

**RESOLUTION NO. 198 -2016, ADOPTING LOCAL LAW
NO. 4 -2016, A LOCAL LAW AMENDING PROVISIONS
RELATING TO THE ADMINISTRATION AND ENFORCEMENT
OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 9, 2016, a proposed local law entitled, "**A LOCAL LAW AMENDING PROVISIONS RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE**"; now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 4 -2016 SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW AMENDING PROVISIONS RELATING TO THE
ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM
FIRE PREVENTION AND BUILDING CODE**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law No. 42-1987, codified at Chapter 344 of the SUFFOLK COUNTY CODE, provides the framework for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code ("Uniform Code") in regard to the construction of County-owned buildings.

This Legislature further finds that pursuant to Chapter 344, building permits and certificates of occupancy for County-owned buildings must be issued by the Department of Public Works after review by Public Works and the Fire Marshal. This requirement has traditionally been applied to buildings on the campuses of Suffolk County Community College.

This Legislature finds that under the applicable provisions of New York State law, rules and regulations, the County is responsible for administering and enforcing the Uniform Building Code with respect to buildings in its custody.

This Legislature also determines that pursuant to New York Education Law, the Board of Trustees of Suffolk County Community College is responsible for the care, custody, control and management of lands, grounds, buildings, facilities and equipment used for College purposes.

This Legislature also finds that the administration of Suffolk County Community College believes it can reduce the timeline for its construction projects and save taxpayer dollars if it administers and enforces the Uniform Code on College projects in accordance with the regulations of the State University of New York.

This Legislature concludes that the trustees and administration of Suffolk County Community College are capable of administering and enforcing Uniform Code requirements on College construction projects and for the buildings and facilities that are within its custody and control in accordance with the regulation of the State University of New York.

Therefore, the purpose of this local law is amend Chapter 344 of the SUFFOLK COUNTY CODE to achieve consistency with New York State law, rules and regulations and clarify that the County of Suffolk will administer the Uniform Code for the buildings and facilities in its custody.

Section 2. Amendments.

Chapter 344 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 344
BUILDING CONSTRUCTION**

Article I Administration and Enforcement of Uniform Code

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§ 344-2. Building permits.

- A. Building permits shall be required for any work on [County-owned] buildings in the custody of the County of Suffolk which must conform to the Uniform Code and shall be issued after review by the Department of Public Works and the Fire Marshal's Office. The application for a building permit shall require sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.

* * * *

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law. For all open building permits and pending applications to the Department of Public Works for building permits, certificates of occupancy, or other documents required by the Uniform Code for buildings not in the custody of the County of Suffolk, the jurisdiction of the Department of Public Works shall terminate on the effective date of this local law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect 120 days immediately subsequent to filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: March 22, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: April 7, 2016

After a public hearing duly held on April 4, 2015
Filed with the Secretary of State on April 25, 2016