



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: Incorporated Village of Oyster Bay Cove

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: Charles R. Goulding

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

Address: 68 West Main Street Suite 3
Oyster Bay, NY 11771

Telephone Number: (516) 922 _ 1016 Fax Number: (516) 922 _ 1761 Email Address: villageclerk@oysterbaycove.net

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: Energy Conservation Construction.

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: May 17, 2022.

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: May 25, 2022



Signature of Filer

Charles R. Goulding Mayor

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.

INCORPORATED VILLAGE OF
OYSTER BAY COVE

TOWN OF OYSTER BAY, NASSAU COUNTY, N.Y.

*Office of the Village Attorneys
HUMES & WAGNER, LLP
7 Forest Avenue - P.O. Box 546
Locust Valley, N.Y. 11560
(516) 676-4600 - Fax 676-4606*

Christopher G. Wagner

May 24, 2022

File No.: G-15-38
Via Certified Mail-RRR

NY State Department of State
Division of Corporation, State Records
and Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231

Re: Local Law 2-2022
Addition of new Chapter 147, "Energy Conservation Construction"
Code of the Village of Oyster Bay Cove

Dear Sir:

Enclosed is an original copy of the above captioned local law which is required to be filed with your office.

We will await your letter of acknowledgment indicating the filing date of this local law with your department.

Sincerely,

Humes & Wagner, LLP

Jennifer A. Zoufaly
Legal Assistant

:jaz
Encl.

Exhibit - A -

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 Oyster Bay Cove

Local Law No. 2 of the year 2022

A local law to add new Chapter 147, "Energy Conservation Construction," to the Code of the Village
(Insert Title)
of Oyster Bay Cove.

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

County City Town Village
(Select one.)

of Oyster Bay Cove as follows:

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

**VILLAGE OF OYSTER BAY COVE
LOCAL LAW 2-2022
NEW CHAPTER 147
ENERGY CONSERVATION CONSTRUCTION**

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Oyster Bay Cove, as follows:

SECTION I. Add new provisions for a local energy code under new Chapter 147, “*Energy Conservation Construction*” to read as follows:

SECTION II. Recitals and Legislative Intent

The New York State Energy Conservation Construction Code (*hereinafter referred to as the “State Energy Code”*) is adopted by the State Fire Prevention and Building Code Council (*hereinafter referred to as the “Code Council”*) pursuant to Article 11 of the Energy Law.

The State Energy Code includes the provisions contained in Part 1240 of Title 19 of the New York Codes, Rules and Regulations (*hereinafter referred to as “Part 1240”*) and the publications incorporated by reference in Part 1240.

The publications currently incorporated by reference in Part 1240 include, but are not limited to, the 2020 edition of the Energy Conservation Construction Code of New York State (*hereinafter referred to as the “2020 ECCCNY”*) and the 2016 edition of ASHRAE 90.1 (*hereinafter referred to as “ASHRAE 90.1-2016”*).

The 2020 ECCCNY is based on the 2018 edition of a publication entitled International Energy Conservation Code (*hereinafter referred to as the “2018 IECC”*).

The New York State Energy Research and Development Authority (*hereinafter referred to as “NYSERDA”*) has issued a publication entitled NYStretch Energy Code 2020, Version 1.0, dated July 2019 (*hereinafter referred to as “NYStretch”*). NYStretch modifies (*i.e.*, amends, replaces, replaces and renames, or adds to) certain sections, certain tables, and a certain appendix in the 2018 IECC; adds certain sections, certain tables, and certain appendices to the 2018 IECC; modifies (*i.e.*, adds to, amends, or replaces) certain sections and certain tables in ASHRAE 90.1-2016; and adds certain new sections to ASHRAE 90.1-2016.

Studies commissioned by NYSEDA indicate that modifying the State Energy Code in the manner contemplated by NYStretch can result in significant savings in energy usage and energy costs. Article 11 of the Energy Law authorizes municipalities to adopt local energy conservation construction codes that are more stringent than the State Energy Code. The Village of Oyster Bay Cove desires to adopt as its local energy conservation construction code the State Energy Code as modified in the manner contemplated by NYStretch.

SECTION III. Adoption of Local Energy Conservation Construction Code

The Village of Oyster Bay Cove hereby adopts, as its local energy conservation construction code, the State Energy Code as modified in the manner contemplated by NYStretch. Such local energy conservation construction code shall consist of the provisions currently set forth in Part 1240 and in the publications currently incorporated by reference in Part 1240; provided, however, that the 2020 ECCCNY and ASHRAE 90.1-2016 shall be deemed to be modified as follows:

- (a) in each case where a section, table, or appendix in the 2018 IECC is modified by NYStretch, the corresponding section, table, or appendix in the 2020 ECCCNY shall be deemed to be modified in the same manner.
- (b) in each case where a section, table, or appendix is added to the 2018 IECC by NYStretch, such section, table, or appendix shall be deemed to be added to the 2020 ECCCNY, subject to the following exception: Section R403.6.2, which is added to the 2018 IECC by section 3.11 of NYStretch, shall not be deemed to be added to the 2020 ECCCNY;
- (c) each section or table in ASHRAE 90.1-2016 that is modified by NYStretch shall be deemed to be so modified.
- (d) each section added to ASHRAE 90.1-2016 by NYStretch shall be deemed to be added to ASHRAE 90.1-2016.

A copy of NYStretch is annexed hereto and made part hereof.

SECTION IV. Applicability

The local energy conservation construction code, as hereby adopted, shall be applicable to all buildings constructed, substantially renovated, or altered in the Village of Oyster Bay Cove on or after the effective date of this local law and to all additions to buildings in the Village of Oyster Bay Cove made on or after the effective date of this local law. However, pursuant to Energy Law § 11-109(2):

- (a) if a copy of this local law is filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this local law, and if the Code Council shall subsequently determine that the local energy conservation construction code as hereby adopted is not more restrictive than the State Energy Code, then on and after the date of such determination the local energy conservation construction code as hereby adopted shall no longer be enforced and the State Energy Code shall be applicable and shall be enforced in the Village of Oyster Bay Cove; and

(b) if a copy of this local law is not filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this local law, then the local energy conservation construction code as hereby adopted shall not be enforceable until and unless the Code Council shall determine that such local energy conservation construction code is more restrictive than the State Energy Code, and until and unless the Code Council shall make such determination the State Energy Code shall be applicable and shall be enforced in the Village of Oyster Bay Cove.

SECTION V. Severability

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. The Village of Oyster Bay Cove hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION VI. Authority

This local law is adopted pursuant to Energy Law § 11-109(1) and Municipal Home Rule Law § 10.

SECTION VII. Effective Date

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

(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 2022 of the ~~(County)(City)(Town)~~(Village) of Oyster Bay Cove was duly passed by the Board of Trustees on May 17, 2022, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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____.
(Name of Legislative Body)
(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) (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.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

Joanne A. Casale
Clerk of the county legislative body, ~~City, Town or~~ Village Clerk or
officer designated by local legislative body **Joanne Casale**

Date: 5/17/22

(Seal)