

ARTICLE 26-300: IMPLEMENTING ARTICLE 18-AA OF THE EXECUTIVE LAW

Section 26-301. Title

The title of this Local Law shall be "A Local Law Adopted for the purpose of Implementing Article 18-AA of the Executive Law, as added by Chapter 707 of the laws of 1981, of the State of New York."

Section 26-305. Purpose

The purpose of this Local Law Is to Implement Article 18-AA of the Executive Law in the Town of Busti by providing for administration and enforcement thereof.

Section 26-310. Building Inspector

The Town Board of the Town of Busti shall appoint and employ a building inspector for the purpose of administering and enforcing Executive Law Article 18-AA.

Section 26-315. Other Laws and Ordinances

Nothing herein shall be construed as impairing or superceding the applicability of local land use controls or other local health and safety laws, ordinances, and regulations, including any necessary approvals and permits, and including the Zoning Code of the Town of Busti.

Section 26-320. Administration and Enforcement of Article 18-AA of the New York State Executive Law

(a) Inspections

(1) All buildings and premises to which Article 18-AA (Fire Safety in Areas of Public Assembly) applies shall be periodically inspected for compliance with the provisions of such law.

(2) The Building Inspector of the Town of Busti is hereby designated as the person responsible for making the inspections provided for hereby.

(3) The Building Inspector of the Town of Busti shall have the power to order in writing the remedying of any condition found to exist in, on, or about any building in violation of Article 18-AA of the Executive Law of the State of New York. Such orders may be served on the owner or his authorized agent, and shall enable or entitle the owner or his authorized agent fifteen (15) days in which to comply with the terms of such order, which time period may be extended by the Town Board only after having received an application in writing by the owner or his authorized agent.

(b) Review

(1) The Zoning Board of Appeals of the Town of Busti shall constitute a board of review for the purpose of considering any request for modifications or variances where

strict compliance with the requirements of Article 18-AA of the Executive Law of the State of New York would entail practical difficulties or unnecessary hardships or would be unwarranted.

(2) The board of review shall not issue such variance or modification where such modification or variance would substantially affect adversely provisions for health, safety, and security, but shall assure that equally safe and proper alternatives are prescribed.

(3) The Secretary of State shall be notified that any such variance or modification has been granted.

(4) In making a determination on variances or modifications pursuant to the Executive Law, Article 18-AA, consideration shall be given to the need to encourage the preservation, restoration, and maintenance of buildings of historic, architectural, or cultural significance.

(c) Remedies

The Building Inspector of the Town of Busti shall be responsible for and authorized to enforce Article 18-AA of the Executive Law of the State of New York in accordance with the provisions of Section 399-F and 399-G of the Executive Law of the State of New York.

ADOPTED 12/6/82