New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Stillwater

Local Law No. 3 **of the year 20** 20

A local law amending Local Law No. 1 of 2007 entitled "Administration and Enforcement of the
(Insert Title)
New York State Uniform Fire Prevention and Building Code"

Be it enacted by the Board of Trustees **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Stillwater **as follows:**

See attached.

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

fire safety compliance, and such other and further services with regard to decreasing fire hazards as may be required of the Bureau by the Village Board of Trustees or the Village Mayor;

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

(3) Inspect construction, excavation and demolition operations for fire and safety hazards;

(4) Perform all inspections related to maximum occupancy signage, fire lane enforcement, automated external defibrillators (AEDs); fire hydrants and flow tests, hot work, infectious control, exotic animals, baby safe haven, trust ID, Knox box, fireworks and explosives, safety data sheets, and any other inspections required by the Uniform Code, the Energy Code, this local law, and any other laws, local laws, ordinances, or rules involving fire safety within the Village of Stillwater;

(5) Perform fire investigations at the request of the Village Fire Chief or Village Mayor;

(6) Establish and administer programs and procedures for fire prevention management, emergency and disaster planning, fire extinguisher training, hot work training, financial recovery of monies spent on fighting fires on state and federal lands, financial recovery of back taxes on property insured by a fire insurance company after a fire, reporting of all bulk hazardous material, financial reimbursement of equipment destroyed or contaminated on hazardous material calls, and compilation of man hours and equipment used by the Bureau of Fire Services and Fire Department during a state of emergency;

(7) Administer the Village of Stillwater's 911 emergency response program, establish and review 911 addresses for new building permits or existing addresses where required, and to coordinate the program with the appropriate local, county, State, and Federal agencies;

(8) 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 safety and prevention enforcement;

(9) Testify in court regarding violations of the Uniform Code, Energy Code, this local law, and any other laws, local laws, ordinances, or rules involving fire safety within the Village of Stillwater; and

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

(c) Rules and Regulations. The Bureau of Fire Services may propose that the Board of Trustees adopt rules and regulations for the administration and enforcement of the Uniform Code, Energy Code, this local law and any other laws, local laws, ordinances, or rules involving fire safety within the Village of Stillwater. All such rules and regulations shall be published at least ten (10) days prior to the effective date thereof in a newspaper of general circulation within the Village of Stillwater.

(d) Right of Entry. The Bureau of Fire Services at all reasonable hours may enter any building or premises for the purpose of making any inspection, investigation or other act required for the enforcement of the Uniform Code, Energy Code, and any other laws, local laws, ordinances, or rules involving fire safety within the Village of Stillwater.

(e) Bureau Chief of Fire Services. The office of Bureau Chief of Fire Services is hereby created. The Bureau Chief shall be appointed by the Village Mayor. The Bureau Chief shall be responsible for the management, administration and exercise of all powers and duties of the Bureau of Fire Services. The Bureau Chief shall report and be directly responsible to the Village Mayor.

(f) If the Bureau Chief of Fire Services is unable to serve as such for any reason, an individual shall be appointed by the Village Mayor to serve as Acting Bureau Chief of Fire Services. The Acting Bureau Chief shall, during the term of his or her appointment, be responsible for the management, administration and exercise of all powers and duties of the Bureau of Fire Services.

(g) Deputy Bureau Chief, Fire Marshall, Fire Inspector. The Village Mayor may appoint a Deputy Bureau Chief, Fire Marshall and one or more Fire Inspectors to serve within the Bureau of Fire Services under the direction and supervision of the Bureau Chief. The Deputy Bureau Chief, Fire Marshall and Fire Inspectors may exercise all powers and duties of the Bureau of Fire Services as may be assigned to them by the Bureau Chief.

(h) Chain of command. The chain of command for the Bureau of Fire Services shall be the Village Mayor, Bureau Chief of Fire Services, Deputy Bureau Chief of Fire Services, Fire Marshal, and Fire Inspector.

(i) All personnel of the Bureau of Fire Services who perform code enforcement duties that require training or certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder shall obtain and maintain such training and certification.

(j) The compensation for the Bureau Chief of Fire Services, Deputy Bureau Chief of Fire Services, Fire Marshal, and Fire Inspector shall be fixed from time to time by the Board of Trustees.

IV. Sections 6(a) through 6(c) are hereby amended to read as follows:

(a) Authority to issue. The Department of Code Enforcement and Bureau of Fire Services are authorized to issue Stop Work Orders pursuant to this section. A Stop Work Order to halt shall be issued where:

(1) any work that is determined by the Department of Code Enforcement or Bureau of Fire Services to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Department of Code Enforcement or Bureau of Fire Services, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the enforcement official, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. A Stop Work Order, or a copy thereof, shall be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Stop Work Order, or a copy thereof, shall be permitted, but not required, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

V. In Section 8, the words "Code Enforcement Officer" are hereby deleted and replaced with the with the words "Bureau of Fire Enforcement."

VI. Section 11(a) is hereby amended to read as follows:

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed pursuant to inspection schedules to be annually adopted by the Department of Code Enforcement and Bureau of Fire Services, at the following minimum intervals:

VII. Sections 11(b)(2) and 11(b)(3) are hereby amended to read as follows:

(2) receipt by the Department of Code Enforcement or Bureau of Fire Services 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 or Bureau of Fire Services of any other information, reasonably believed 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.

VIII. In Section 12, the first paragraph is amended to read as follows:

The Department of Code Enforcement and Bureau of Fire Services shall review and investigate complaints they receive 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 Department of Code Enforcement or Bureau of Fire Services may deem to be appropriate:

[End of document]

(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. 3 of 20 20 of the (County)(City)(Town)(Village) of Stillwater was duly passed by the Village Board of Trustees on July 21 20 20, in accordance with the applicable provisions of law.

(Name of Legislative Body)

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 adopted

(Elective Chief Executive Officer)*

on _____ 20[ ][ ], in accordance w ith 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____.

(Elective Chief Executive Officer)*

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

(Elective Chief Executive Officer)*

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 _____ above.

Sheistin Iedesco
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 7/22/2020

for filing.

Local Law Filing

Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

PLEASE OBSERVE THESE INSTRUCTIONS
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 certified copy.

3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.

4. File only the number, title and text of the local law.

5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.

6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. 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. Certification forms are provided herewith.

8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

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