INSTRUCTIONS TO FILER:

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: Village of Tully

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: Erin Goodfellow

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

Address: 5833 Meetinghouse Road / PO Box 13159, Tully, New York 13159

Telephone Number: (315) 696-5041  Fax Number: __________________________ Email Address: mayor@villagetoftully.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: Fire Prevention and Building 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: Adopted 11/3/21; Filed with NYS 11/15/21.

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.

Exhibit B
Local Law No. (2) of Year 2021 (document name)

Exhibit C
Village of Tully Code Book Chapter 55 Part 1 (document name)

Exhibit D
Village of Tully Code Book Chapter 55 Part 2 (document name)

Dated: 02/22/2022

[Signature of Filer]

Print or Type Name and Title of Filer:

[Signature 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.
November 22, 2021

Courtney M Hills
6739 Myers Road
East Syracuse NY 13057

RE: Village of Tully, Local Law 2 2021, filed on November 15 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492
(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.

Village of Tully

Local Law No. Two (2) of the year 2021.

A local law amending Chapter 56 of the Village of Tully Code entitled “Fire Prevention and Building Construction.”

Be it enacted by the Village Board of Trustees of the Village of Tully, as follows:

Section 1. PURPOSE AND INTENT

The Village Board of the Village of Tully, New York 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 (“ECCCNYS”), updated by the New York State Fire Prevention and Building Code Council, became effective and must be complied with for residential and commercial buildings 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 (“NYStretch”), a more energy efficient building code than the 2020 ECCCNYS. This local law seeks to amend the Village of Tully Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

Section 2. The definition of “Energy Code” under Section 56-2B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

ENERGY CODE – The New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time. The Energy Code includes 19 NYCRR Part 1240. In addition, the NYStretch Energy Code – 2020, published by the New York State Energy Research and Development Authority (“NYStretch”), shall be applicable to all new construction, substantial renovations, alterations and additions, as required by the 2020 ECCCNYS as amended by NYStretch.

Section 3. Section 56-3B(1) of the Code of the Village of Tully is hereby repealed and replaced with the following language:

(1) Except as otherwise specifically provided by law, ordinance, rule or regulation or except as otherwise provided in this Chapter, the Building Inspector shall administer and enforce all the provisions of the Uniform Code, Energy Code, this Chapter, and any other law, ordinance, rule or regulation pertaining to
requirements which apply to new construction and to plans, alterations, change in use, repair, removal, relocation and demolition of buildings and structures.

Section 4. Section 56-3D(1)&(2) of the Code of the Village of Tully is hereby repealed and replaced with the following language:


(2) Whenever the same may be necessary or appropriate to assure compliance with the provisions of the Uniform Code, Energy Code, this Chapter or any other applicable law, ordinance or regulation covering building construction, the Fire Marshall or the Building Inspector may require the performance of tests in the field by experienced, professional persons or by accredited testing laboratories, service bureaus or agencies.

Section 5. Section 56-3G of the Code of the Village of Tully is hereby repealed and replaced with the following language:

G. Rules and Regulations. The Board of Trustees may adopt, by resolution, rules and regulations for the administration and enforcement of the Uniform Code, Energy Code, and this Chapter. Such rules and regulations shall not conflict with the Uniform Code, Energy Code, this Chapter or any other provision of law.

Section 6. Section 56-3J of the Code of the Village of Tully is hereby repealed and replaced with the following language:

J. Procedure for Complaints. Procedures shall be established for addressing bona fide complaints which assert that conditions or activities that fail to comply with the Uniform Code, Energy Code, or this Chapter. The process for responding to such complaints shall include, when appropriate, provisions for inspections of the conditions and/or activities alleged to be in violation of the Uniform Code, Energy Code, this Chapter, or the laws and/or regulations adopted for administration and enforcement of the Uniform Code, Energy Code, or this Chapter.

Section 7. Section 56-4G of the Code of the Village of Tully is hereby repealed and replaced with the following language:

G. The Building Inspector shall mark, in writing or by stamp, the construction documents accepted as part of a permit application. One set of accepted construction documents shall be retained by the Building Inspector, as the officer responsible for the administration and enforcement of this Chapter, and one set shall be returned to the applicant to be kept at the work site so as to be available for use by the Building Inspector. The applicant shall notify the Building Inspector of any change in the information contained in the application during the period the permit is in effect. A permit will be issued when the application has been determined to conform to the requirements of the Uniform Code, Energy Code, and this Chapter. The authority conferred by such permit may be limited by conditions, if any, contained therein.
Section 8. Section 56-4I of the Code of the Village of Tully is hereby repealed and replaced with the following language:

A building permit issued pursuant to this Chapter shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application. A building permit may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code, Energy Code, or this Chapter, or any condition contained in such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit, of it the building permit was issued in error and should not have been issued in accordance with the Uniform Code, Energy Code, or this Chapter, or if the person to whom a building permit has been issued fails or refuses to comply with a stop-work-order issued by the Building Inspector or Fire Marshall. Such permit shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the Village Code.

Section 9. Section 56-5B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

B. The application for a fire-prevention permit and its accompanying documents shall contain sufficient information to permit a determination that the intended activity accords with the requirements of the Uniform Code, Energy Code, and this Chapter.

Section 10. Section 56-5C(4) of the Code of the Village of Tully is hereby repealed and replaced with the following language:

(3) A statement that the activity or operation shall be performed in compliance with the Uniform Code, Energy Code, this Chapter, and applicable state and local laws, ordinances and regulations.

Section 11. Section 56-6B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

B. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code, Energy Code, or this Chapter. Construction work not in compliance shall be required to remain exposed until it has been brought into compliance, been reinspected, and been found satisfactory as completed.

Section 12. Section 56-7A of the Code of the Village of Tully is hereby repealed and replaced with the following language:

A. Whenever the Building Inspector or the Fire Marshall has reasonable grounds to believe that work on any building or structure is proceeding without a permit or is being performed in violation of the provisions of the Uniform Code, Energy Code, this Chapter or any applicable law, ordinance or regulation, or not in conformity with any of the provisions of the application, plans or specifications on the basis of which a permit was issued or is being conducted in an unsafe and dangerous manner, they shall notify the owner of the property or the owner’s agent or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately stop such work and suspend all building activities until the stop-work order has been duly rescinded.
Section 13. Section 56-8D of the Code of the Village of Tully is hereby repealed and replaced with the following language:

D. The owner or his or her agent shall make application to the Building Inspector for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plans or of the registered architect or licensed professional engineer who supervised construction of the work or of the superintendent of construction who supervised the work and who, by reason of his or her experience, is qualified to superintend the work for which the certificate of occupancy is sought. The affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought and that the structure has been erected in accordance with the Uniform Code, Energy Code, and this Chapter governing building construction, except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code, Energy Code, and this Chapter must be received prior to the issuance of the certificate.

Section 14. Section 56-9B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

B. When, after a final inspection, it is found that the work has been completed in accordance with the Uniform Code, Energy Code, this Chapter, and applicable laws, ordinances, rules or regulations, the Fire Marshall shall issue a certificate of compliance. If it is found that the work has not been properly completed, the Fire Marshall shall not issue a certificate of compliance and shall order the work completed in conformity with the applicable building regulations.

Section 15. Section 56-11 of the Code of the Village of Tully is hereby repealed and replaced with the following language:

Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, Energy Code, or this Chapter, applications for variances consistent with the spirit of these regulations may be made to the Regional Board of Review in accordance with Part 440 of Title 19 of the New York Codes, Rules and Regulations. The Building Inspector or the Fire Marshall shall obtain a copy of all decisions rendered by the Board of Review pertaining to matters within the Village.

Section 16. Section 56-13A, B, C & E of the Code of the Village of Tully is hereby repealed and replaced with the following language:

A. Upon determination by the Building Inspector or the Fire Marshall that a violation of the Uniform Code, Energy Code, or this Chapter exists in, or about any building, structure or premises, the Building Inspector or the Fire Marshall may order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code, Energy Code, or this Chapter which the particular condition violates and shall grant such time, not exceeding 30 days, for achieving compliance.
B. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provisions of the Uniform Code, Energy Code, or this Chapter, or to fail in any manner to comply with a notice, directive or order of the Building Inspector or the Fire Marshall or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit, certificate of occupancy, certificate of compliance or fire-prevention permit.

C. Any person, firm or corporation who shall violate any provision of the Uniform Code, Energy Code, or this Chapter, shall be subject to the penalties provided in this Chapter, unless otherwise prescribed by law.

E. An action or proceeding in the name of the Village may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, Energy Code, or this Chapter, or any rules and regulations adopted pursuant to this Chapter, or an order to cease the use or occupancy of a building. Such remedy shall be in addition to penalties otherwise prescribed by the Uniform Code, Energy Code, and this Chapter.

Section 17. Illegality/Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its 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. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

Section 18. Effective Date.

This Local Law shall take effect immediately upon its filing in the office of 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. 2 of 2021 of the [County][City][Town][Village] of Tully was duly passed by the Board of Trustees of the Village of Tully on November 3, 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 Officer.)

I hereby certify that the local law annexed hereto, designated as local law No. [insert number] of [insert year] of the [County][City][Town][Village] of [insert name], was duly passed by the [insert name] on [insert date], and was (approved)(not approved)(repassed)

(Name of legislative body)

disapproved by the [Insert Elective Chief Executive Officer's name]

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. [insert number] of [insert year], of the [County][City][Town][Village] of [insert name] was duly passed by the
on________,19___and was (approved)(not approved)(repassed after disapproval) by the_________ on________,19_. Such local law was (elective chief executive officer) 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__________,19___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 19___of the (County)(City)(Town)(Village) of_________ was duly passed by the (name of legislative body) on__________19___and was (approved)(not approved)(repassed after disapproval) by the (elective chief executive officer) on_________,19__Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of__________,19__, in accordance with the applicable provisions of law.

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 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 at such city election held on__________,19__, 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 19__of the County of_________, having been submitted to the electors at the General Election of November__________,19__, 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 towns of said county considered as a unit and a majority of the qualified electors of the cities 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 one (1) above.

[Signature]
Ruth VanBuskirk, Village Clerk
Date: November 3, 2021

(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 ONONDAGA

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]
Courtney M. Hills
Attorney for the Village
Title
County
City of Tully
Town Village

Date: November 3, 2021

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.
Village of Tully

Local Law No. Two (2) of the year 2021.

A local law amending Chapter 56 of the Village of Tully Code entitled “Fire Prevention and Building Construction.”

Be it enacted by the Village Board of Trustees of the Village of Tully, as follows:

Section 1. PURPOSE AND INTENT

The Village Board of the Village of Tully, New York 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 (“ECCCNYS”), updated by the New York State Fire Prevention and Building Code Council, became effective and must be complied with for residential and commercial buildings 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 (“NYStretch”), a more energy efficient building code than the 2020 ECCCNYS. This local law seeks to amend the Village of Tully Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

Section 2. The definition of “Energy Code” under Section 56-2B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

ENERGY CODE – The New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time. The Energy Code includes 19 NYCRR Part 1240. In addition, the NYStretch Energy Code – 2020, published by the New York State Energy Research and Development Authority (“NYStretch”), shall be applicable to all new construction, substantial renovations, alterations and additions, as required by the 2020 ECCCNYS as amended by NYStretch.

Section 3. Section 56-3B(1) of the Code of the Village of Tully is hereby repealed and replaced with the following language:

(1) Except as otherwise specifically provided by law, ordinance, rule or regulation or except as otherwise provided in this Chapter, the Building Inspector shall administer and enforce all the provisions of the Uniform Code, Energy Code, this Chapter, and any other law, ordinance, rule or regulation pertaining to
requirements which apply to new construction and to plans, alterations, change in use, repair, removal, relocation and demolition of buildings and structures.

Section 4. Section 56-3D(1)&(2) of the Code of the Village of Tully is hereby repealed and replaced with the following language:


(2) Whenever the same may be necessary or appropriate to assure compliance with the provisions of the Uniform Code, Energy Code, this Chapter or any other applicable law, ordinance or regulation covering building construction, the Fire Marshal or the Building Inspector may require the performance of tests in the field by experienced, professional persons or by accredited testing laboratories, service bureaus or agencies.

Section 5. Section 56-3G of the Code of the Village of Tully is hereby repealed and replaced with the following language:

G. Rules and Regulations. The Board of Trustees may adopt, by resolution, rules and regulations for the administration and enforcement of the Uniform Code, Energy Code, and this Chapter. Such rules and regulations shall not conflict with the Uniform Code, Energy Code, this Chapter or any other provision of law.

Section 6. Section 56-3J of the Code of the Village of Tully is hereby repealed and replaced with the following language:

J. Procedure for Complaints. Procedures shall be established for addressing bona fide complaints which assert that conditions or activities that fail to comply with the Uniform Code, Energy Code, or this Chapter. The process for responding to such complaints shall include, when appropriate, provisions for inspections of the conditions and/or activities alleged to be in violation of the Uniform Code, Energy Code, this Chapter, or the laws and/or regulations adopted for administration and enforcement of the Uniform Code, Energy Code, or this Chapter.

Section 7. Section 56-4G of the Code of the Village of Tully is hereby repealed and replaced with the following language:

G. The Building Inspector shall mark, in writing or by stamp, the construction documents accepted as part of a permit application. One set of accepted construction documents shall be retained by the Building Inspector, as the officer responsible for the administration and enforcement of this Chapter, and one set shall be returned to the applicant to be kept at the work site so as to be available for use by the Building Inspector. The applicant shall notify the Building Inspector of any change in the information contained in the application during the period the permit is in effect. A permit will be issued when the application has been determined to conform to the requirements of the Uniform Code, Energy Code, and this Chapter. The authority conferred by such permit may be limited by conditions, if any, contained therein.
Section 8. Section 56-4I of the Code of the Village of Tully is hereby repealed and replaced with the following language:

A building permit issued pursuant to this Chapter shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application. A building permit may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code, Energy Code, or this Chapter, or any condition contained in such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit, or if the building permit was issued in error and should not have been issued in accordance with the Uniform Code, Energy Code, or this Chapter, or if the person to whom a building permit has been issued fails or refuses to comply with a stop-work-order issued by the Building Inspector or Fire Marshall. Such permit shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the Village Code.

Section 9. Section 56-5B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

B. The application for a fire-prevention permit and its accompanying documents shall contain sufficient information to permit a determination that the intended activity accords with the requirements of the Uniform Code, Energy Code, and this Chapter.

Section 10. Section 56-5C(4) of the Code of the Village of Tully is hereby repealed and replaced with the following language:

(3) A statement that the activity or operation shall be performed in compliance with the Uniform Code, Energy Code, this Chapter, and applicable state and local laws, ordinances and regulations.

Section 11. Section 56-6B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

B. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code, Energy Code, or this Chapter. Construction work not in compliance shall be required to remain exposed until it has been brought into compliance, been reinspected, and been found satisfactory as completed.

Section 12. Section 56-7A of the Code of the Village of Tully is hereby repealed and replaced with the following language:

A. Whenever the Building Inspector or the Fire Marshall has reasonable grounds to believe that work on any building or structure is proceeding without a permit or is being performed in violation of the provisions of the Uniform Code, Energy Code, this Chapter or any applicable law, ordinance or regulation, or not in conformity with any of the provisions of the application, plans or specifications on the basis of which a permit was issued or is being conducted in an unsafe and dangerous manner, they shall notify the owner of the property or the owner’s agent or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately stop such work and suspend all building activities until the stop-work order has been duly rescinded.
Section 13. Section 56-8D of the Code of the Village of Tully is hereby repealed and replaced with the following language:

D. The owner or his or her agent shall make application to the Building Inspector for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plans or of the registered architect or licensed professional engineer who supervised construction of the work or of the superintendent of construction who supervised the work and who, by reason of his or her experience, is qualified to superintend the work for which the certificate of occupancy is sought. The affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought and that the structure has been erected in accordance with the Uniform Code, Energy Code, and this Chapter governing building construction, except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code, Energy Code, and this Chapter must be received prior to the issuance of the certificate.

Section 14. Section 56-9B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

B. When, after a final inspection, it is found that the work has been completed in accordance with the Uniform Code, Energy Code, this Chapter, and applicable laws, ordinances, rules or regulations, the Fire Marshall shall issue a certificate of compliance. If it is found that the work has not been properly completed, the Fire Marshall shall not issue a certificate of compliance and shall order the work completed in conformity with the applicable building regulations.

Section 15. Section 56-11 of the Code of the Village of Tully is hereby repealed and replaced with the following language:

Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, Energy Code, or this Chapter, applications for variances consistent with the spirit of these regulations may be made to the Regional Board of Review in accordance with Part 440 of Title 19 of the New York Codes, Rules and Regulations. The Building Inspector or the Fire Marshall shall obtain a copy of all decisions rendered by the Board of Review pertaining to matters within the Village.

Section 16. Section 56-13A, B, C & E of the Code of the Village of Tully is hereby repealed and replaced with the following language:

A. Upon determination by the Building Inspector or the Fire Marshall that a violation of the Uniform Code, Energy Code, or this Chapter exists in, or about any building, structure or premises, the Building Inspector or the Fire Marshall may order, in writing, theremedying of the condition. Such order shall state the specific provision of the Uniform Code, Energy Code, or this Chapter which the particular condition violates and shall grant such time, not exceeding 30 days, for achieving compliance.
B. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provisions of the Uniform Code, Energy Code, or this Chapter, or to fail in any manner to comply with a notice, directive or order of the Building Inspector or the Fire Marshall or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit, certificate of occupancy, certificate of compliance or fire-prevention permit.

C. Any person, firm or corporation who shall violate any provision of the Uniform Code, Energy Code, or this Chapter, shall be subject to the penalties provided in this Chapter, unless otherwise prescribed by law.

E. An action or proceeding in the name of the Village may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, Energy Code, or this Chapter, or any rules and regulations adopted pursuant to this Chapter, or an order to cease the use or occupancy of a building. Such remedy shall be in addition to penalties otherwise prescribed by the Uniform Code, Energy Code, and this Chapter.

Section 17. Illegality/Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its 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. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

Section 18. Effective Date.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

(I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2021 of the (County)(City)(Town)(Village) of Tully was duly passed by the Board of Trustees of the Village of Tully on November 3, 2021 in accordance with the applicable provisions of law.)

I hereby certify that the local law annexed hereto, designated as local law No. ________ of ________ of the (County)(City)(Town)(Village) of ________ was duly passed by the ________ on ___________ 19___ and was approved by the ________ and was deemed duly adopted on ________ 1178___ in accordance with the applicable provisions of law.

I hereby certify that the local law annexed hereto, designated as local law No. ________ of ________ of the (County)(City)(Town)(Village) of ________ was duly passed by the ________ and was approved by the ________ and was deemed duly adopted on ________ 1178___.
on _19_ and was (approved)(not approved)(repassed after disapproval) by the ____________________________ on _19_. Such local law was (Elective Chief/Executive Officer*) 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 ______________ 19__, 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 19— of the (County)(City)(Town)(Village) of ____________________________ on ______________ 19__, and was (approved)(not approved)(repassed after disapproval) by the ____________________________ on ______________ 19__. Such local law was subject to (Elective Chief/Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of ______________ 19__, in accordance with the applicable provisions of law.

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 19— 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 ______________ 19__, 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 19— of the County of ______________ State of New York, having been submitted to the electors at the General Election of November ______________ 19__, 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 one (1) above.

Ruth VanBuskirk, Village Clerk
Date: November 3, 2021

(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 ONONDAGA

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
Courtney M. Hills

Attorney for the Village
Elected Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.
Chapter 56
FIRE PREVENTION AND BUILDING CONSTRUCTION

§ 56-1. Purpose.

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§ 56-3. Administration; fees.

§ 56-4. Building permits; cleanup required.

§ 56-5. Fire-prevention permits.

§ 56-6. Inspections.

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§ 56-8. Certificates of occupancy.

§ 56-9. Certificates of compliance.

§ 56-10. Fire lanes.

§ 56-11. Appeals.

§ 56-12. No waiver or assumption of liability.


§ 56-16. Repealer.

[HISTORY: Adopted by the Board of Trustees of the Village of Tully 5-1-1990 by L.L. No. 3-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets — See Ch. 4.
Electrical standards — See Ch. 48.
Subdivision of land — See Ch. 95.
Zoning — See Ch. 112.

§ 56-1. Purpose.

The purpose of this chapter is to protect and promote the safety, health and well-being of the residents of the Village of Tully and their property and to provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code in the Village of Tully and to establish powers, duties and responsibilities in connection therewith.

§ 56-2. Definitions.

A. The words and terms used in this chapter shall have the same meanings as those contained in the New York Executive Law, Article 18, as added by Chapter 707 of the Laws of 1981, and the New York State Uniform Fire Prevention and Building Code, unless the context may otherwise require.

B. As used in this chapter, the following terms shall have the meanings indicated: [Amended 11-4-2009 by L.L. No. 4-2009]

BOARD OF TRUSTEES — The Board of Trustees of the Village of Tully.

BUILDING PERMIT — A permit issued pursuant to § 56-4 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.
CERTIFICATE OF COMPLIANCE — A certificate issued pursuant to § 56-9 of this chapter.

CERTIFICATE OF OCCUPANCY — A certificate issued pursuant to § 56-8 of this chapter.

CODES ENFORCEMENT OFFICER — The Codes Enforcement Officer appointed pursuant to Chapter 8A of this Code.

COMPLIANCE ORDER — An order issued by the Codes Enforcement Officer pursuant to § 56-13 of this chapter.

ENERGY CODE — The New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

MAYOR — The Mayor of the Village of Tully.

OPERATING PERMIT — A permit issued pursuant to § 56-5J of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

PERMIT HOLDER — The person to whom a building permit has been issued.

PERSON — An individual, corporation, limited-liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER — An order issued pursuant to § 56-7 of this chapter.

TEMPORARY CERTIFICATE — A certificate issued pursuant to § 56-8I of this chapter.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

VILLAGE — The Village of Tully.

§ 56-3. Administration; fees.

A. Designation of Building Inspector and Fire Marshal as public officials. There are hereby designated in the village public officials to be known as the "Building Inspector" and the "Fire Marshal," who shall be appointed by the Mayor with the approval of the Board of Trustees at a compensation to be fixed by said Board. One individual may serve in both positions at the same time. Except as stated in this chapter, the Mayor shall be responsible for determining areas of responsibility between the Building Inspector and the Fire Marshal.

B. Building Inspector. [Amended 11-4-2009 by L.L. No. 4-2009]

(1) Except as otherwise specifically provided by law, ordinance, rule or regulation or except as otherwise provided in this chapter, the Building Inspector shall administer and enforce all the provisions of the Uniform Code, this chapter and any other law, ordinance, rule or regulation pertaining to requirements which
FIRE PREVENTION AND BUILDING
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apply to new construction and to plans, alterations, change in use, repair, removal, relocation and demolition of buildings and structures.

(2) The Building Inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced training and other training as the State of New York shall require for code enforcement personnel, and the Building Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(3) The Building Inspector shall have the following powers and duties:

(a) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;

(b) Upon approval of such applications, to issue building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and to include in building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits such terms and conditions as the Building Inspector may determine to be appropriate;

(c) To conduct inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this chapter;

(d) To issue stop-work orders;

(e) To review and investigate complaints;

(f) To issue orders pursuant to § 56-14, Service of orders, of this chapter;

(g) To pursue administrative enforcement actions and proceedings;

(h) In consultation with the Village Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and

(i) To exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this chapter.

C. Fire Marshal.

(1) The Fire Marshal shall administer and enforce all the provisions of the Uniform Code with respect to requirements which pertain to existing buildings; the storage or use of combustible or flammable liquids or other hazardous materials; the use and maintenance of buildings; the installation and use of solid-fuel-burning
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heating appliances and associated chimneys and flues; fire detection and fire alarm systems; and sprinkler systems.

(2) The Fire Marshal shall also administer and enforce all laws, ordinances, rules and regulations applicable to multiple residencies.

(3) The Fire Marshal shall notify the Building Inspector of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent. [Added 11-4-2009 by L.L. No. 4-2009]

D. Additional duties and authority.

(1) The Fire Marshal and the Building Inspector shall jointly enforce those provisions of the Uniform Code relating to fire prevention and life safety during new construction.

(2) Whenever the same may be necessary or appropriate to assure compliance with the provisions of the Uniform Code, this chapter or any other applicable law, ordinance or regulation covering building construction, the Fire Marshal or the Building Inspector may require the performance of tests in the field by experienced, professional persons or by accredited testing laboratories, service bureaus or agencies.

E. Deputy and acting officials.

(1) The Mayor may appoint one or more deputies, as the need may appear, to act under the supervision and direction of and to exercise any portion of the powers and duties of the Building Inspector or of the Fire Marshal as he may direct. The compensation of such deputies shall be fixed by the Board of Trustees.

(2) In the absence of the Building Inspector or in the absence of the Fire Marshal or in the case of their inability to act for any reason, the Mayor shall have the power, with the consent of the Board of Trustees, to designate a person to act on behalf of the Building Inspector or on behalf of the Fire Marshal and to exercise all the powers conferred upon said officials by this chapter.

(3) When relying upon the contracted-for services of an individual, partnership, business corporation or similar firm for the principal part of an administration and enforcement program, hereunder the Board of Trustees shall satisfy itself that any such provider has qualifications comparable to those of an individual who has satisfied the requirements of Part 434 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York. [Added 11-4-2009 by L.L. No. 4-2009]

F. Conflicts of interest. The Building Inspector, Fire Marshal or any employee of the Building Department or the Fire Marshal’s office directly involved in code enforcement shall not engage in any activity inconsistent with his duties or with the interests of the Building Department or the Fire Marshal’s office or engage, directly or indirectly, in any building business or in the furnishing of labor, materials, supplies or appliances for or the supervision of the construction, alteration, demolition or maintenance of a building or the preparation of plans or specifications thereof within the village. This provision shall not prohibit any employee from engaging in any such activities in
connection with the construction of a building or structure owned by him for his own personal use and occupancy or for the use and occupancy of members of his immediate family and not constructed for sale.

G. Rules and regulations. The Board of Trustees may adopt, by resolution, rules and regulations for the administration and enforcement of the Uniform Code and this chapter. Such rules and regulations shall not conflict with the Uniform Code, this chapter or any other provision of law.

H. Records and reports.

(1) The Building Inspector and the Fire Marshal shall keep permanent official records of all transactions and activities conducted by them, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. All such reports shall be public information, open to public inspection during normal business hours.

(2) The Building Inspector and the Fire Marshal shall report monthly to the Board of Trustees all business conducted by them, including a report as to permits and certificates issued, fees collected, orders and notices issued, inspections and tests made and appeals and litigation pending.

(3) The Building Inspector and Fire Marshal shall annually submit to the Secretary of State, on a form prescribed by the Secretary, a report of their activities relative to administration and enforcement of the Uniform Code. [Added 11-4-2009 by L.L. No. 4-2009]

(4) Upon the request of the Department of State, the Building Inspector and Fire Marshal shall provide, from the records and related materials they are required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of their activities in connection with the administration and enforcement of the Uniform Code. Failure to produce the requested materials shall permit an inference that the minimum standards of the Uniform Code have not been met. [Added 11-4-2009 by L.L. No. 4-2009]

I. Fees.

(1) Permit fees, inspection fees and fees related to building construction shall be determined by resolution of the Board of Trustees.

(2) In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided that no work has commenced. If work has been started and the application is not approved, the fees paid shall not be refunded.

J. Procedure for complaints. Procedures shall be established for addressing bona fide complaints which assert that conditions or activities fail to comply with the Uniform Code. The process for responding to such complaints shall include, when appropriate, provisions for inspection of the conditions and/or activities alleged to be in violation of the Uniform Code or this chapter or the laws and/or regulations adopted for administration and enforcement of the Uniform Code or this chapter. [Added 11-4-2009 by L.L. No. 4-2009]
§ 56-4. Building permits; cleanup required.

A. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, demolition, relocation or change of use or occupancy of any building or structure or any portion thereof nor install a solid-fuel-burning heating appliance, chimney or flue in any building or structure without first having obtained a permit from the Building Inspector. For purposes of this subsection, the term "commence" shall include the placement or storage of construction machinery, equipment, supplies or materials on the site.

B. No permit shall be required for: [Amended 11-4-2009 by L.L. No. 4-2009]

1. Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.38 square meters);

2. Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

3. Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

4. Installation of fences which are not part of an enclosure surrounding a swimming pool;

5. Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

6. Construction of temporary motion picture, television and theater stage sets and scenery;

7. Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

8. Installation of partitions or movable cases less than five-feet-nine-inches in height;

9. Painting, wallpapering, tiling, carpeting, or other similar finish work;

10. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

11. Replacements of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;

12. Repairs, provided that such repairs do not involve:

   a. The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
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(b) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

(c) The enlargement, alteration, replacement or relocation of any building system;

(d) The removal from service of all or part of a fire protection system for any period of time.

C. The application for a building permit and its accompanying documents shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.

D. The form of the permit and the application therefor shall be prescribed by resolution of the Board of Trustees. The application shall be signed by the owner or his authorized agent. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make the application. The application shall contain or be accompanied by at least the following: [Amended 11-4-2009 by L.L. No. 4-2009]

(1)  The name and address of the owner.

(2)  The Tax Map number, street address and a description of the land on which the work is to be done.

(3)  A description of the use and the occupancy classification of the land and the existing or proposed building.

(4)  A description of the proposed work.

(5)  The estimated cost of the proposed work.

(6)  A statement that the work shall be performed in compliance with the Uniform Code and applicable state and local laws, ordinances and regulations.

(7)  Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code.

(8)  The required fee.

E. Such application shall be accompanied by such documents, drawings, plans, including plot plan, and specifications as the applicant shall deem adequate and appropriate for compliance with this chapter or as the Building Inspector may require as being necessary or appropriate in his judgment and shall be submitted in triplicate. The applicant may confer with the Building Inspector in advance of submitting his application to discuss the Building Inspector's requirements for the same.

F. Any plans, including plot plan, or specifications which comprise a portion of the application, whether submitted initially or subsequently upon requirement of the Building Inspector, shall not be accepted as part of an application for a building permit unless such documents: [Amended 11-4-2009 by L.L. No. 4-2009]
(1) Are stamped with the seal of an architect or professional engineer or land surveyor licensed in New York State and shall, in all respects, comply with § 7209 or 7307 of the Education Law of the State of New York, as the same may be amended from time to time;

(2) Indicate with sufficient clarity and detail the nature and extent of the work proposed;

(3) Substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code; and

(4) Where applicable, include a site plan that shows any existing and proposed structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the structures and the lot lines.

G. The Building Inspector shall mark, in writing or by stamp, the construction documents accepted as part of a permit application. One set of accepted construction documents shall be retained by the Building Inspector, as the officer responsible for the administration and enforcement of the Code, and one set shall be returned to the applicant to be kept at the work site so as to be available for use by the Building Inspector. The applicant shall notify the Building Inspector of any change in the information contained in the application during the period the permit is in effect. A permit will be issued when the application has been determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein. [Amended 11-4-2009 by L.L. No. 4-2009]

H. A building permit issued pursuant to this chapter shall be prominently displayed on the property or premises to which it pertains.

I. A building permit issued pursuant to this chapter shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application. A building permit may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition contained in such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit, or if the building permit was issued in error and should not have been issued in accordance with the Uniform Code and/or this chapter, or if the person to whom a building permit has been issued fails or refuses to comply with a stop-work order issued by the Building Inspector or Fire Marshal. Such permit shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the Code. [Amended 11-4-2009 by L.L. No. 4-2009]

J. A building permit issued pursuant to this chapter shall expire one year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs a first. The permit may, upon written request, be renewed for a successive one-year period, provided that:

(1) The permit has not been revoked or suspended at the time the application for renewal is made;
§ 56-4  The relevant information in the application is up-to-date; and

(3)  The renewal fee is paid.

K.  Within 14 days after completion of the work or, in the event that the work is not completed, within 14 days after expiration of the building permit under Subsection J of this section, the applicant shall remove or cause to be removed from the site all construction machinery, equipment, supplies and materials or shall place them or cause them to be placed inside an approved structure. No certificate of occupancy shall be issued for any work performed by or on behalf of an applicant who has failed to comply with this requirement.

§ 56-5. Fire-prevention permits.

A.  Except as hereinafter provided, no person, firm, corporation, association or partnership shall engage in any of the activities set forth in this section of this chapter without first obtaining a permit authorizing such activity from the Fire Marshal.

B.  The application for a fire-prevention permit and its accompanying documents shall contain sufficient information to permit a determination that the intended activity accords with the requirements of the Uniform Code and this chapter.

C.  The form of the permit and application therefor shall be prescribed by resolution of the Board of Trustees. The application shall be signed by the owner (or his authorized agent) of the premises on which the activity is to take place and shall contain at least the following:

(1)  The name and address of the owner of the location where the activity or operation is to be conducted.

(2)  The address of the location where the activity or operation is to be conducted.

(3)  The activity or operation for which the permit is requested.

(4)  A statement that the activity or operation shall be performed in compliance with the Uniform Code and applicable state and local laws, ordinances and regulations.

D.  A fire-prevention permit issued pursuant to this chapter shall be prominently displayed on the property or premises to which it pertains.

E.  A fire-prevention permit issued pursuant to this chapter may be suspended or revoked if it is determined that the activity or operation to which it pertains is not in conformance with the Uniform Code or with any condition contained in such permit or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.

F.  The applicant shall notify the Fire Marshal of any change in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to conform to the requirements of the Uniform Code and this chapter. The authority conferred by such permit may be limited by conditions, if any, contained therein.
G. Permits shall not be transferable, and any change in activity, operation, location, ownership or use shall require a new permit.

H. Permits shall continue for a period of one year, designated at the time of issuance, unless revoked.

I. When more than one permit is required for the same property or premises, a single permit may be issued listing all materials or activities or operations covered. Revocation or suspension of a portion or portions of such consolidated permit for specific cause shall not invalidate the remainder.

J. Operating permits shall be obtained for the following: [Amended 11-4-2009 by L.L. No. 4-2009]

(1) Acetylene generators: to operate an acetylene generator having a calcium carbide capacity exceeding five pounds.

(2) Automobile tire rebuilding plants: to operate an automobile tire rebuilding plant.

(3) Automobile wrecking yards: to operate an automobile wrecking yard.

(4) Bowling establishments: for bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.

(5) Cellulose nitrate motion-picture film: to store, keep or have on hand more than 25 pounds of cellulose nitrate motion-picture film.

(6) Cellulose nitrate plastics (pyroxylin):

   (a) To store, keep or have on hand more than 25 pounds of cellulose nitrate plastics (pyroxylin).

   (b) To manufacture articles of cellulose nitrate plastics (pyroxylin) which shall include the use of cellulose nitrate plastics (pyroxylin) in the manufacture or assembling of other articles.

(7) Combustible fibers: to store, handle or use combustible fibers in quantities in excess of 100 cubic feet, except agricultural products on a farm.

(8) Combustible materials: to store combustible materials, including but not limited to empty combustible packing cases, boxes, barrels or similar containers, rubber tires, baled cotton, rubber, cork or other similar materials in excess of 2,500 cubic feet in gross volume, on any premises.

(9) Compressed gases:

   (a) To store, handle or use at normal temperatures and pressures more than:

      [1] Two thousand cubic feet of flammable compressed gas; or


   (b) To store, handle or use any quantity of liquefied natural or hydrogen gas.
Cryogenics: to store, handle or use cryogenic fluids, except cryogenics used as a motor fuel and stored in motor vehicle tanks, as follows:

(a) Production, sale or storage of cryogenic fluids.

(b) Storage or use of flammable cryogenic fluids, cryogenic oxidizers or liquefied oxygen in excess of 10 gallons.

(11) Dry-cleaning plants: to use in excess of four gallons of solvents or cleaning agents classified as flammable or combustible.

(12) Dust-producing plants: to operate any grain elevator, flour, starch or feed mill, woodworking plant or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, sulfur or other materials producing explosive-potential dust.

(13) Explosive, ammunition and blasting agents:

(a) To manufacture, possess, store, sell or otherwise dispose of explosives and blasting agents.

(b) To use explosives or blasting agents.

(c) To operate a terminal for handling explosives or blasting agents.

(14) Flammable and combustible liquids:

(a) To store, handle or use flammable liquids in excess of 6 1/2 gallons inside dwellings or in excess of 10 gallons inside any other building or other occupancy or in excess of 60 gallons outside of any building. This provision shall not apply to:

[1] Liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine, boat or portable heating plant.

[2] Paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes.

(b) To store, handle or use combustible liquids in excess of 25 gallons inside a building or in excess of 60 gallons outside of a building. This provision shall not apply to fuel oil used in connection with oil-burning equipment.

(c) A permit shall be obtained for the initial installation of an oil burner and a fuel oil tank used in connection therewith. A permit shall be required for the replacement of a fuel oil tank connected to an oil burner.

(d) For processing, blending or refining of flammable or combustible liquids.

(e) To install, alter or replace any underground or aboveground tank, pump, piping and other equipment relating to the storage of flammable and combustible liquids.

(15) Flammable finishing: for spraying, coating or dipping operations utilizing flammable or combustible liquids.
(29) Commercial and industrial operations which involve waste handling.

(30) and keep available for inspection by the permit holder:

(31) locations where washing or cleaning operations are performed shall be maintained

(32) Washing and cleaning to operate a washing and cleaning business. A record of all

(33) Stations and repair garages: to operate a service station or repair garage.

(34) Pieces of machinery: to maintain, operate or use a piece of machinery.

(35) miniature reports from the material in the over of catalytic combustion system:

(36)便民able reports from the material in the over of catalytic combustion system,

(37) in an approximately atmospheric pressure and temperature not exceeding 140°F.

(38) Ovens and furnaces: to operate industrial processes within over or nuisance conditions.

(39) on any working day.

(40) Organic coatings: to perform organic coating operations utilizing more than one

(41) To store materials in excess of 25 cases.

(42) To manufacture matches.

(43) Matches.

(44) When 10 pounds of material per working day.

(45) Magnesium: for melting, casting, heat treating, machining or grinding of more

(46) Lumberyards: to operate a lumberyard.

(47) when available for inspection:

(48) minimum a record of all installations and replacement of portable cylinders and

(49) Political, educational, religious, social or recreational purposes. Installers shall

(50) containable, made at buildings in which 20 or more tons contained for use.  

(51) acceptable for installation, at least 2,000 perecees of the licensed agent of licensed personnel.

(52) For each installation of licensed personnel gas

(53) Liquefied petroleum gas: for each installation of liquefied petroleum gas

(54) Jumkarwad: to operate a jumkarwad.

(55) unsuitable materials.

(56) To store, handle or use any quantity of air-treatable, water-treatable or

(57) material or poisonous gas.

(58) mixture containing 60% or more ammonia or any amount of toxic

(59) more of ammonia. Mixture containing 60% or more of toxic

(60) peroxide, or more than 50 pounds of nitrocellulose or more than 1% pounds of oxygen

(61) than 50 pounds of oxidizing materials or more than 1% pounds of oxygen

(62) To store, handle or use more than 55 gallons of corrosive liquids or more

(63) Hazardous chemicals:

(64) Inspected, hose, and electrical inspections: to conduct inspection of thermal

(65) Furnace-heating processes: to conduct a furnace-heating process using any type gas.
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(30) The use of pyrotechnic devices in assembly occupancies.

(31) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Building Inspector or Fire Marshal.

K. An inspection of a property or premises to which a fire prevention permit pertains shall be conducted prior to the issuance of such permit. [Added 11-4-2009 by L.L. No. 4-2009]

§ 56-6. Inspections. [Amended 11-4-2009 by L.L. No. 4-2009]

A. Work for which a building permit has been issued under this chapter shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction. It shall be the responsibility of the owner or authorized agent to inform the Building Inspector that the work is ready for inspection and to schedule such inspection. Provisions shall be made for inspection of the following elements of the construction process, where applicable:

(1) Work site prior to the issuance of a permit;
(2) Footing and foundation;
(3) Preparation for concrete slab;
(4) Framing;
(5) Building systems, including underground and rough-in;
(6) Fire-resistant construction and penetrations;
(7) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
(8) Energy Code compliance; and
(9) A final inspection after all work authorized by the building permit has been completed.

B. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code. Construction work not in compliance with Code provisions shall be required to remain exposed until it has been brought into compliance with the Code, been reinspected, and been found satisfactory as completed.

C. Frequency of inspections.

(1) Existing buildings not subject to inspection under Subsection A of this section shall be subject to periodic inspections by the Fire Marshal for compliance with the Uniform Code in accordance with the following schedule:

(a) All areas of public assembly defined in the Uniform Code, all buildings or structures containing areas of public assembly and the common areas of multiple dwellings: every six months.

(b) All buildings or structures open to the general public: every 12 months.
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(c) All other buildings: every 24 months.

(2) Notwithstanding any requirement of this subsection to the contrary, no regular, periodic inspections of occupied dwelling units shall be required; provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare.

D. An inspection of a building, structure or dwelling unit shall be performed at any other time upon:

(1) The request of the owner, occupant or authorized agent;

(2) Receipt of a written statement specifying the ground upon which the subscriber believes a violation of the Uniform Code or this chapter exists; or

(3) Other reasonable and reliable information that such violation exists.

§ 56-7. Stop-work orders.

A. Whenever the Building Inspector or the Fire Marshal has reasonable grounds to believe that work on any building or structure is proceeding without a permit or is being performed in violation of the provisions of the Uniform Code, this chapter or any applicable law, ordinance or regulation or not in conformity with any of the provisions of the application, plans or specifications on the basis of which a permit was issued or is being conducted in an unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately stop such work and suspend all building activities until the stop-work order has been duly rescinded.

B. Such stop-work order shall be in writing on a form prescribed by resolution of the Board of Trustees and shall state the reason for the stop-work order, together with the date of issuance and the conditions which must be satisfied before work will be permitted to resume. The stop-work order shall bear the signature of the Building Inspector or the Fire Marshal. [Amended 11-4-2009 by L.L. No. 4-2009]

§ 56-8. Certificates of occupancy.

A. No building shall be used or occupied, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector.

B. No building enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued.

C. No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.
D. The owner or his or her agent shall make application to the Building Inspector for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plans or of the registered architect or licensed professional engineer who supervised construction of the work or of the superintendent of construction who supervised the work and who, by reason of his or her experience, is qualified to superintend the work for which the certificate of occupancy is sought. The affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought and that the structure has been erected in accordance with approved plans and, as erected, complies with the Uniform Code and this chapter governing building construction, except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code, must be received prior to the issuance of the certificate. [Amended 11-4-2009 by L.L. No. 4-2009]

E. Before issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish, relocate or change the use or occupancy.

F. When, after final inspection, it is found that the proposed work has been completed in accordance with the Uniform Code and applicable laws, ordinances, rules or regulations and also in accordance with the application, the Building Inspector shall issue a certificate of occupancy. If the proposed work has not been properly completed, the Building Inspector shall not issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

G. A certificate of occupancy shall be issued, where appropriate, within 30 days after written application therefor is made.

H. The certificate of occupancy shall contain the following information: [Amended 11-4-2009 by L.L. No. 4-2009]

1. The building permit number, if any;
2. The date of issuance of the building permit, if any;
3. The name, address and Tax Map number of the property;
4. If the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
5. The use and occupancy classification of the structure;
6. The type of construction of the structure;
7. The assembly occupant load of the structure, if any;
8. If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
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(9) Any special conditions imposed in connection with the issuance of the building permit;

(10) An acknowledgment that the work is completed and that the proposed use and occupancy is in conformity with the provisions of the Uniform Code and applicable laws, ordinances, rules and regulations; and

(11) The signature of the Building Inspector issuing the certificate and the date of issuance.

I. Upon request, the Building Inspector may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit has been completed, provided that such portions as have been completed may be occupied safely without endangering life or the public health and welfare, any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and all required means of egress from the structure have been provided. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good cause, the Building Inspector may allow a maximum of two extensions for periods not exceeding three months each. [Amended 11-4-2009 by L.L. No. 4-2009]

J. A certificate of occupancy issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within a specified period of time. [Added 11-4-2009 by L.L. No. 4-2009]

§ 56-9. Certificates of compliance.

A. A certificate of compliance shall be obtained by the owner of existing buildings or structures for any of the following:

(1) The installation or extension or electrical systems.

(2) The installation of solid-fuel-burning heating appliances and associated chimneys or flues.

(3) The installation or extension of fire-detection systems, fire alarm systems, sprinkler systems and standpipe systems.

(4) The installation of additional exits.

(5) The installation of swimming pools and enclosures.

B. When, after a final inspection, it is found that the work has been completed in accordance with the Uniform Code and applicable laws, ordinances, rules or regulations, the Fire Marshal shall issue a certificate of compliance. If it is found that the work has not been properly completed, the Fire Marshal shall not issue a certificate of compliance and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

C. A certificate of compliance shall be issued, where appropriate, within 30 days after written application therefor is made. A certificate of compliance issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant
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D. The certificate of compliance shall be in writing on a form prescribed by resolution of the Board of Trustees and shall acknowledge that the work completed conforms to the provisions of the Uniform Code.

§ 56-10. Fire lanes.

A. The location, size, layout and construction of fire lanes and access roads shall be subject to the approval of the Fire Marshal. In those areas where new construction is being undertaken, fire lanes and access roads shall be constructed and maintained so as to provide access to the Fire Department and other emergency vehicles prior to the commencement of any aboveground construction.

B. Fire lanes and access roads shall be a minimum of 25 feet in width where such widths will not conflict with the setback requirements of the Village Zoning Law. In the event of such a conflict, the location and width of said fire lane shall be determined by the Fire Marshal so as to provide reasonable access to the building for emergency vehicles. Fire lanes shall be of such construction as determined by the Fire Marshal and shall be located so as to be accessible to the nearest public road or highway.

C. Fire lanes shall be clearly designated by suitable pavement markings and signs to be provided by the owner or occupant of the property. Failure to replace or repair missing, damaged, rusted or faded signs or pavement markings within 30 days after written notice shall have been served upon the owner or occupant shall constitute a violation of this chapter.

D. The signs required to be posted by this chapter shall conform to the size and color requirements for parking signs as set forth in the Manual of Uniform Traffic Control Devices of the New York State Department of Transportation. In addition, said signs shall also:

(1) Have arrows pointing in the direction of the area designated as a fire lane.

(2) Be posted not more than 50 feet apart.

(3) Be neither of a portable nor a movable type, except where otherwise authorized by the Fire Marshal.

E. The pavement markings required by this chapter shall be:

(1) No more than 50 feet apart.

(2) Painted so as to read in the direction of travel; or, if two-way traffic is maintained, every other marking shall be painted in the opposite direction.

(3) Painted in yellow, with a twenty-four-inch minimum elongated height for each letter, an eighteen-inch-minimum width for each letter, except the letter "I," and a five-inch stroke for each letter.

1. Editor's Note: See Ch. 112, Zoning.
§ 56-11. Appeals.

Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, applications for variances consistent with the spirit of the code may be made to the Regional Board of Review in accordance with Part 440 of Title 19 of the New York Codes, Rules and Regulations. The Building Inspector or the Fire Marshal shall obtain a copy of all decisions rendered by the Board of Review pertaining to matters within the village.

§ 56-12. No waiver or assumption of liability.

A. This chapter shall not be construed to relieve from or lessen the responsibility 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 village or any of its employees, officers, deputies or agents or the electrical inspector be deemed to have assumed any such liability by reason of any inspection made pursuant to this chapter.

B. This chapter shall not be construed to hold the village, its agents or employees responsible for any damage to persons or property by reason of any inspection or reinspection authorized herein or failure to inspect or reinspect or any permit or order issued herein provided.


A. Upon determination by the Building Inspector or the Fire Marshal that a violation of the Uniform Code or this chapter exists in, on or about any building, structure or premises, the Building Inspector or the Fire Marshal may order, in writing, theremedying of the condition. Such order shall state the specific provision of the Uniform Code or this chapter which the particular condition violates and shall grant such time, not exceeding 30 days, for achieving compliance.

B. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provisions of the Uniform Code of this chapter or to fail in any manner to comply with a notice, directive or order of the Building Inspector or the Fire Marshal or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit, certificate of occupancy, certificate of compliance or fire-prevention permit.

C. Any person, firm or corporation who shall violate any provision of the Uniform Code shall be deemed to have committed a misdemeanor and shall be subject to the penalties provided in this chapter, unless otherwise prescribed by law.

D. Any person who shall fail to comply with a written order of the Building Inspector or the Fire Marshal within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agent or any other person taking part or assisting in the construction or use of any building who shall violate any of the provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Building Inspector or the Fire Marshal
made thereunder shall be deemed to have committed a misdemeanor, punishable by a fine of not more than $1,000 or imprisonment by a term not to exceed one year, or both. Each day that a violation continues beyond the date of the issuance of a stop-work order or appearance ticket or beyond the date fixed in the order to remedy shall be deemed a separate offense.

E. An action or proceeding in the name of the village may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this chapter, rules and regulations adopted pursuant to this chapter or an order to cease the use or occupancy of a building. Such remedy shall be in addition to penalties otherwise prescribed by the Uniform Code and this chapter.


A. The service of stop-work orders or orders for the correction of violations of the Uniform Code or this chapter shall be made upon the owner of the building or structure or one of the owner's executors, legal representatives, agents, lessees, other persons having a vested or contingent interest in the same as shown by the records of the Clerk of the village or of the Onondaga County Clerk or other person responsible for the conditions, either by delivering a copy of the same to such person or by sending a copy of the same by certified or registered mail to the owner's last known post office address and delivering the same to and leaving it with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. In the case of joint or multiple ownership, service of said notice on one owner shall be deemed sufficient.

B. If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Uniform Code or this chapter shall apply to the occupant thereof, except where the orders require the making of additions to or changes in the premises themselves such as would immediately become real estate and be the property of the owner of the premises. In such cases, the order shall effect the owner and not the occupant, unless it is otherwise agreed between the owner and the occupant.


If any paragraph, section, sentence or portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect until legally revoked, modified and/or amended.

§ 56-16. Repealer.

All local laws, ordinances, rules and regulations and amendments thereto heretofore adopted by the village relating to the administration and enforcement of the State Building and Construction Code, including Village Local Law No. 1-1975, and all ordinances, rules and
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regulations and amendments thereto heretofore adopted by the village relating to the administration and enforcement of the State Fire Prevention Code, including Village Local Law No. 2-1977, are hereby repealed in their entirety.\(^2\)

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