



Building Standards and Codes

New York State
Department of State
Division of Building Standards
and Codes
One Commerce Plaza
99 Washington Avenue, Suite 1160
Albany, NY 12231-0001
Phone: (518) 474-4073
Fax: (518) 486-4487
www.dos.ny.gov

Filing to the State Fire Prevention & Building Code Council of More Stringent Local Energy Conservation Construction Code (Energy Code – Energy Law § 11-109)

INSTRUCTIONS TO FILER:

Complete this form to file a more stringent local energy conservation construction code than the State Energy Conservation Construction Code (“Energy Code”) with the State Fire Prevention & Building Code Council (“Code Council”) pursuant to Energy Law §11-109.

Please note that if the filing is submitted within thirty (30) days of the promulgation or adoption of the local code or amendments or revision thereof, then the Municipality may enforce such local code, amendment, or revision until and unless the Code Council determines that such local code, amendment, or revision is not more restrictive than the Energy Code. **If the filing is not submitted within such thirty (30) day time period, then the Municipality may not enforce such local code, amendment, or revision until and unless the Code Council determines that such local code, amendment, or revision is more restrictive than the Energy Code.¹**

MUNICIPALITY INFORMATION:

This Filing relates to a local energy conservation construction code, or any amendment or revision thereof, promulgated or adopted by the following Municipality²: _____

FILER INFORMATION:

This Filing is submitted by the Filer named below (the “Filer”):

Filer is the Chief Executive Officer of the Municipality.

The Municipality has no Chief Executive Officer. Filer is the Chairperson of the Legislative Body of the Municipality.

Other (specify): Town Clerk

Name of Filer: Karen Miller Kenerson, RMC

Title of Filer: Mayor Supervisor Chairperson of Legislative Body
 Other (specify) Town Clerk

Address: 166 Main Street, Newfield, NY 14867

Telephone Number: (607) 564_9981 Fax Number: (607) 564_7329 Email Address: townclerk@newfieldny.org

¹ See Energy Law §11-109(2).

² A “municipality” is a county, city, town, village, school district, or district corporation. See Energy Law §11-102(12).

LOCAL ENERGY CONSERVATION CONSTRUCTION CODE INFORMATION:

This Filing relates to the Municipality’s local energy conservation construction code, or any amendments or revisions thereof, entitled: Local Law No. 3 of 2021

A true and complete copy of the local energy conservation construction code, or any amendments or revisions thereof, is included herewith and labeled **Exhibit A**.

Date of promulgation or adoption of the Municipality’s local energy conservation construction code, or any amendments or revisions thereof: August 12, 2021

ADDITIONAL DOCUMENTATION:

List here any additional documentation. The Department of State strongly recommends that the Municipality provide a detailed description of (1) the local energy conservation construction code promulgated or adopted by the Municipality, or any amendments or revisions thereof; (2) the corresponding provisions imposed by the Energy Code; and (3) the reasons why the Municipality believes the provisions of the local energy conservation construction code promulgated or adopted by the Municipality, or any amendments or revisions thereof, are higher or more restrictive than the Energy Code. However, do not fail to file a copy of the local energy conservation construction code, or any amendment or revision thereof, within thirty (30) days after promulgation or adoption of such local energy code, or any amendment or revision thereof.³

<u>Exhibit B</u>	<u>Local Law No. 3 of 2021</u>	(document name)
<u>Exhibit C</u>	_____	(document name)
<u>Exhibit D</u>	_____	(document name)

Dated: August 19, 2021

Karen Miller Kenerson, RMC

Signature of Filer

Karen Miller Kenerson, RMC

Print or Type Name and Title of Filer

Please submit this Filing form, all exhibits, and any additional documentation to:

Assistant Director for Code Development
NYS Department of State, Division of Building Standards and Codes
99 Washington Ave., Suite 1160
Albany, New York 12231

Or by email to: Dos.sm.codes.codedevelopment@dos.ny.gov.
When submitting petitions via email, type “**Local Energy Code:**” in the subject line followed by the name of the Municipality and the Local Law # or Ordinance #. (Example: **Local Energy Code: Town of Anywhere, Local Law #6 of 2017**). **Electronic submissions are strongly encouraged.**

If you have questions concerning submission requirements, please call the Code Development Unit at (518) 474-4073, option 3, e-mail at Dos.sm.codes.codedevelopment@dos.ny.gov or fax at (518) 486-4487.

³ Please consult with the Municipality’s attorney when submitting a Filing more than thirty (30) days after promulgation or adoption of the local energy conservation construction code, or any amendment or revision thereof.

TOWN OF NEWFIELD
Karen Miller Kenerson, RMC
TOWN CLERK
166 MAIN ST.
NEWFIELD NY 14867

PHONE: 607-564-9981

FAX: 607-564-7329

August 17, 2021

At the business meeting of the Newfield Town Board held on Thursday August 12, 2021, motion was made by Councilperson James, to approve the adoption of Local Law No. 3 of 2021, A Local Law amending Local Law NO. 1 of 2006, "Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, to add provisions for a local energy code, seconded by Councilperson Powers

LOCAL LAW NO. 3 OF 2021

A LOCAL LAW amending Local Law No. 1 of 2006, "Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code," to add provisions for a local energy code;

BE IT ENACTED by the Town Board of the Town of Newfield as follows:

Section 1. Legislative Intent

The Town Board of the Town of Newfield seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. On May 12th, 2020, the 2020 Energy Conservation Construction Code of New York State (ECCCNYS), adopted by the New York State Fire Prevention and Building Code Council, took effect and must be complied with unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NY Stretch Energy Code 2020 (hereinafter referred to as NY Stretch), a supplement to the 2020 ECCCNYS. This proposed Amendment seeks to modify Local Law No. 1 of 2006, "Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code" to adopt and enforce NY Stretch.

Section 2. Amendment

Local Law No. 1 of 2006, is hereby amended to add provisions for a local energy code. Effective [August 12, 2021], the NY Stretch Energy Code 2020, published by the New York State Energy Research and Development Authority (hereafter referred to as "NY Stretch"), shall be enforced in the Town of Newfield as a supplement to the 2020 ECCCNYS; *provided, however*, that Section R403.6.2 of NY Stretch regarding mechanical ventilation requirements is severed and not adopted and the less restrictive ventilation requirements of the 2020 Residential Code of New York State, Section M1505.4.1 are retained.

Section 3. Authority

The proposed local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

Section 4. Severability

If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 6. Effective Date

This local law shall take effect upon filing with the Secretary of State [i.e., within 30 days of adoption of NY Stretch] pursuant to New York Energy Law §11-109(1) and the Municipal Home Rule Law.

I, Karen Miller Kenerson, do hereby certify that the adoption of Local Law No. 3 of 2021 was passed at a meeting of the Town of Newfield held on August 12, 2021, and is incorporated in the original minutes of said meeting,

And that said Local Law has not been altered amended or revoked and is in full force and effect.


Karen Miller Kenerson, RMC
Town Clerk

August 17, 2021