



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

December 3, 2013

Lisa L DeVona
Village Clerk/Treasurer
240 N. Main Street
Minoa NY 13116

RECEIVED

DEC 06 2013

VILLAGE OF MINOA

RE: Village of Minoa, Local Law 6 2013, filed on November 26, 2013

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 474-2755

MAYOR
Richard J. Donovan

TRUSTEES
John M. Abbott
William F. Brazill
John H. Champagne
Eric S. Christensen

CLERK-TREASURER
Lisa L. DeVona

LEGAL COUNSEL
Primo Law Offices, LLP



VILLAGE OF MINOA
240 N. Main Street
Minoa, New York 13116
Office 315-656-3100
Fax 315-656-0825
www.villageofminoa.com

November 20, 2013

State Records and Law Bureau
State of New York Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

Dear Secretary of State:

Enclosed is one (1) original copy of **Local Law #6** for 2013 for the Village of Minoa.

If there are any questions on this law, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa L. DeVona".

Lisa L. DeVona
Village Clerk/Treasurer

Enclosure

Local Law Filing

(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 and do not use italics or underlining to indicate new matter.

Village of Minoa

Local Law No. Six (6) of the year 2013.

A local law repealing Section 51-12 entitled "Electrical Inspections" and replacing same with a new Section 51-12 entitled "Electrical Inspections."

Be it enacted by the Village Board of Trustees of the Village of Minoa, as follows:

Section 1. PURPOSE AND INTENT

Section 2. Section 51-12 entitled "Electrical Inspections" of the Code of the Village of Minoa shall be deleted in its entirety and a new Section 51-12 is hereby added, reading in its entirety as follows:

§51-12. Electrical Inspections.

- A. Purpose and Intent. It is the purpose and intent of this Section 51-12 to coordinate the inspections and reinspections of all electrical installations regulated by the National Electric Code, the New York State Fire Prevention and Building Code, and/or the Code of the Village of Minoa.
- B. Definitions. In this Section 52-12:
- (1) Electrical Inspector shall mean a residential or commercial electrical inspector approved to inspect occupancies in the Village of Minoa.
 - (2) Codes Enforcement Officer shall mean an employee or representative of the Village of Minoa who is appointed or authorized by the Board of Trustees of the Village of Minoa.
 - (3) Commercial Electrical Inspector shall mean an electrical inspector who inspects only assembly business, educational, factory industrial, high hazard, institutional, merchantile, residential other than one-two family housing, storage and miscellaneous occupancies as defined in the New York State Uniform Fire Prevention and Building Code.

- (4) Electrical Inspection Agency shall mean an entity or organization that employs or contracts with approved residential and/or commercial electrical inspectors.
- (5) Inspection Report Form shall mean a form that is approved by the Codes Enforcement Officer of the Village of Minoa on which the electrical inspector or electrical inspection agency shall report any violation, deviation, or compliance with the National Electric Code, New York State Uniform Fire Prevention and Building Code and/or Code of the Village of Minoa.
- (6) National Electric Code (NEC) shall mean published by the National Fire Protection Association (NFPA 70-08).
- (7) New York State Uniform Fire Prevention and Building Code (Uniform Code), as amended, shall mean the Residential, the Building, Existing Building, Fire Mechanical, Fuel Gas, and Energy Conservation Construction Codes of New York State.
- (8) Residential Electrical Inspector shall mean an electrical inspector who inspects only one-two family housing.

C. Designation of Electrical Inspector and Electrical Inspection Agency.

- (1) The Codes Enforcement Officer shall enforce all provisions of this Section 51-12.
- (2) The Codes Enforcement Officer shall be and is hereby authorized to appoint an electrical inspector(s) and/or electrical inspection agency(s) for the purpose of making electrical and related inspections and reinspections, at reasonable times and places and upon reasonable notice.
- (3) The Codes Enforcement Officer shall be and is hereby authorized to approve the qualifications of all electrical inspector(s), who in his opinion and discretion, are qualified to conduct electrical inspections.
 - (a) The minimum qualifications of an electrical inspector shall be in accordance with §51-12D.
 - (b) If an electrical inspector's qualifications are not acceptable, the electrical inspector or electrical inspection agency may appeal the Codes Enforcement Officer's decision to the Village of Minoa Board of Trustees.
- (4) In no event shall the cost or expense of such inspections or reinspections be a charge against the Village of Minoa, except that such inspection or reinspection is:
 - (a) made on a property owned by the Village of Minoa.

The duly approved residential and/or commercial electrical inspector is hereby authorized to issue electrical permits and make inspections and reinspections, at reasonable times and places and upon reasonable notice, of all electrical installations regulated and covered by the NEC, the Uniform Code, and/or the Code of the Village of Minoa.

F. Duties of Inspectors.

- (1) The Electrical Inspector or Electrical Inspection Agency shall instruct the applicant to post the permit in a conspicuous place at the work site within twenty-four (24) hours upon receiving a permit for an electrical inspection.
- (2) Upon issuing a permit for an electrical inspection, the Electrical Inspection Agency shall immediately fax or email a copy of the application and permit to the Village of Minoa Codes Enforcement Officer.
- (3) The Electrical Inspector or Electrical Inspection Agency shall make inspections and reinspections of electrical installations in and on properties in the Village of Minoa to verify compliance with the electrical permit that was issued to the applicant. At a minimum:
 - (a) There shall be an inspection prior to enclosing any underground areas, walls, floors or other framing; after the installation of any appliances and/or equipment including smoke and/or carbon monoxide detectors that are hard-wired, generators, solar panels, wind turbines, etc.
 - (b) Determine compliance with regard to:
 - (i) Material, receptacles, plug fuses, nonground-type receptacles and grounding of appliances;
 - (ii) New installations, existing installations, enclosed areas, kitchens, laundry areas, ground fault circuit interruption, minimum lighting outlets, utility rooms and basements and clearance for equipment; and
 - (iii) Unsafe conditions, service upgrade and number of electrical outlets.
 - (c) Verify that all electrical panels, electrical wiring and equipment are safe, not hazardous and are not being overload.
 - (d) Confirm that all old wiring, not being used, is removed or properly capped.
- (4) Upon completion of an in-ground, above-ground, rough-in and/or final inspection, the Electrical Inspector or Electrical Inspection Agency shall post in a conspicuous place at the work site an Inspection Report Form that details what was inspected and whether or not it was in compliance with the electrical provisions of the NEC, the Uniform Code, and/or the Code of the Village of Minoa as referred to in this Section 51-12 insofar as any of the same apply to electrical wiring.

With reference to the Uniform Code, the electrical provisions shall include, but are not limited to:

- (a) Residential Code of New York State:
 - (i) Chapter 33 General Requirements
 - (ii) Chapter 34 Electrical Definitions
 - (iii) Chapter 35 Services
 - (iv) Chapter 36 Branch Circuit and Feeder Requirements
 - (v) Chapter 37 Wiring Methods
 - (vi) Chapter 38 Power and Lighting Distribution
 - (vii) Chapter 39 Devices and Luminaries
 - (viii) Chapter 40 Appliance Installation
 - (ix) Chapter 41 Swimming Pools

 - (b) Building Code of New York:
 - (i) Chapter 27 Electrical

 - (c) Existing Building Code of New York State:
 - (i) Chapter 3 Prescriptive Compliance Method, Section 302.6 Electrical (Additions, Alterations or Repairs)
 - (ii) Chapter 3 Prescriptive Compliance Method, Section 305.6 Electrical (Change of Occupancy)
 - (iii) Chapter 5 Repairs, Section 507 Electrical
 - (iv) Chapter 7 Alterations-Level 2, Section 708 Electrical
 - (v) Chapter 9 Change of Occupancy, Section 908 Electrical

 - (d) Mechanical Code of New York State:
 - (i) Chapter 3 General Regulations, Section 301.7 Electrical Installation

 - (e) Fuel Gas Code of New York State:
 - (i) Chapter 3 General Regulations, Section 309 Electrical
 - (ii) Chapter 3 General Regulations, Section 309 Electrical Bonding

 - (f) Energy Conservation Construction Code of New York State:
 - (i) Chapter 4 Residential Energy Efficiency, Section 404 Electrical Power and Lighting Systems
 - (ii) Chapter 5 Commercial Energy Efficiency, Section 505 Electrical Power and Lighting Systems
- (5) The Electrical Inspector or Electrical Inspection Agency shall immediately fax or email a copy of the Inspection Report Form to the Codes Enforcement Officer, owners and/or lessees of a property where electrical installations, wiring and/or installations(s) are found to be in violation or deviation from or omissions of the electrical provisions of the NEC, the Uniform Code, and/or the Code of the Village of Minoa as referred to in this Section 51-12.
- (6) The Electrical Inspector or Electrical Inspection Agency shall make inspections and reinspections of electrical installations in and on properties in the Village of Minoa upon written

request of the Codes Enforcement Officer, Chief of the Minoa Fire Department, Superintendent of Public Works, the Mayor as herein provided.

- (7) In the event of an emergency, the Electrical Inspector or Electrical Inspection Agency shall make inspections of electrical installations in and on properties in the Village of Minoa upon the oral request of the Codes Enforcement Officer, Chief of the Minoa Fire Department, Superintendent of the Department of Public works, the Mayor as herein provided.
- (8) The Electrical Inspector or Electrical Inspection Agency is authorized to make inspections and reinspections of electrical wiring, installations, devices, appliances and equipment in or on properties within the Village of Minoa where they deem it necessary for the protection of life and property.
- (9) The Electrical Inspector or Electrical Inspection Agency are authorized to issue an Electrical Temporary Certificate of Occupancy or Certificate of Compliance if a building or other structure or a designated portion of a building or other structure is sufficiently complete so that it may be put to the use for which it is intended.
 - (a) A Temporary Certificate of Occupancy or Certificate of Compliance shall expire ninety (90) days from the date of issuance of the Certificate of Occupancy or Certificate of Compliance.
- (10) The Electrical Inspector or Electrical Inspection Agency shall issue a Temporary or Final Certificate of Occupancy or Certificate of Compliance to the applicant when electrical installations and equipment are in conformity with electrical provisions of the NEC, the Uniform Code, and/or the Code of the Village of Minoa as referred to in this 51-12.
- (11) A copy of the Temporary or Final Certificate of Occupancy or Certificate of Compliance shall be faxed or emailed to the Village of Minoa's Codes Enforcement Officer within twenty four (24) hours upon issuance with a copy of the accompanying form that details what was inspected and whether or not it was in compliance at the time of the rough-in and final inspections.

G. Exceptions.

- (1) The provisions of this Section 51-12 shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment or the installations or equipment employed by a railway, electrical or communications utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose.
- (2) This Section 51-12 shall not apply to any building which is owned or leased in its entirety by the government of the United States or the State of New York.

H. Waiver or Assumption of Liability.

This Section 51-12 shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Village of Minoa or duly appointed approved Electrical Inspector or an Electrical Inspection Agency who employs such Inspector that is approved by the Codes Enforcement Officer be deemed to have assumed any liability by reason of any inspection made pursuant to this Section 51-12.

I. Penalties for Offenses.

- (1) It shall be a violation of Sections 51-12 and 51-4A for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties of the Village of Minoa until an application for inspection has been filed with a designated Electrical Inspector.
 - (a) When a Building Permit may not be required, all electrical installation described at Sections 51-12 and 51-4, but not limited to, shall require an electrical permit.
 - (b) When a utility, fire department, or other emergency personnel disconnects the electricity to a building or portions of a structure, it shall not be re-energized without an inspection by an Electrical Inspector or Electrical Inspection Agency (that employs such approved Electrical Inspector).
- (2) It shall be a violation of this Section 51-12 for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power including transformers or fuel, solar or wind generators to any source of electrical energy supply prior to the issuance of an electrical permit.
- (3) It shall be a violation of this Section 51-12 for a person, firm or corporation who is a property owner or leasing agent to permit the occupancy of any building or other structure that has not been issued a valid Temporary or Final Certificate of Occupancy or Certificate of Compliance by the Electrical Inspector or Electrical Inspection Agency where one is required by this Chapter 51.
- (4) It shall be a violation of this Chapter 51 for a person reside in or occupy any building or other structure that has not been issued a valid Temporary or Final Certificate of Occupancy or Certificate of Compliance by the Electrical Inspector or Electrical Inspection Agency where one is required by this Chapter.
- (5) It shall be a violation of this Chapter for a building or other portions of a structure to be erected, repaired, altered or requiring a change of occupancy, subject to the Uniform Code and/or this Chapter, to be used or occupied, except to the extent provided in this Section 51-12I, until a Temporary or Final Certificate of Occupancy or Certificate of Compliance has been issued.

- (6) Any person committing an offense against any the of the provisions of this Section 51-12 shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a fine or by imprisonment as set forth in Chapter 113 of this Code.

J. Village Board Review Authority.

- (1) Notwithstanding any other provision of this Section 51-12 to the contrary or otherwise , the Village Board of Trustees shall have plenary authority to review and as they may deem necessary or appropriate, reverse, modify, nullify, supersede or otherwise affect any decision of the Codes Enforcement Officer hereunder. For purposes hereof the word "decision" shall mean and apply to any decisions, elections, consents, approvals, reviews, designations and or other similar ministerial or discretionary acts or omissions of the Codes Enforcement Officer as hereunder.
- (2) Any such review may be initiated by any interested party, the Village Board on its own motion or by the Codes enforcement officer including for interpretation of his or her authority under this Section. No action by the Village Board shall be taken without first providing notice to all interested parties and the Codes Enforcement Officer, and an opportunity to be heard.
- (3) The Village Board shall make no decision contrary to that of the Codes Enforcement Officer unless it finds the Codes Enforcement Officer's decision was arbitrary and capricious, an abuse of discretion, or not based upon substantial law.
- (4) The Village Board's review authority shall not extend to subject matter that by superseding or preempting provisions of state or federal law is exclusively within the jurisdiction and authority of the Codes Enforcement Officer.

Section 7. Illegality/Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

Section 8. Effective Date.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

Section 9. Repeal.

Section 51-12 entitled "Electrical Inspections" of the Village of Minoa Code is hereby repealed.

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. 6 of 2013 of the (County)(City)(Town)(Village) of Minoa was duly passed by the Board of Trustees of the Village of Minoa on November 18, 2013 in accordance with the applicable provisions of law.

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. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was

(approved)(not approved)(repassed

(Name of legislative Body)

disapproval) by the _____ and was deemed duly adopted on _____, 1116-

(Elective Chief Executive Officer*)

in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No _____ of 1116_ of the (County)(City)(Town)(Village) of _____ was duly passed by the

on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on

_____ 19__. Such local law was _____ (Elective Chief Executive Officer*)

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.

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 approved)(repassed after

(Name of Legislative Body)

disapproval) by the _____ on _____ 19__ Such local law was subject to

(Elective Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__, in accordance with the applicable provisions of law.

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 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 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.)

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 one (1) above.



Lisa DeVona, Village Clerk

Date: NOV 20, 2013

(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 ONONDAGA

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.


Signature
Steven J. Primo

Attorney for the Village
Title
~~County~~
City of Minoa
~~Town~~ Village

Date: November 18, 2013

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson 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.