



Building Standards and Codes

New York State
Department of State
Division of Building Standards and Codes
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99 Washington Avenue, Suite 1160
Albany, NY 12231-0001
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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: Town of Geneva

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): _____

Name of Filer: Mark A. Venuti

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

Address: 3750 County Road 6, Geneva, NY 14456

Telephone Number: (315) 789-3922 Fax Number: (315) 789-7753 Email Address: supervisor@townofgeneva.com

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: A Local Law Amending Chapter 63 (Building Construction and Fire Prevention).

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: November 9, 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

Exhibit B _____ (document name)
Exhibit C _____ (document name)
Exhibit D _____ (document name)

Dated: November 17, 2021



Signature of Filer

Mark A. Venuti

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.

(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 of Ontario
City
Town of Geneva
Village

Local Law No. 7 of the year 2021

A Local Law Amending Chapter 63 (Building Construction and Fire Prevention) of the Code of the Town of Geneva
(Insert Title)

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

County of Ontario
City
Town of Geneva
Village

as follows:

Section 1. Legislative Intent

The Town Board of the Town of Geneva seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy-efficient building standards. On May 12, 2020, the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY), 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 NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a supplement to the 2020 ECCCNY, and began promoting its local adoption as a more restrictive energy code.

By Local Law 3 of 2021, the Town Board of the Town of Geneva amended Chapter 63 of the Town Code to amend the definition of "Energy Code" to be only the NYStretch. After Local Law 3 of 2021 took effect, the Town Board was notified by the New York State Office of Code Development that the Town should have adopted NYStretch as a supplement to the 2020 ECCCNY and not as a replacement to it. This proposed Local Law seeks to modify the change made to Chapter 63 of the Town Code by Local Law 3 of 2021 by amending the definition of "Energy Code" so that it clarifies that the Town will be adopting and enforcing NYStretch as a supplement to the 2020 ECCCNY.

Section 2. Authority

This 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 3. Section 63-2 (Definitions) of Chapter 63 (Building Construction and Fire Prevention) is hereby amended by repealing the definition of "Energy Code" and inserting a new definition of "Energy Code" to read as follows:

ENERGY CODE

The 2020 Energy Conservation Construction Code of New York State as supplemented by the NYStretch Energy Code 2020, published by the New York State Energy Research and Development Authority, as currently in effect and as hereafter amended from time to time.

Section 4. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

(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. 7 of 2021 of the **Town of Geneva** was duly passed by the Geneva Town Board on November 9th, 2021, 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 Officer¹.)

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)(repassed after disapproval) by the _____ 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 _____ was duly passed by the on 20__, and was (approved)(not approved)(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)(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 _____, 20__ in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

¹ 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.

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ 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 Town

Date: November 9, 2021

(Seal)