

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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. Do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 21 1998
Allyn F. Escobedo
Secretary of State

County
~~City~~ of ERIE
~~Town~~
~~Village~~

Local Law No. 3 of the year 19 98

A local law, amending the Erie County charter and the Erie County administrative code with respect ^(Insert Title) to powers and duties of the Commissioner of Public Works.

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County
~~City~~ of ERIE as follows:
~~Town~~
~~Village~~

Section 1. Section one thousand two of the Erie county charter, being Erie county local law number one of nineteen hundred fifty-nine, as amended, is hereby amended to read as follows:

Section 1002. Powers and duties. Except as otherwise provided by this charter, the commissioner of public works shall:

- a. Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the highway law or other applicable law and of a county traffic safety board pursuant to section sixteen hundred seventy-five of the vehicle and traffic law.
- b. Have charge and supervision of the design, construction, reconstruction, alteration, maintenance, repair and operation of county buildings, grounds, parking fields, drives and walks, but not including custodial care of the community college, library, holding center, penitentiary, home and infirmary, medical center or laboratory.
- c. Advertise and call for bids on the construction of each public works project of the county, open such bids publicly, tabulate them and submit recommendations with respect thereto to the county legislature and county executive.
- d. Exercise all the powers and duties of administration and enforcement of the uniform

(If additional space is needed, attach pages the same size as this sheet, and number each.)
(1)

fire prevention and building code pursuant to article eighteen of the executive law with respect to any and all buildings owned by the county of Erie.

e. Perform such additional and related duties as the county executive may prescribe.

§2. Section 10.02 of the Erie county administrative code, being Erie county local law number one of nineteen hundred sixty, as amended, is hereby amended by adding a new subdivision f thereto to read as follows:

f. The commissioner of public works shall be the administrative and enforcement officer of the county for all purposes under the New York state uniform fire prevention and building code. The commissioner shall have the authority to promulgate rules and regulations consistent with the New York state fire prevention and building code, and shall establish a system of permits, inspections and approvals of all construction, reconstruction, renovation or modification of any building owned by the county. All buildings owned by the county, including but not limited to those under the custodial jurisdiction of the commissioner, community college, the library, holding center, penitentiary, home and infirmary, medical center and laboratory, shall be subject to the fire prevention and building code established by the commissioner, and shall be subject to the enforcement jurisdiction of the commissioner. The commissioner may delegate the inspection and enforcement of the New York state uniform fire prevention and building code to deputies and employees within the department, and by rule may delegate such powers to licensed professional engineers within the division of sewerage management in the department of environment and planning. No county-owned building shall be constructed, altered or renovated until a permit is first issued by the commissioner. The commissioner shall have the power to deny permits to proposed projects which do not meet the standards of the uniform fire prevention

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and building code; order employees and contractors to cease work on unapproved or disapproved projects; enter all permitted premises at any time to inspect the course of construction, renovation or alteration; cause workers to change, correct or remove work which fails inspection; or cause employees or contractors to cease work. No certificate of occupancy shall be issued and no person shall occupy any county building, or any altered or renovated part of such building, until the work is first inspected and approved pursuant to this section.

§3. This local law shall be effective immediately.

(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. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 19 98 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of ERIE was duly passed by the ERIE COUNTY LEGISLATURE on JULY 16, 19 98, and was (approved)(~~not approved~~)(~~repassed after disapproval~~) by the COUNTY EXECUTIVE and was deemed duly adopted on JULY 29, 19 98, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by 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 _____ on _____ 19__, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19__, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

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 _____ on _____ 19__, and was (approved)(not disapproved)(repassed after disapproval) by the _____ 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.
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

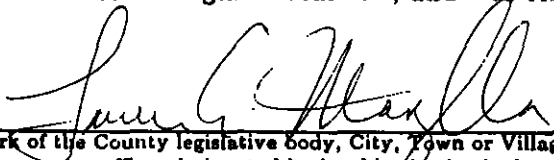
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 of 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 2, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

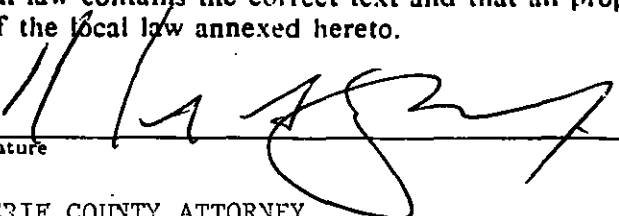
Date: July 29, 1998

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

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.



ERIE COUNTY ATTORNEY
Title

County
~~CITY~~
~~TOWN~~
~~VILLAGE~~ of ERIE

Date: X July 29, 1998