

**LOCAL LAW FOR THE ADMINISTRATION AND
ENFORCEMENT OF THE FIRE PREVENTION AND
BUILDING CODE and THE STATE ENERGY
CONSERVATION AND CONSTRUCTION CODE
TOWN OF BRISTOL, ONTARIO COUNTY, NEW YORK**

Section 1. ENFORCEMENT OFFICER

The Zoning Officer and/or Deputy of the Town of Bristol, Ontario County, New York (the "Town"), are hereby designated to administer and enforce the Fire Prevention and Building Code and the State Energy Conservation and Construction Code (hereinafter collectively referred to as "the Codes") in the Town, and shall be known as the "Code Enforcement Officer."

Section 2. Building Permits

- (A) No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure, except an agricultural building or structure, nor install heating equipment without having applied for and obtained a Permit from the Code Enforcement Officer. However, no Permit shall be required for the performance of necessary repairs which are not of a structural nature and which are done in conformance with the Codes.
- (B) Applications for a Building Permit may be obtained from the office of the Town. A completed application shall be delivered to the Code Enforcement Officer and must include:
- (I) The signature of the applicant or authorized agent;
 - (ii) A description of the site on which the proposed work is to be done.
 - (iii) A statement of the use or occupancy of all parts of the land and the proposed building or structure intended to be built or modified;
 - (iv) A brief description of the proposed work;
 - (v) The estimated cost of the proposed work (with appropriate substantiation if necessary);
 - (vi) The full name and address of the owner and the applicant and, if either

be a corporation, the names and addresses of a responsible officer;

- (vii) Three (3) sets of plans and specifications for the proposed work;
- (viii) The fee specified by the Town Board; and
- (ix) A statement granting the applicant's permission for the Code Enforcement Officer to enter the property and structure thereon during construction as frequently as he deems necessary to inspect the same for the compliance with the Codes.

The applicant may request that the requirement of plans and specifications be waived where the work to be done involves minor alterations or are otherwise unnecessary.

- (C) The applicant shall notify the Code Enforcement Officer of any changes in the information contained in the application during the period for which the Permit is in effect. A Permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Codes. The authority conferred by such Permit may be limited by conditions, if any, contained therein.
- (D) A Building Permit issued pursuant to this Local Law shall be prominently displayed on the property or premises to which it pertains.
- (E) A Building Permit issued pursuant to this Local Law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Codes or with any condition attached to such Permit, or if there has been a misrepresentation or falsification of a material fact in connection with the application for the Permit.
- (F) A Building Permit issued pursuant to this Local Law shall expire one (1) year from the date of issuance or upon the issuance of a Certificate of Occupancy (other than a temporary Certificate of Occupancy), whichever occurs first. The Permit may, upon written request, be renewed for successive one-year periods provided that (1) the Permit has not been revoked or suspended at the time the application for renewal is made; (2) the relevant information in the application is up to date; and (3) the renewal fee is paid.

Section 3.

CERTIFICATE OF OCCUPANCY

- (A) No building erected subject to the Codes and this Local Law shall be used or occupied, except to the extent provided in this section, until a Certificate of Occupancy has been issued. No building similarly enlarged, extended, altered or upon which work has been performed which required the issuance of a Building Permit shall be occupied or used for more than thirty (30) days after the completion of the alteration or work unless a Certificate of Occupancy has been issued. The owner or his agent shall make application for a Certificate of Occupancy.
- (B) A temporary Certificate of Occupancy may be issued if the building or structure, or a designated portion of a building or structure, is sufficiently complete that it may be put to the use for which it is intended. A temporary Certificate of Occupancy shall expire six (6) months from the date of issuance, but may be renewed an indefinite number of times.
- (C) No Certificate of Occupancy shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation of the Codes in the area intended for use and upon payment of the appropriate fee.

Section 4.

INSPECTION

- (A) Work for which a Building Permit has been issued under this Local Law shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including but not limited to building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the owner, applicant or his agent to inform the Code Enforcement Officer that the work is ready for inspection and to schedule such inspection.
- (B) Existing buildings not subject to inspection under subdivision (A) of this section shall be subject to periodic inspections for compliance with the Codes in accordance with the following schedule:

All areas of public assembly defined in the Codes, all buildings or structures containing areas of public assembly and the common areas of multiple dwellings - every twelve 12 months;

All buildings or structures open to the general public - every eighteen (18) months;

All other buildings with owner or occupant permission - every twenty-four (24) months.

Notwithstanding any requirement of this subsection to the contrary, no regular, periodic inspections of occupied dwelling units shall be required; however, this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare and an appropriate search warrant is sought and obtained.

Section 5. **INSPECTORS**

- (A) The inspections required by Section 4 of this Local Law may be performed by the Code Enforcement Officer. The Code Enforcement Officer is authorized to order, in writing, the correction of any condition in violation of the Codes found in, on or about any building. Such orders shall be served in person upon a reasonable party or his authorized agent or by certified mail sent to the address of a responsible party set forth in any relevant application for a Building Permit or in any relevant Certificate of Occupancy. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition within the specified time shall be subject to a penalty as provided by law.
- (B) A person subject to inspection under Section 4 by the Code Enforcement Officer may elect to have such inspection performed at his own cost and expense by a competent inspector acceptable to the Code Enforcement Officer. Such inspector may be a registered architect, licensed professional engineer, certified Code Enforcement Officer or other person whose experience and training has been demonstrated to the satisfaction of the Code Enforcement Officer. Such inspector shall certify the results of his inspection to the Town. Any person who shall elect to have an inspection performed at his own cost and expense shall not be assessed the fees otherwise prescribed in this Local Law.
- (C) If the Code Enforcement Officer is the owner of or is involved in work on the premises to be inspected, or if there shall otherwise be any conflict of interest, the Town Board shall appoint a qualified individual to perform such duties.
- (D) The applicant and owner rely upon the designer of the work for its compliance with the Codes and upon those performing the work for its proper completion. The Town and the Code Enforcement Officer (or such other inspector as may be acting for the Town pursuant to this Local Law) shall not be responsible or liable for failures to inspect or failure to detect deviations from the Codes upon inspection if any.

Section 6. **FEES**

Fees shall be established, altered or amended by duly adopted resolutions of the Town Board.

Section 7. **PENALTIES**

- (A) If no other penalty for violation of any part of this Local Law or orders issued in compliance with this Local Law is provided otherwise by law, a person violating such part of this Local Law or such orders shall be punishable by a fine or TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00), or imprisonment not to exceed fifteen (15) days, or both, and each week such violation continues shall constitute a separate violation.
- (B) An action or proceeding in the name of the Town may be commenced in any Court of competent jurisdiction to compel compliance with or restrain violation of this Local Law or orders issued in compliance with this Local Law.

Section 8. **PARTIAL INVALIDITY**

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

Section 9. **EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State.

ADOPTED: ~~October 2, 2002~~
Dec 23, 2003