Local Law Filing

(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 Saratoga

Village of Stillwater

Local Law No. 2 of the year 2009

A Local Law amending Local Law No. 1 of the Year 2007 entitled "Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code."

Be it enacted by the Village Board of Trustees of the Village of Stillwater, County of Saratoga as follows:

Section 2 "Definitions" of Local Law No. 1 of the Year 2007 is hereby amended to add and/or amend the following definitions as follows:

"Code Enforcement Personnel" shall include the Code Enforcement Officer, Fire Marshall and all Inspectors.

"Department of Code Enforcement" shall mean the Village department consisting of the code enforcement personnel.

"Fire Marshal" shall mean the fire marshal appointed pursuant to subdivision (a) of section 3.1 of this local law.

"Mayor" shall mean the Village Mayor.

Section 3.1 "Fire Marshal" is hereby added to Local Law No. 1 of the Year 2007 to read as follows:

SECTION 3.1 FIRE MARSHAL

(a) The Mayor shall appoint a Fire Marshal for the Village of Stillwater.

(b) The Fire Marshal shall serve in the Department of Code Enforcement and report to the Code Enforcement Officer and the Mayor of the Village.

(c) The Fire Marshal shall demonstrate completion of such basic training, advanced training, and any in-service training that the State of New York shall require for code enforcement personnel, particularly demonstrating certification from the State Fire Administrator, pursuant to Executive Law and regulations promulgated thereunder.

(d) The Fire Marshal is authorized and directed to enforce the Uniform Codes, and any other laws, local laws, ordinances, or rules involving fire safety within the Village of Stillwater. The Fire Marshal is also authorized, at the direction and supervision of the Mayor, to administer the Village of Stillwater's 911 emergency response program and to coordinate the program with the appropriate local, county, State, and Federal agencies. In furtherance thereof, the Fire Marshal shall have the power and duty to:

(1) Inspect all places of public assembly for fire hazards, efficiency of fire protection equipment, adequacy of exits, and general compliance with the NYS Uniform Code at least once a year;

(2) Inspect industrial and commercial building, as deemed necessary by the Fire Marshal, for fire hazards, efficiency of fire protection equipment, and general compliance with the NYS Uniform Code;

(3) Inspect any Multiple dwelling buildings (homes that include three (3) or more Family Units) as deemed necessary by the Fire Marshal, for fire hazards, efficiency of fire protection equipment, and general compliance with the NYS Uniform Code;

(4) Inspect private residence for fire hazards only at the request of the owner;

(5) Inspect vacant building for fire and safety hazards to recommend securing or demolition of such vacant buildings, where necessary;

(7) Require from the fire chief in charge, notification without demand of all fires or explosions involving structural damage, fuel burning appliance, chimney or gas vent;

(8) Inspect the installation and maintenance of sprinkler and fire alarm systems within the Village of Stillwater;

(9) Establish and review 911 addresses for new building permits, for lots in new subdivisions, or for existing addresses where required;

(10) Call or attend meeting with officials of appropriate local, county, State, or Federal agencies in the administration and coordination of the Village of Stillwater's 911 emergency response program;

(11) Participate in training and continuing education as required by the New York State Department of State Division of Code Enforcement, New York State Office of fire Prevention and Control, or any other agencies having jurisdiction over fire Marshals;

(12) Testify in court regarding violations of the Uniform Code and other appropriate legislation, rules, or regulations;

(13) Keep appropriate records to prepare mandatory and discretionary reports on all activities.

(e) The compensation for the Fire Marshall shall be fixed from time to time by the Village Board of Trustees of this Village.

Section 3.1 "Fire Safety and Property Maintenance Inspections" of Local Law No. 1 of the Year 2007 is hereby amended to read as follows:

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Department of Code Enforcement at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection

of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Department of Code Enforcement at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Department of Code Enforcement of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Department of Code Enforcement of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.
Notwithstanding any other provision of this section to the contrary, the Department of Code Enforcement:

(1) shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(2 shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(3) shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

(4) shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included

in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.]

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

Section 12 "Complaints" of Local Law No. 1 of the Year 2007 is hereby amended to read as follows:

SECTION 12. COMPLAINTS

The Department of Code Enforcement shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

Section 14 "Program Review and Reporting" of Local Law No. 1 of the Year 2007 is hereby amended to read as follows:

SECTION 14. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Village Board of Trustees of this Village a written report and summary of all business conducted by the Department of Code Enforcement, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 2 of 2009 of the Village of Stillwater of was duly passed by the Village Board of Trustees on October 20, 2009,
(Name of Legislative Body)
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 approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____and was deemed duly
(Elective Chief Executive Officer)*
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 approved)
(Name of Legislative Body)
(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 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 20___ of the (County)(City)(Town)(Village) of _____was duly passed by the _____on _____ 20___ , and was (approved) (not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____.

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 chairperson 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 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 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 county legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: October 27, 2009

(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 ALBANY

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.

By: _____
James R. Peluso, Esq.
Dreyer Boyajian LLP
Attorneys for the Village of Stillwater

Date: October 26, 2009

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

November 2, 2009

Patricia Ryan
Village Clerk treasurer
1 School Street
PO Box 507
Stillwater NY 12190

RE: Village of Stillwater, Local Law 2. 2009, filed on October 30, 2009

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from out website, www.dos.state.ny.us.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

VILLAGE OF STILLWATER

TRUSTEES:

Kenneth L Baker
John A Basile
Keith R Collins
Ellen R Vomacka

INCORPORATED 1816

1 SCHOOL STREET
PO BOX 507
STILLWATER, NY 12170
(518) 664-6258 FAX 664-2166

Ernest W Martin, MAYOR

ATTORNEY
Dreyer Boyajian LLP
James R Peluso
CLERK-TREASURER
Patricia A Ryan
SUPT OF PUBLIC WORKS
Robert J Gerasia

October 27, 2009

State Records & Law Bureau
Department of State
99 Washington Ave, Suite 600
Albany, NY 12210-2808

RE: Village of Stillwater
Local Law Number 2, Year 2009

Dear Sir:

Enclosed please find one (1) original of the above Local Law known as "A Local Law Regulating Vehicles and Traffic in the Village of Stillwater, County of Saratoga, State of New York", for filing.

Thank you for your attention concerning this matter.

Sincerely,

Patricia Ryan
Village Clerk-Treasurer

Enc.
cc. file copy

State of New York, **ss.:**
City and County of Schenectady



NOTICE OF PUBLIC HEARING
VILLAGE OF STILLWATER

Proposed Local Law for Village Fire Marshall

NOTICE is hereby given that the Village Board of Trustees of the Village of Stillwater will hold a Public Hearing on October 20, 2009 at 7:00 p.m. to consider creation and appointment of a Village Fire Marshall. The proposed law will, among other things, authorize and direct the Fire Marshall to enforce the Uniform Codes, and any other laws, local laws, ordinances, or rules involving fire safety within the Village of Stillwater.

The hearing will take place at the Village Hall located at 1 School Street, Stillwater, New York. A copy of the proposed local law is available for public inspection at the Village Clerk's Office at 1 School Street, Stillwater, NY 12170, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. At the above date, time and place, all interested persons will be heard.

Village of Stillwater
Board of Trustees
Patricia Ryan, Clerk

10-9 5152

Amy Hills of the City of Schenectady, being duly sworn, says that he/she is Principal Clerk in the office of the Daily Gazette Co., published in the City of Schenectady and that the notice/advertisement, of which the annexed is a printed copy, has been regularly published in the Daily Gazette and/or Sunday Gazette as follows:

1 insertion October 9, 2009

Amy Hills

Sworn to me on this 12th day of October 2009

NOTARY PUBLIC

LISA J. BALDWIN
COMMISSIONER OF DEEDS
My commission expires 7-21-2010

Lisa Baldwin

DREYER BOYAJIAN LLP
ATTORNEYS AT LAW

James R. Peluso, Esq.
(518) 463-7784 Ext. 235
jpeluso@dreyerboyajian.com

October 26, 2009

Patricia Ryan
Village Clerk
1 School Street
P.O. Box 507
Stillwater, NY 12170

Re: Local Law No. 2 of the year 2009

Dear Patti:

Enclosed please find the Local Law Filing for Local Law No. 2 of the Year 2009. Please certify as Clerk where indicated on Page 8, and mail the original for filing with the Secretary of State at the address on the cover sheet. Please note that the instructional cover sheet is not filed with the local law. If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

DREYER BOYAJIAN LLP

By: s/
James R. Peluso

JRP/rsc
Enclosure

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Local Law Filing Instructions

NEW YORK STATE DEPARTMENT OF STATE

PLEASE OBSERVE THESE RULES FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE:

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.

2. Each local law to be filed with the Secretary of State shall be an original.

3. Each local law shall be filed on a form provided by the Department of State, as attached hereto. In case additional pages are required, they must be on the same letter size as the form provided. For convenience, printed, mimeographed or typewritten copies of the local law may be pasted on the form, but these must not be of a size larger than the form and printing must be on only one side of the sheet. Only true and legible copies will be accepted for filing.

4. ONLY THE NUMBER, TITLE AND TEXT OF THE LOCAL LAW SHALL BE FILED. In case of a local law amending a previously enacted local law or ordinance, the text must be that of the law as amended. Do not include in copy parts of old law to be omitted.

5. For the purpose of filing with the Secretary of State, number local laws consecutively, and start with the number one in each calendar year. It is suggested that introductory identifying numbers be used while a proposed local law is being considered.

6. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. There shall also be attached or annexed thereto a certification executed by the County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney that the local law contains the correct text and that all proper proceedings have been had or taken for its enactment. Certification forms are provided herewith.

7. For filing purposes, local laws shall be mailed or delivered as follows:

   An original for the Secretary of State:

   State Records Unit
   Department of State
   One Commerce Plaza, 99 Washington Ave.
   Albany, NY 12231

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)