STATE OF NEW YORK
COUNTY OF OTSEGO

COUNTY LAW NO. 2

A COUNTY LAW AUTHORIZING COUNTY ADMINISTRATION AND
ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PRE-
VENTION AND BUILDING CODE

BE IT ENACTED by the Board of Representatives of the County
of Otsego as follows:

ARTICLE I
Introductory Provisions

SECTION 1. Legal Enactment.

1.1 The Board of Representatives of the County of Otsego,
pursuant to Section 1 of Chapter 707 of the Laws of 1981 (Executive
Law, Section 381 (2)) hereby formally adopt this County Law to be
known as "A County Law Authorizing County Administration and
Enforcement of the New York State Uniform Fire Prevention and
Building Code".

SECTION 2. Authority.

2.1 This local Law is hereby enacted pursuant to the
authority granted by Section 10 of the New York State Municipal
Home Rule Law.

SECTION 3. Purpose.

3.1 This County Law shall provide the method for administra-
tion and enforcement of the New York State Uniform Fire Prevention
and Building Code in the County of Otsego and shall establish
powers, duties, and responsibilities in connection therewith.

SECTION 4. Standards.

4.1 All new construction, or alterations, improvements,
removal, or demolition of any building or structure, excepting
agricultural buildings or structures, the installation of heating
equipment, or minor interior or exterior alterations granted a
Building Permit waiver, shall be in compliance with the most recent edition of the New York State Uniform Fire Prevention and Building Code, prepared by the New York State Division of Housing and Community Renewal.

ARTICLE II
Administrative Provisions

SECTION 5. Code Enforcement Officer.

5.1 The County Board of Representatives of the County of Otsego hereby establishes the Department of Code Enforcement to administer and enforce the State Uniform Fire Prevention and Building Code (hereinafter referred to as the Code) within those municipalities within Otsego County which have not elected to enforce the Code.

5.2 The positions of Uniform Fire and Building Code Enforcement Officer (to be appointed by resolution of this Board) and Clerk/Typist are hereby created to serve as staff of the Department of Code Enforcement.

5.3 The Uniform Fire and Building Code Enforcement Officer (hereinafter referred to as Code Enforcement Officer) shall be considered an official of the County of Otsego and shall supervise the County Department of Code Enforcement.

5.4 Code Enforcement Officer:

(a) Except as otherwise specifically provided by law, or excepted as herein otherwise provided, the Code Enforcement Officer shall administer and enforce all of the provisions of the Uniform Fire Prevention and Building Code applicable to the plans, specifications, or permits for the construction, alteration and repair of buildings and structures, the installation and use of materials and equipment therein, and the location, use and occupancy thereof in regard to building construction specifications and fire prevention requirements.
(b) He shall receive applications, approve plans and specifications, and issue permits for the erection and alteration of buildings or structures or parts thereof and shall examine the premises for which such applications have been received, plans approved, or such permits have been issued for the purpose of ensuring compliance with the Code.

(c) He shall issue in writing all appropriate notices or orders, including Stop 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 Code.

(d) He shall make or cause to be made all building construction and fire prevention inspections which are necessary or proper for the carrying out of his duties, and he shall accept written reports of inspection from building inspectors under his supervision.

(e) He shall issue a Certificate of Occupancy where appropriate for a building constructed or altered in accordance with the provisions of the Uniform Fire Prevention and Building Code which such certificate shall certify that the building conforms to the requirements of the Code.


6.1 No person, firm, corporation, association, or other organization shall commence the erection, construction, alteration improvement, removal, or demolition of any building or structure, except agricultural buildings or structures, or the installation of heating equipment without having applied for and obtained a Building Permit from the Code Enforcement Office. The Code Enforcement Officer may, at the request of the applicant, waive a Building Permit requirement where the work to be done involves minor interior or exterior alterations.
6.2 Applications for Building Permits shall be available through local Town/Village Clerk Offices of municipalities that have passed local laws, properly filed with the New York State Department of State, to transfer local administration and enforcement of the Code. Building Permit Applications shall also be available directly from the County Department of Code Enforcement.

6.3 Applications for Building Permits shall be delivered in person or sent directly to the County Department of Code Enforcement for review and processing by the Code Enforcement Officer.

6.4 The Board of Representatives of the County of Otsego shall set a fee for Building Permit Applications.

6.5 The Building Permit Application shall specify at a minimum: the signature of the applicant or authorized agent; the requisite number of copies of certified plan specifications and maps; the work site; a statement of the use or occupancy of all parts of the land and of the proposed building or structure; a brief description of the proposed work, including plans and specifications; the estimated cost of the proposed work; the name and address of the owner and applicant and if either is a corporation, the names and addresses of responsible officers; the fee for the permit as determined by the County Board of Representatives.

6.6 (a) The Code Enforcement Officer shall examine or cause to be examined Building Permit Applications and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty days from the date of submission of the application.

(b) Upon approval of the application and upon receipt of the legal fees therefor, the Code Enforcement Officer shall issue a Building Permit to the applicant upon the form prescribed
by the Code Enforcement Officer and shall affix his signature to be affixed thereto.

(c) Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the files of the Department of Code Enforcement and the other set shall be returned to the applicant together with the Building Permit and shall be kept by the applicant at the building site open to inspection by the Code Enforcement Officer or his authorized representative at all reasonable times.

(d) If the application together with plans, specifications and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable building code regulations, the Code Enforcement Officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon request of the applicant, the Code Enforcement Officer shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

6.7 The Code Enforcement Officer may revoke a Building Permit theretofore issued in the following instances:

(a) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;

(b) Where he finds that the Building Permit was issued in error and should not have been issued in accordance with the applicable provisions of the Code.

(c) Where he finds that the work performed under the permit is not being performed in accordance with the provisions of the application, plans or specifications; or
(d) 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.

6.8 A Building Permit shall expire one year from the date of issuance or upon the issuance of a Certificate of Occupancy, whichever occurs first. A Building Permit may, upon written request, be renewed for successive one year periods provided that the permit has not been revoked or suspended at the time the application for renewal is made. The relevant information in the application for renewal must be up to date, and a renewal fee paid in order to obtain an extension.

SECTION 7. Inspections.

7.1 All dwellings, structures and uses regulated under the State Uniform Fire Prevention and Building Code, including but not limited to those buildings and structures for which a Building Permit has been obtained, shall be inspected for compliance with building construction and fire prevention provisions of the Code.

7.2 Building and Fire Code Inspectors shall be designated by the Code Enforcement Officer subject to the approval of the Board of Representatives. The Code Enforcement Office and/or the Building Inspector shall provide the necessary inspections for compliance with applicable provisions of the Code.

7.3 As of January 1, 1985, all County code enforcement personnel, including the Code Enforcement Officer and Building Inspectors, who commence employment on or after January 1, 1985, shall complete a prescribed State Minimum Basic Code Enforcement Training Program within a specified time period determined by the State.

7.4 Except as otherwise required by the Code, no regular, periodic inspections of occupied dwelling units shall be required.
This shall not, however, be a limitation on inspections conducted at the invitation of the occupant, or by an affected property owner, where conditions on the premises are shown to threaten or present a hazard to public health, safety, or welfare.

7.5 Access to buildings and premises by either the agent doing the inspection, or the Code Enforcement Officer, to conduct inspections shall be made only after reasonable prior notice has been given to the owner or his authorized representative.

7.6 If entrance to make an inspection is refused or cannot be obtained, the Code Enforcement Officer or his representative may apply for a warrant to make an inspection to any court of competent jurisdiction.

7.7 Upon issuance of a Building Permit, it shall be the responsibility of the owner applicant or his authorized agent to arrange inspections through the Department of Code Enforcement.

7.8 The Code Enforcement Officer or his representative shall conduct required inspections for compliance with the fire prevention provisions of the Code.


8.1 The Code Enforcement Officer, upon determination that a dwelling or structure undergoing construction or alteration has complied with provisions of the Code, shall issue a Certificate of occupancy. A Certificate of Occupancy must be issued before any occupancy or use of the dwelling or structure is allowed.

8.2 Upon request from the owner applicant or his agent, the Code Enforcement Officer may issue a Temporary Certificate of Occupancy for a building or structure, or part thereof, before the entire work covered by the Building Permit shall have been completed provided such portion or portions as have been completed may be occupied safely without endangering life or the public health or welfare. A Temporary Certificate of Occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good cause the Code Enforcement Officer may allow a maximum of two extensions for periods not exceeding
three months each.


9.1 The Building Permit issued pursuant to this County Law shall specify at a minimum: the name and address of the Code Enforcement Officer; the address of the proposed construction or structural alteration activity; the activity for which the permit is issued; the date of permit issuance; any conditions relevant or required as part of the issuance; and the signature of the Code Enforcement Officer.

9.2 The Certificate of Occupancy issued pursuant to this Law shall specify at a minimum: the name and address of the Code Enforcement Officer; the address of the dwelling or structure inspected; the use for which the Certificate of Occupancy is issued; the date the dwelling or structure was inspected and the date the Building Permit was issued; any conditions relevant or required as part of the issuance; and the signature of the Code Enforcement Officer.

SECTION 10. Enforcement.

10.1 It shall be unlawful for any person, firm or corporation 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 or this County Law, as well as any regulation or rule promulgated by the Code Enforcement Officer in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer, or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved Building Permit or Certificate of Occupancy. In the event of a violation
and the failure to comply, neither a Building Permit nor a Certificate of Occupancy shall be issued by the Code Enforcement Officer. If a Certificate of Occupancy has been previously issued and thereafter a violation is found, the Certificate shall be revoked.

10.2 Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is being done in violation of the applicable provisions of the Code, or not in conformity with the provisions of an application, plans or specifications on the basis of which a Building Permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, in the form of a Stop Order, to stop all work. Such persons shall forthwith stop such work and suspend all building activities until the Stop Order has been rescinded. Such Order and Notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the Building Permit Application if such application shall have been made.

10.3 Any person who shall fail to comply with a written Order of the Code Enforcement Officer 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 or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this Law, or any lawful order, notice permit or certificate of the Code Enforcement Officer, shall be subject to a fine in an amount not to exceed $100.00 per
day. Each day that a violation continues shall be deemed a separate offense. Except as provided otherwise by law, such a violation shall be an offense.

SECTION 11. Appeals.

11.1 Any owner, or authorized representative, of buildings or premises affected by the State Uniform Fire Prevention and Building Code or this Law, may appeal to the appropriate New York State Regional Board of Review the following actions:
(1) the application of the Code where practical difficulties or unnecessary hardship may result; (2) any order or determination, or the failure within a reasonable time to make any such order or determination, by an administrative official charged with the enforcement of or purporting to enforce the Code.

11.2 An appeal to the Regional Board of Review shall be in writing, on forms prescribed by the Secretary of State, and accompanied by a fee determined by the State.

ARTICLE III
General Provisions

SECTION 12. Rules and Regulations.

12.1 The County Board of Representatives may, after public notice and publication at least five days prior to the effective date thereof in the official County newspaper and in other newspapers with general circulation in the County, adopt by resolution further procedural/administrative rules and regulations and the Board deems reasonable to carry out the provisions of this Law. The Code Enforcement Officer may also make recommendations to the County Board to adopt, amend or appeal such rules and regulations as they may relate to efficient administration and enforcement of the provisions of the Uniform Fire Prevention and Building Code. Such rules and regulations shall not conflict with the Code, this County Law, or any other provisions of Law.
SECTION 13. Separability.

13.1 Should any section or provisions of this County Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole, or any part thereof, other than the Section or part so decided to be unconstitutional or invalid.

SECTION 14. Effective Date.

14.1 This County Law shall take effect immediately upon its proper filing with the New York State Secretary of State.

This County Law is offered by the Public Safety Committee, consisting of members Johnson, Kinney and Griffiths.

Violet W. Schallert, Clerk
Board of Representatives
Otsego County, New York

Dated September 6, 1984.
RESOLUTION NO. 183

RESOLUTION—ADOPTING A LOCAL LAW OF 1984 AUTHORIZING COUNTY ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

JOHNSON, KINNEY, GRIFFITHS

RESOLVED, that a Local Law of 1984 authorizing County administration and enforcement of the New York State Uniform Fire Prevention and Building Code is hereby adopted, effective as provided in such Local Law.

Johnson moved to table the resolution. Seconded, Franzese. Total: 14; Ayes: 14. Motion carried.

RESOLUTION NO. 184

RESOLUTION—REQUESTING NEW YORK STATE LEGISLATURE TO AMEND THE ENVIRONMENTAL CONSERVATION LAW IN RELATION TO PROHIBITING THE POLLUTION OF OTSEGO LAKE PROPER AND ITS TRIBUTARIES

BATEMAN, SHIELDS, FRANZESE

WHEREAS, Lake Otsego is recognized locally, regionally, statewide, nationally and internationally as a significant natural resource; and

WHEREAS, this great natural resource is worthy of the highest protection available under the laws of this State; and

WHEREAS, it is recognized that present State, County and local legislation does not enable the protection of Lake Otsego to the degree necessary to maintain it as we know it today;

NOW, THEREFORE, in order to insure and maintain the beauty, quality and utilization of Lake Otsego and to promote the protection of that water body; be it

RESOLVED, that the Otsego County Board of Representatives hereby requests the New York State legislature to sponsor and pass legislation pertaining specifically to Lake Otsego which will enable adequate protection for this unique resource, and that such legislation


All the general business of the Board having been transacted, the Chairman declared the Board adjourned until Wednesday, October 3, 1984, at ten o'clock in the forenoon.