

## LOCAL LAW NUMBER 3 OF 2015

### A LOCAL LAW PROVIDING FOR AMENDMENTS TO THE TOWN OF LANSING CODE ENFORCEMENT LOCAL LAW TO INCORPORATE AMENDMENTS REGARDING WOOD TRUSSES AND TIMBER CONSTRUCTION AS MANDATED BY EXECUTIVE LAW § 382-b

The Town Board of The Town of Lansing, New York, pursuant to a Resolution dated March 18, 2015, does hereby adopt Local Law No. 3 of 2015, a local law to amend Local Law No. 6 of 2006 concerning Code Enforcement and, accordingly, be it enacted by the Town Board of the Town of Lansing as follows:

**Section 1.** Local Law No. 6 of 2006 be and hereby is amended to incorporate the requirements of Executive Law § 382-b and its implementing regulations (19 NYCRR Part 1265) as follows:

A. Section 202, Definitions, is amended by adding in alphabetical order the following definition “Truss Label” – A sign, symbol, or glyph as designed and approved by the State of New York and the Code Enforcement Officer that must be and remain visibly affixed to any residential exterior electric panel or the exterior of any residential regulated structure that is in and of a design, size, location, and condition as required by law.”

B. Section 404, addressing applications for Building Permits, is amended by adding a new subdivision 6 reading as follows: “(6) Any residential building, structure or improvement that proposes to or does utilize any truss type, pre-engineered wood or timber construction shall disclose such facts in the application for a Building Permit, and all such Building Permit applications shall also be accompanied by such completed forms and information as is required by the Code Enforcement Officer in relation to the requirements of New York State law and the proper obtaining and posting of any Truss Label for qualifying new residential construction or repairs.”

C. Section 404 is further amended by adding a new subdivision 7 reading as follows: “(7) Upon receiving any application for a building permit or the form designating the structure as truss type, pre-engineered wood or timber construction, the Code Enforcement Officer shall notify by certified mail, facsimile, email or other electronic means, the chief of the fire district, fire department, or fire company having jurisdiction over the structure to be erected, added to, or modified, or his or her designee, that truss type, pre-engineered wood or timber construction is being utilized. In addition, the Code Enforcement Officer shall consult with the county fire coordinator, local 911 and emergency dispatchers, and the local fire protection provider, as necessary, to determine the manner by which such agencies shall be provided notice as is sufficient to provide notice and warning of the existence of truss type, pre-engineered wood or timber construction in the structure to persons conducting fire control and other emergency operations.”

D. Section 701 is amended by adding the following sentence at the end of the existing text: “No residentially-based Certificate of Occupancy or Certificate of Compliance shall be issued unless a Truss Label is properly obtained and properly posted upon the structure in a location as approved by the Code Enforcement Officer.”

E. Section 703(6) is amended by removing the semicolon at the end of such subsection and adding the following phrase: “, including a statement as to whether the structure contains any truss type, pre-engineered wood or timber construction in the structure;”

F. Article 7 shall have a new section 707 added as follows: "Sec 707 In order to maintain any residentially-based Certificate of Occupancy or Certificate of Compliance all property owners (or his or her representatives) shall be responsible for maintaining the Truss Label and shall replace the same whenever required by law, by any order of the Code Enforcement Officer, or whenever any changes or modifications are made to the electric box or other location where posted, or whenever the Truss Label becomes unreadable, damaged, or no longer remains affixed at its required location. In addition, any defacement, alteration, removal, or failure to comply with the Truss Label requirements of this local law, or with the laws and regulations of the State of New York shall be and be deemed a violation hereunder."

G. Article 9 is amended by adding the following sentence to the end thereof: "In addition, any building or structure that is required to have a properly displayed Truss Label and does not have such Truss Label properly displayed shall be and be deemed an "Unsafe Building or Structure.""

**Section 2.** The Town Board may by resolution adopt and amend such fees as are necessary to provide for the review of Truss Label information, inspections, and the obtaining and providing of Truss Labels approved by the Code Enforcement Officer for posting upon structures within the Town.

**Section 3.** If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court or tribunal of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

**Section 4.** The Town shall not be liable or responsible for any injury to persons or damage to property due to the Town's actions, or failures to act, under or pursuant to this Local Law, unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town. This provision shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

**Section 5.** This local law shall take effect immediately upon adoption.