

TOWN OF BRIGHTON
FRANKLIN COUNTY

Local Law No. 2 for the Year 2001

A local law providing for The Administration and Enforcement of the Uniform Fire Prevention and Building Code

Be it enacted by the Town Board of the Town of Brighton, Franklin County, as follows:

Section 1. DEFINITIONS

- A. The words and terms used in this local law shall have the same meaning as those contained in Executive Law, Article 18 as added by Chapter 707 of the Laws of 1981, unless the context may otherwise require.
- B. "Enforcement official" shall mean the Code Enforcement Officer and the Fire Safety Inspector authorized and appointed by the Town Board to administer and enforce the Uniform Code in the town.

Section 2. PERMITS

- A. No person, firm, corporation, association, or partnership shall commence the construction, enlargement, alteration, improvement, removal or demolition of any building or structure or any portion thereof without first having obtained a permit from the Code Enforcement Officer of the town. No such permit shall be required for necessary repairs which are not of a structural nature and do not involve abatement of a violation of the Uniform Code.
- B. The form of permit and application thereof shall be prescribed by a resolution of the Town Board. The application shall be signed by the owner or authorized agent of the building or work and shall contain at the least the following:
 - 1. The name and address of the owner;
 - 2. Identification or description of the land on which the work is to be done;
 - 3. A description of use or occupancy of the land and existing or proposed building;
 - 4. A brief description of the proposed work;
 - 5. Estimated value of the proposed work;
 - 6. A statement that the work shall be performed in compliance with the Uniform Code and applicable state and local laws, ordinances and regulations.
- C. A duplicate set of plans, drawings and specifications (except for demolition or removal of a building) shall accompany such application, if in his discretion the Code Enforcement Officer and/or Fire Safety Inspector may require the same, and at the discretion of the Code Enforcement Officer and/or Fire Safety Inspector a statement by a registered architect or licensed professional engineer of this state that such plans and specifications comply with the applicable provisions of the Uniform Code and local requirements may be required.

Section 3. FEES

- A. Fees for building permits shall be as follows: \$30 application fee plus one-quarter of one percent of estimated cost of project, except as noted.

- B. Changes to the fees for permits shall be prescribed by a resolution of the Town Board.
- C. Total square footage of construction or other work - measurements made of the outside area does not include basement, cellar, sub-cellar, crawl space which does not exceed five feet in height.
- D. Non-profit building owned by church, religious, or charitable organization – No charge
- E. Barn or storage shed less than one hundred and fifty square feet (150 sq.ft.)- No permit required
- F. Porches or decks attached to one family or multi dwelling in excess of one hundred square feet (100 sq. ft.) with a protective roof will be considered living area
- G. Interior work- if remodeling costs exceed 50% of building value
- H. Certificate of Compliance – No charge
- I. Certificate of Occupancy, if building permit is in effect- No charge
- J. Temporary Certificate of Occupancy – No Charge. Good for six (6) months. Renewals upon request and paying prescribed fees.
- K. Mobile Homes require Federal manufacturing and safety standard - 6/15/76. Must contain label of data plate as prescribed by CFR, Title 24 Housing and Urban Development, Chapter XX, Part 3280, Manufactured Mobile Home Construction and Safety Standards. Mobile homes constructed previous to 6/15/76 will have to meet current requirements published by the Uniform Code.
- L. Solid fuel-burning device and/or chimney permit – Application for permit should include plans for location within the building, materials, type of solid fuel-burning appliance (new or used), and chimney to be installed.
 - 1. Solid fuel-burning device inspection - no charge
 - 2. All chimney inspections - no charge
 - 3. Certificate of Compliance - no charge
- M. Voluntary inspections requested by a tenant, owner or agent
- Fee to be paid by individual requesting the inspection.
- N. Plan review where no permit is requested - no charge
- O. In the event that an application for a permit is not approved the applicant shall be entitled to a refund of 50% of the fees paid, provided no work has commenced. If work has commenced and the application is not approved, the fees paid shall not be refunded.
- P. Repairs to existing septic system - no charge
- Q. Permit renewal, if renewed within 30-day grace period - no charge

Section 4. BUILDING INSPECTIONS

- A. The progress of work for which a permit has been issued shall be inspected at such times and intervals as may be necessary and appropriate to determine whether the work is being performed in compliance with the Uniform Code and applicable regulations.
 - 1. First Inspection - Foundation (before pouring concrete)
 - 2. Second Inspection - After building shell is up, roof on, and doors and windows in
 - 3. Third Inspection - After electric and plumbing are roughed in
 - 4. Fourth Inspection - Upon completion or near completion
- B. The inspection shall be made by the Code Enforcement Officer
- C. It shall be the duty and responsibility of the owner or authorized agent to inform the enforcement official that the work is ready for each phase of inspection.

Section 5. CERTIFICATION OF OCCUPANCY

- A. A building or structure for which a permit has been issued shall not be used or occupied in whole or in part until the Code Enforcement Officer shall have issued a Certificate of Occupancy. Such Certificate of Occupancy shall be issued when after final inspection it is determined that the construction and other work has been completed in compliance with the Uniform Code and other applicable laws, rules and regulations.
- B. A temporary Certificate of Occupancy may be issued pending final completion of the work, provided the use or occupancy of the building shall not present a danger to any person or property.
- C. A Certificate of Occupancy may be issued for any building or individual dwelling unit at any other time after inspection thereof by request, determination of compliance, and payment of the prescribed fees.

Section 6. FIRE PREVENTION AND SAFETY INSPECTION

- A. All dwelling units in a building consisting of more than two such units shall be inspected for the purpose of determining compliance with safety requirements of the Uniform Code at least once every 12 months. Inspection of the common areas of such building such as halls, foyers, staircases, etc. shall be so inspected at least once in every 12-month period.
- B. With the exception of one and two family dwellings, all other buildings, uses and occupancies shall be inspected at least once in every 12-month period.
- C. An inspection of a building or dwelling unit shall be performed by the Fire Safety Inspector at any other time upon:
 - 1. The request of the owner or authorized agent
 - 2. The receipt of a written statement specifying ground upon which the subscriber believes a violation of the Uniform Code exists.
- D. The Fire Safety Inspector and/or Code Enforcement Officer shall perform such inspection.

Section 7. FURTHER RULES AND REGULATIONS

The Town Board may, after public notice and publication at least five days prior to the effective date of such rules and regulations in a newspaper of general circulation within the Town, adopt such further procedural rules and regulations, as they deem reasonable and necessary to carry out the provisions of this local law. Such rules and regulations shall not conflict with the Uniform Code, this local law, or any other provisions of law.

Section 8. VARIANCES AND APPEALS

A request for a variance from the Uniform Code and an appeal to review determination of or failure to render a determination by the enforcement official shall be processed with the appropriate Regional Board of Review as provided in 19 NYCRR 440.

Section 9. REMEDIES AND PENALTIES

In addition to the remedies prescribed by Executive Law, Section 382, any person, corporation, association, firm or partnership that fails to remedy the condition found to exist in violation of the Uniform Code and this local law shall be subject to a fine of not more than \$25.00 and the cost as per the fee schedule. Each violation that continues to exist beyond the date fixed in the order of the enforcement official to remedy the violation shall be deemed a separate offense.

Section 10. CERTIFICATION OF COMPLIANCE

A permit for the installation of a solid fuel-burning heating appliance, chimney and flue in any dwelling unit shall be obtained as provided in Section 2 of this local law. If the enforcement official, after inspection, determines that the installation is in compliance with the Uniform Code, shall issue a Certificate of Compliance on a form to be prescribed by resolution of the town board. A violation of this section and of subdivision 5 of Section 378 of the Executive Law shall be punishable as provided in subdivision 5.

Section 11. WARNING AND DISCLAIMER OF LIABILITY

The degree of building and fire safety protection afforded by the Uniform Code and as enforced by this local law provides basic minimum standards of housing and property use and maintenance and fire safety. Fires and other accidents can and will occur in spite of enforcement of the Uniform Code under this local law. This local law does not imply that the Town will be free from property damage and personal injury and loss of life resulting from fires and other accidents. This local law shall not create any liability on the part of the Town of Brighton, its Town Board or any officer or employee thereof, the Code Enforcement Officer or Fire Safety Inspector for damages, injuries or loss of life from reliance on the Uniform Code, this local law or any administrative decision made there under.

Section 12. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the Office of the Secretary of State.