant to Executive Law § 381[2], the County of Lewis shall administer and enforce the NYS Uniform Fire Prevention and Building Code by and through the Office of Code Enforcement.

- (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, without first obtaining a permit therefor from the Senior Code Enforcement Officer upon such applications as shall be prescribed from time to time.
- (b) 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 the NYS Uniform Fire Prevention and Building Code as the same may be amended from time to time, or any provision of any state or local law, rule, regulation or ordinance, as well as any regulation or rule promulgated by the Senior Code Enforcement Officer, or to fail in any manner to comply with a notice, directive or order of the Senior Code Enforcement Officer or the Sheriff of the County of Lewis or any authorized or appropriate department, division, official, agent or employee of the County of Lewis in connection with the administration or enforcement of any such state or local law, rule, regulation or ordinance.
- (c) Any person who shall fail to comply with a written order or directive issued pursuant to this local law within the time fixed for compliance therewith, and any owner, building, 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 any law, rule or regulation or any lawful order, notice, directive, permit or certificate issued hereunder, shall be punishable by a fine of up to \$500.00 per violation or imprisonment of up to ninety (90) days per violation or both. Each day that a violation continues shall be deemed a separate offense.
- (d) Except as provided otherwise by law, such violation shall not be a crime and the penalty or punishment imposed therefore 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 10. **Legal Proceedings:** 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 or to otherwise enforce the terms and conditions of the NYS Uniform Fire Prevention and Building Code, this Local Law, and any other applicable state or local law, rule, regulation or ordinance. These remedies shall be in addition to such penalties as may otherwise be prescribed by law.

Section 11 **Cooperation of Other Departments:** The Senior Code Enforcement Officer shall offer and receive, so far as necessary in the discharge of his or her duties, the assistance and cooperation of all municipal official exercising 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 12. **Separability, Savings Clause:** 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 13. **Effective Date:** That the within local law shall take effect January 1, 2006.

(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. 11 - 2005, of the County of Lewis was duly passed by the Lewis County Board of Legislators on December 6, 2005, in accordance with the applicable provisions of law.

~~**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 20____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20____, and was approved, not disapproved, repassed after disapproval, by the _____, and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.~~

~~**3. (Final Adoption by Referendum.)**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20____, and was approved, not disapproved, repassed after disapproval, by the _____ on _____, 20____. 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 _____, 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to a 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 200____, of the County of Lewis was duly passed by the Lewis County Board of Legislators on _____. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, in accordance with the applicable provisions of law.~~

* 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.)

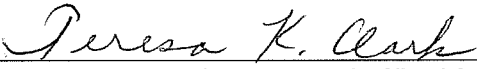
I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special/general election held on _____, 20____, 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 20____, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to the 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.



Clerk of the Lewis County Board of Legislature
Clerk or officer designated by local legislative body
TERESA K. CLARK, CLERK
Date: December 8, 2005

(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) ss:

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.


Signature - RICHARD J. GRAHAM, ESQ.
LEWIS COUNTY ATTORNEY
County of Lewis
Date: December 8, 2005