

Local Law # 2 of the year 1983  
Amended Local Law # 3 of the year 1992

PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THE STATE FIRE  
PREVENTION CODE (AMENDED)

***Section 1 APPLICABILITY***

This Local Law shall provide the basic method for administration and enforcement of the State Fire Prevention Code in the Town of Hunter and shall establish powers, duties and responsibilities in connection therewith.

***Section 2 EFFECTIVE DATE***

This Local Law shall take effect upon its filing with the Secretary of State of the State of New York.

***Section 3 ADMINISTRATION***

There is hereby designated the Code Enforcement Officer of the Town of Hunter to administer and enforce the State Fire Prevention Code within the Town of Hunter.

***Section 4 PARTIAL INVALIDITY***

If any section of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

***Section 5 RULES AND REGULATIONS***

5.1 The Code Enforcement Officer of the Town of Hunter may adopt, subject to Town Board approval, rules and regulations for the administration and enforcement of the State Fire Prevention Code. Such rules and regulations shall not conflict with the State Fire Prevention Code this Local Law, or any other provision of Law.

5.2 The Code Enforcement Officer of the Town of Hunter shall publish all rules and regulations at least ten (10) days prior to the effective date thereof in a newspaper of general circulation with the Town of Hunter.

***Section 6 INSPECTIONS***

6.1 The Code Enforcement Officer of the Town of Hunter shall conduct periodic inspections for compliance with the provisions of the State Fire Prevention Code. Such inspections may be made at any reasonable time.

6.2 If entrance to make an inspection is refused or cannot be obtained, the Code Enforcement Officer of the Town of Hunter may apply for a warrant to make an inspection to any court of competent jurisdiction.

***Section 7 VIOLATIONS***

7.1 A person owning, operating, occupying or maintaining property or premises within the scope of the State Fire Prevention Code or this Local Law shall comply with all the provisions of the State Fire Prevention Code, this Local Law, and all orders, notices, rules, regulations or determinations issued in connection therewith.

7.2 Whenever the Code Enforcement Officer of the Town of Hunter finds that there has been a violation of the State Fire Prevention Code, this Local Law, or any rule or regulation adopted pursuant to this Local Law, a violation order shall be issued to the person or persons responsible.

7.3 Violation order shall be in writing; shall identify the property or premises; shall specify the violation and remedial action to be taken; shall provide a reasonable time limit for compliance; and shall state the time within which an appeal may be taken.

7.4 Violation orders may be served: By personal service; by mailing by registered or certified mail; or by posting a copy thereof in a conspicuous place on the premises, and by mailing a copy thereof to the premises on the same day as posted, enclosed in a postpaid wrapper addressed to the person responsible.

7.5 In case the owner, lessee, occupant or the agent of any of them shall fail, neglect or refuse to remove, eliminate or abate the violation within the time specified in the violation order, a request to take appropriate legal action shall be made to the Town Board of the Town of Hunter.

### ***Section 8 PENALTIES***

8.1 Failure to comply with any provisions of the State Fire Prevention Code, this Local Law, Rules or Regulations adopted pursuant to this Local Law, or a violation order shall be deemed a violation and the violator shall be liable for a fine of not less than One hundred and 00/100 (\$100.00) Dollars, or imprisonment not to exceed ten (10) days, or both, and each day such violation continues shall constitute a separate violation.

8.2 An action or proceeding in the name of the Town of Hunter may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the State Fire Prevention Code, this Local Law, Rule or Regulation adopted pursuant to this Local Law, or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

### ***Section 9 RECORDS***

The Code Enforcement Officer of the Town of Hunter shall keep official records of all permits, inspection reports, recommendations, complaints and violation order.

### ***Section 10 REMOVAL OF DANGEROUS BUILDINGS OR STRUCTURES***

10.1 A building or structure or part thereof, which is an imminent danger to life and safety or the public as a result of a fire or explosion is hereby declared to be a public nuisance.

10.2 Whenever the Code Enforcement Officer of the Town of Hunter finds a building or structure, or part thereof, to be an imminent danger to life and safety of the public as a result of a fire or explosion, the Fire Inspector of the Town of Hunter may cause it to be demolished and removed or may cause work to be done in and about the building or structure as may be necessary to remove the danger.

10.3 The Code Enforcement Officer of the Town of Hunter may require the occupants of any such building or structure, or part thereof, to vacate the premises forthwith. No person shall use or occupy such building or structure, or part thereof, until it is made safe. Except for the owner, no person shall enter premises which have been ordered vacated unless authorized to perform inspections, repairs, or to demolish and remove such building or structure, or part thereof.

10.4 All costs and expenses incurred by the Town of Hunter in connection with any work done to remove the danger, or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which such building or structure is located, and a bill for such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained, then such bill shall be posted in a

conspicuous place on the premises. Such assessment shall be, and constitute a lien upon such land. If the owner shall fail to pay for such expenses within ten (10) days after the bill is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Code Enforcement Officer of the Town of Hunter may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred, and the owner thereof, with the assessor, who shall in the preparation of the next assessment roll assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties, as is provided by law for the collection and enforcement of real property taxes in the Town of Hunter.

***Section 11 REVIEW BOARD***

11.1 A Board of Review is hereby established for the purpose of granting variances where enforcement of any provision or requirement results in practical difficulties or unnecessary hardships.

11.2 The Board of Review shall be composed of Town Board.

11.3 The Board of Review may adopt regulations governing its procedures and appropriate forms of efficient administration.

11.4 The Code Enforcement Officer of the Town of Hunter shall obtain a copy of the Board of Review's decision for its records.