

LL 2009-001

ESTABLISH ELECTRICAL CODE

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 of AMITY
- Town
- Village

Local Law No. 01 - 2009 of the year 20 09

A local law *(insert Title)* ESTABLISHING AN ELECTRICAL CODE FOR THE TOWN OF AMITY.

Be it enacted by the TOWN BOARD _____ of the *(Name of Legislative Body)*

- County
 - City of AMITY
 - Town
 - Village
- _____ as follows:

SECTION 1. PURPOSE: The Town of Amity has provided for the enforcement of the New York State Uniform Fire Prevention and Building Code, and recognizing that the Code provides minimum parameters for the design, installation and location of electrical wiring, systems and equipment operating on 50 volts or more, desires to more fully implement the Code and facilitate enforcement of the same.

SECTION 2. NATIONAL ELECTRIC CODE: All electrical installations heretofore mentioned shall be made in conformity with the requirements of the National Electrical Code except when the provisions of this Local Law or any other Local Law, Ordinance or Building Code of the Town of Amity provide otherwise, in which event compliance with the provisions of such Local Law, Ordinance or Building Code shall be recognized as proper compliance with this Local Law. The requirements of the National Electrical Code shall be those known as National Fire Protection Association pamphlet #70, as approved and adopted by the American Standards Association.

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

SECTION 3. ELECTRICAL INSPECTION: A work permit is required for electrical installations, alterations, expansion or repair; said work permit to be issued by the Code Enforcement Office of the Town of Amity upon receiving and review of application submitted by the property owner, tenant or contractor. Electrical inspections will take place after the completion of electrical installations, alterations, expansion or repairs in the Town of Amity. The premises shall be made available to the electrical inspector during the course of the work for the purpose of certifying the work as being in conformance with the National Electric Code, Building Code, Local laws or power authority requirements.

The Town Board of the Town of Amity may appoint and deputize as agents of the Town of Amity, one or more electrical inspectors as it deems necessary for an indefinite period of time, to function as the primary Electrical Inspector of the Town of Amity to make inspections and re-inspections of all electrical installations, alterations, or repairs and to approve or disapprove the same. Any electrical inspector appointed and deputized by the Town of Amity shall also be certified by the State of New York as a Code Enforcement Officer and will also maintain any required in-service training to remain qualified to inspect or re-inspect electrical systems in the Town of Amity. In no event shall the cost or expense of such inspections or re-inspections be charged against the Town of Amity.

A list of qualified third-party electrical inspectors may be established and maintained by the Code Enforcement officer of the Town of Amity and shall be furnished to the Local power Authority for acknowledgment. The local power authority will accept certificates of electrical compliance from the local electrical inspector or approved third-party inspectors ONLY. Third-party electrical inspectors shall be accepted or rejected at the discretion of the Town of Amity. Special requests for third-party electrical inspectors may remain customary provided said inspector has undergone the review process and is listed on the established roster of electrical inspectors accepted by the Town of Amity. In no event will the expense of third-party inspection firms or its inspectors be charged against the Town of Amity.

It shall be the duty of the Inspector to report in writing to the Chief Code Enforcement Officer of the Town of Amity, whose duty it shall be to enforce all the provisions of this code, all violations of or deviations from or omissions of the electrical provisions of the National Electric Code, and all local laws, ordinances and the Building Code as referred to in this ordinance insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and re-inspection of electrical installations in and on properties in the Town of Amity upon the written request of the property owner, permit applicant, contractor, or electrician performing the work.

A written report must be provided by the electrical inspector to the owner or occupant, the power authority and the Code Enforcement Officer of the Town of Amity, detailing the acceptance or rejection of the electrical installation within seven (7) days of the completion of the electrical inspection. The name of the inspector along with the building permit number shall be printed on said report.

When the work is certified to be completed in conformance with all applicable Codes by the inspector, a certificate of electrical compliance shall be provided to the applicant, the owner, the Code Enforcement Office and the power Authority.

SECTION 4. VIOLATIONS AND PENALTIES: Any installation or alteration of an electrical system or electrical wiring that is covered and regulated by the provisions of the New York State Uniform Fire Prevention and Building Code, the National Electric Code, or a Local Law of the Town of Amity without the issuance of a certificate of compliance as hereinabove provided shall be a violation of this Local Law. Any person, firm or corporation who shall violate the provisions of this Local Law shall be subject to all penalties and remedies provided by Article 18 of the Executive Law of the State of New York as the same pertains to violations of the New York Uniform Fire Prevention and Building Code.

SECTION 5. LOCAL LAW NOT APPLICABLE IN CERTAIN CASES: The provisions of this Local Law shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment or the installations or equipment employed by railway, electrical or communications utilities in the exercise of its function as a utility, and located outdoors or in any buildings used exclusively for that purpose. This Local law shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States of America or the State of New York.

SECTION 6. NO WAIVER OR ASSUMPTION OF LIABILITY: This Local Law shall not be construed to relieve from or lessen the liability of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Town of Amity, its Building Inspector, nor any deputized electrical inspector be deemed to have assumed any such liability by reason of any inspection made pursuant to this Local Law.

SECTION 7. SEPARABILITY CLAUSE: If any part of this Local Law or application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local law or the application thereof to other persons or circumstances.

SECTION 8. EFFECTIVE DATE; This Local Law shall take effect upon filing with the Secretary of State of the State of New York.

(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. 01 of 20 09 of the ~~XXXXXX~~ Town ~~XXXXXX~~ of AMITY TOWN BOARD was duly passed by the (Name of Legislative Body) on 20 09, 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 on 20 , and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the (Elective Chief Executive Officer*) and was deemed duly 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 on 20 , and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the (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 on 20 , and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the (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 1(C) of the above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Date: 11/17/09

(Seal)

(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 ALLEGANY

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.


Signature
TOWN ATTORNEY
Title

~~County~~ AMITY
~~City~~ of
Town
~~Village~~

Date: 11-17-09

AMITY, NY

Date: 11/18/09

TOWN OF AMITY

TO:

LAW OFFICE OF KEITH A. SLEP
168 1/2 NORTH MAIN STREET
P.O. BOX 1237
WELLSVILLE, NY 14895-4097
TAX ID: 22-3849301

Voucher #5

11/17/09		
RE: Local Law #1 of 2009		
Prepare Local Law for filing and mailing35 hrs.	\$ 43.75
Postage44
		<u>\$ 44.19</u>
TOTAL AMOUNT DUE		<u>\$ 44.19</u>

The undersigned claimant does hereby certify that the labor or services, merchandise or materials for which this payment is sought has actually been performed or furnished by me, as stated on the face of this order or attached bill; that the items of the account are true and correct; that no federal or state taxes for which the Town is exempt are included in the purchase price; and that no part of the same has been previously paid.

KEITH A. SLEP, Claimant

NO NOTARY REQUIRED