

Local Law Filing

STATE

12231

NEW YORK STATE DEPARTMENT OF

162 WASHINGTON AVE., ALBANY, NY

(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.

XXXXXX

XXXX of Andover.....

Town

XXXXXXX

Local Law No....1.....of the year 1996.....

A local law ...REGARDING APPLICATION FOR AND ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR REAL PROPERTY LOCATED WITHIN THE TOWN OF ANDOVER.

Be it enacted by the Town Board.....of the

XXXXXX

XXXX of Andover.....as follows:

Town

XXXXXXX

SECTION 1: PURPOSE AND INTENT

This local law shall provide for application for and issuance of Certificate of Occupancy upon change of use or change of tenancy or ownership. Issuance of such certificate shall occur after inspection pertaining to the New York State Uniform Fire Prevention and Building Code in the Town of Andover. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this law, state law, or within the Uniform Code, all premises regardless of use, are subject to the provisions which follow.

SECTION 2: 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 3: CERTIFICATE OF OCCUPANCY

- A. No building erected subject to the New York State Uniform Fire Prevention and Building code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued. The owner of this agent shall make application for a certificate of occupancy. Under all circumstances, certificates of occupancy shall be applied for:
1. for new construction.
 2. for each change of use:
 - a. A change from owner occupied to rental shall be considered a change in use.
 3. for each change in tenancy and/or change in ownership.
- 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 months from the date of issuance or at an earlier date if so specified. A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official, be renewed. The Code Enforcement Official may place special conditions on Temporary Certificates of Occupancy as necessary to insure safety and to protect the interest of the Town of Andover.

SECTION 4: INSPECTION

- A. Inspections during construction:
1. Work for which a building permit has been issued here under 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, super structure, 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 inspector that the work is ready for inspection and to schedule such inspection.

B. All other inspections: An inspection may be made by the local building inspector of any building whose owner has made application for a certificate of occupancy.

C. If entrance to make an inspection is refused or cannot be obtained, the Town Board, after being notified by the inspector of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.

SECTION 5: VIOLATIONS

A. Upon determination that a violation of the Uniform Code or this local law exists in, on, or about any building or premises, the Code Enforcement Official shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail.

B. In addition to those penalties prescribed by State law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this local law, or the terms or conditions of any Certificate of Occupancy issued by the building and Fire Safety Inspector, shall be liable to a civil penalty of not more than \$200.00 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town Board on its own initiative or at the request of the Code Enforcement Official.

SECTION 6: FEES

The Town Board may set fees for the cost of such application and inspection not to exceed \$100.00 for each inspection required. Fees may be separately set for new structures and for existing structures.