

**TOWN OF AVON
NOTICE OF ENACTMENT OF LOCAL LAW**

WHEREAS notice of public hearing was duly given and said hearing duly held on the 10th day of June, 2010 to consider the enactment of the local law described below;

NOW, THEREFORE, PLEASE TAKE NOTICE that, after due consideration and deliberation, the Town Board of the Town of Avon duly enacted said local law on the 10th day of June, 2010, and said local law and the Code adopted thereby shall be in full force and effect as provided by law upon the filing of a copy of this local law with the Secretary of State. The local law enacted is entitled and described as follows:

PROPOSED LOCAL LAW NO. 2-2010

SECTION 1. PURPOSE: The Town of Avon, by enactment of Local Law No. 2 of the year 2010, has provided for enforcement of the New York State Uniform Fire Prevention and Building Code, and recognizing that said Code in Part VIII chapter 33-42 (residential portion of Code), Chapter 26 (commercial portion of Code) and Chapter 6, section 605 (fire prevention portion of Code) provides minimum parameters for the design, installation, and location of electrical wiring, systems and equipment operating on 50 volts or more, wishes to more fully implement the aforesaid provisions and facilitate enforcement of same.

SECTION 2. NATIONAL ELECTRICAL CODE: All electrical installations detailed above, and all others regulated by the New York State Uniform Fire Prevention and Building Code, shall be made in conformity with the requirements of the National Electrical Code and to the requirements of National Grid's Specifications for Electrical Installations, Bulletin No. 750, except when the provisions of this Section or any other Local Law, Ordinance or Building Code of the Town provide otherwise, in which event compliance with the provisions of such Local Law, Ordinance or Building Code shall be recognized as proper compliance with this Section. The requirements of the National Electrical Code shall be those known as National Fire Protection Association pamphlet #70, as approved and adopted by the American Standards Association.

SECTION 3. ELECTRICAL INSPECTION: The Code Enforcement Officer of the Town of Avon, shall be, and is hereby authorized to appoint and deputize as agents of the Town of Avon, for the purpose of making inspections and re-inspections at reasonable times and places and upon reasonable notice, of all electrical installations regulated and covered by the New York State Uniform Fire Prevention and Building Code and/or National Grid's Specifications for Electrical Installations, Bulletin No. 750, and to approve or disapprove the said installations, such persons, agencies or organizations as, in the opinion and discretion of the Code Enforcement Officer shall be qualified to conduct the same. In no event shall the cost of such inspections or re-inspections be a charge against the Town of Avon.

It shall be the duty of such person, organization or agency duly appointed and deputized as provided in this Section to report in writing to the Code Enforcement Officer of the Town of Avon, all violations of or deviations from the provisions of the National Electrical Code and/or National Grid's Specifications for Electrical Installations, Bulletin No. 750, and of all Local Laws and the Building Code insofar as any of the same shall apply to electrical wiring, systems and equipment covered by this Section. Such deputized inspector shall make inspections and re-inspections of electrical installations in and on properties in the Town of Avon upon the written request of the Town of Avon Code Enforcement Officer.

It shall be the duty of such appointed and deputized electrical inspector to issue a certificate of compliance only when electrical installations and equipment are found to be

in conformity with the provisions of the National Electrical Code, National Grid's Specifications for Electrical Installations, Bulletin No. 750 and this Section. Said inspector shall direct that a copy of the certificate of compliance or the official denial thereof to the Code Enforcement Officer of the Town of Avon. In the case of a denial, the inspector shall detail specific deficiencies and appropriate remediation, if any.

Any persons, agencies, businesses or organizations wishing to conduct electrical inspections within the Town of Avon must first be approved by the Code Enforcement Officer of the Town of Avon and deputized according to the provisions herein. It shall be unlawful for any persons, agencies, businesses or organizations to inspect any electrical improvements or repairs contemplated herein, without first complying with the requirement to become an approved and deputized inspector.

No persons, agencies, businesses or organizations shall be approved by the Code Enforcement Officer to conduct electrical inspections without entering into a formal written agreement with the Town of Avon (which may be adopted and subsequently modified from time to time by the Town Board of the Town of Avon), which shall set forth the respective rights and responsibilities of the parties, including representations of qualifications, insurance and indemnification provisions.

SECTION 4. VIOLATIONS AND PENALTY: Any installation or alteration of an electrical system or electrical wiring that is covered and regulated by the provisions of the New York State Uniform Fire Prevention and Building Code, the National Electrical Code, National Grid's Specifications for Electrical Installations, Bulletin No. 750, or a Local Law of the Town of Avon without the issuance of a certificate of compliance as hereinabove provided shall be a violation of this Section. Any person, firm, or corporation who shall violate the provisions of this Section with regard to electrical system or electrical wiring installation, modification or repair shall be subject to all penalties and remedies provided by Article 18 of the Executive Law of the State of New York as the same pertains to violations of the New York Uniform Fire Prevention and Building Code.

Any inspection of an electrical system or electrical wiring that is performed not in full accordance with this section shall be deemed a violation of this section. Any person, firm, or corporation who shall violate the provisions of this Section with regard to inspections shall be subject to penalties and remedies as set forth in Article I, section 1-3 of the Avon Town Code.

SECTION 5. LOCAL LAW NOT APPLICABLE IN CERTAIN CASES: The provisions of this Section shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by railway, electrical or communications utilities in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose. This Section shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm, or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States of America or the State of New York.

SECTION 6. NO WAIVER OR ASSUMPTION OF LIABILITY: This Section shall not be construed to relieve from or lessen the liability of any person owning, operating, controlling or installing any electrical wiring, devices, appliances, or equipment for loss of life, injury, casualty or damage to person or property caused by any defect therein, nor shall the Town of Avon, its Code Enforcement Officer, or the deputized electrical inspector be deemed to have assumed any such liability by reason of any inspection made pursuant to this Section.

SECTION 7. SEPARABILITY CLAUSE: If any part of provision of this Section or application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or 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 Section or the application thereof to other persons or circumstances.

SECTION 8. EFFECTIVE DATE: This Local Law shall take affect upon its filing with the Secretary of State of the State of New York.

DATED: JUNE 15, 2010

PUBLISH: JULY 1, 2010

BY ORDER OF THE TOWN BOARD
TOWN OF AVON
SHARON M. KNIGHT, CMC/RMC
AVON TOWN CLERK