

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.

County City Town Village
(Select one:)

of New Castle

Local Law No. 4 of the year 2024

A local law A local law to amend the provisions of Chapter 48, Building Construction and Fire
(Insert Title)
Prevention, and Chapter 68, Fire Prevention of the Town of New Castle Code.

Be it enacted by the The Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of New Castle as follows:

Amend § 48-21, Fees, by adding the following language to § 48-21(A)(3) (new text underlined):

In the event that an application for a building permit is not approved or if approved and thereafter abandoned, the applicant shall be entitled to a refund of 50% of the fee paid, provided that no construction has commenced. Any refund requests must be received within two (2) years of the application date or the 50% refund shall be forfeited.

Amend Chapter 48, Building Construction and Fire Prevention, by adding the following to § 48-29, currently “Reserved,” as follows:

§ 48-29. Electric Vehicle (EV) Chargers – Batteries - Solar.

An EV is defined as a vehicle that can be powered by an electric motor that draws electricity from a battery and is capable of being charged from an external source. An EV includes both a vehicle that can only be powered by an electric motor that draws electricity from a battery (all-electric vehicle) and a vehicle that can be powered by an electric motor that draws electricity from a battery and by an internal combustion engine (plug-in hybrid electric vehicle).

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- A. For commercial/non-residential EV applications for an EV charger array, an EV charger must be installed at least fifty (50) feet away from any combustible material.
- B. EV chargers must have a remote shut-off switch installed at least fifty (50) feet away from the installation so that the fire department can access the shut-off switch in case of an emergency.
- C. At the request of the local fire chief, any applicant for a commercial charging/array, solar or battery energy storage project shall provide the fire department with the necessary emergency equipment. Such equipment shall include, but not be limited to an emergency plug, EV blankets or other equipment as deemed necessary by the local fire chief.
- D. Any structure which contains EV chargers, solar roof panels or battery energy storage systems must have an aluminum placarding sign displayed on side of structure, approved by the Building Inspector, similar to truss placarding, in order to identify the existence of such conditions to the fire department and emergency responders.

Amend Chapter 68, Fire Prevention, as follows (new text underlined)

§ 68-1. Sprinkler requirements.

Add the following new subsections after 68-1 (A)(2):

3. Any new home or new garage containing an electric vehicle or EV charger constructed after the effective date of this law shall require the installation of a fire sprinkler system.

4. Any building constructed after the effective date of this law shall be required to have a fire sprinkler system approved by the Fire Inspector/Fire Marshal or his duly authorized representative before installation. The system shall meet the requirements of the National Fire Protection Association Standards as referenced in the New York State Uniform Code.

5. For any construction or renovation to an existing structure, or extension or increase in floor area or height of a building, or reconstruction or renewal of any part of an existing building for the purpose of its maintenance, or any combination thereof within a two-year period which exceeds 50% of a building's existing gross floor area, the entire building except for crawl spaces shall be equipped with a fire sprinkler system installed in accordance with all of the provisions of this article. The meaning of the words used in this section shall be the same as those used in the then current version of the Building Code of New York State.

Amend section 68-1 (B) as follows:

B.

No building permit shall be issued for the construction of any occupied building or alteration or restoration of any portion thereof or addition thereto, which construction, alteration or restoration calls for an increase in the floor area of such building of more than 30%, unless the plans and specifications incorporate a sprinkler system complying with the provisions of this section and are signed and sealed with respect to such sprinkler system by a New York State registered engineer. In the event such construction, alteration or restoration increases the floor area of any building by more than 30% but less than 50%, a sprinkler system shall be required in the area of such construction, alteration or restoration only. In the case of repairs of damage from fire, storm or other act of God resulting in structural damage to any building to the extent of 50% or more or in the event any proposed construction, alteration or restoration increases the floor area of any building by 50% or more, a sprinkler system shall be required for the entire structure. No building permit shall be issued for the construction of any building required to have a fire sprinkler system under above, except upon a written acknowledgment by the applicant that such fire sprinkler system is required and shall be installed in accordance with plans filed and approved by the Building Inspector and/or Fire Marshal.

Amend section 68-1(C) as follows:

C.

No certificate of occupancy shall be issued for occupancy or use of any building, structure or portion thereof required to have a sprinkler system pursuant to this chapter unless such system is installed, inspected, tested, approved and certified by a New York State licensed professional engineer or licensed architect that the installation complies with the plans which were submitted. No certificate of occupancy shall be issued for any building required to have a fire sprinkler system under this Chapter unless each system is installed, and inspected, with tests witnessed by and/or approved by the New Castle Building Department and/or the Fire Marshal.

Amend section 68-1(D) as follows:

D.

~~Exception. Sprinklers shall not be required to be installed in spaces where the discharge of water would be hazardous as determined by the Building Inspector.~~ Fire sprinklers shall not be required to be installed in spaces where the discharge of water would be hazardous or damaging to equipment as determined by the Building Inspector. In such places other approved fire-extinguishing equipment shall be provided, as approved by the Building Inspector and/or Fire Marshal. Fire sprinklers shall not be required to be installed in residential accessory structures such as sheds, garages, and seasonal buildings less than 800 square feet in area for those stories

above grade only. Applications for exception shall be made, in writing, to the Building Inspector with copies filed with the Town Board and Town Engineer. All determinations of the Building Inspector made hereunder shall be in writing and shall be mailed to the applicant and filed with the Town Board and Town Engineer. In such places, other approved fire-extinguishing equipment should be provided, as approved by the Building Inspector of the Town of New Castle. In addition, the provisions of this chapter shall not apply to the extent existing state law exempts pre-manufactured housing.

Re-letter the existing subsection 68-1(E)(1) through (4) to 68-1(F)(1) through (4) and add a new subsection 68-1(E) as follows:

E.

1.

Fire sprinkler systems installed in residential one and two-family homes shall be maintained in good working order by the property owner who shall supply the Town, upon request, with biennial inspection reports by a qualified inspector verifying that the fire sprinkler system is fully operational and in good working order.

2.

All commercial and multi-family residential buildings shall file annual inspection reports and permits verifying that the fire sprinkler system is fully operational and in good working order.

3.

All fire sprinklers on tank systems, whether residential or commercial, shall have battery backup or an emergency generator to power the system. This subsection shall apply only to new systems installed after the effective date of this law.

F.

Application for variances from the strict application of this chapter shall be made to the Zoning Board of Appeals pursuant to the following procedures:

(1)

Grounds for appeal. The grounds for such appeal shall consist of at least one of the following:

(a)

Economic hardship.

(b)

Inability to achieve a valid state or federal policy.

(c)

Physical or legal impossibility.

(d)

The intended objective of the regulation cannot be met without a variance.

(e)

Compliance with the regulation is unnecessary as there is a more viable alternative.

(2)

Time to file appeal. The time in which to file an appeal under this chapter shall be no more than 60 days from the date of the issuance of a building permit.

(3)

Pursuant to Town Law § 267, Subdivision 5, the Zoning Board of Appeals shall decide such appeal within 60 days after the date of the final hearing. However, failure to render a decision within said time period shall not be deemed an approval of the application.

(4)

Pursuant to all other procedures set forth in Town Code §§ **60-540E** and **60-540F**.

This Local Law shall be effective immediately upon filing with the Secretary of State.

(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. 4 of 2024 of the ~~(County)(City)~~(Town)(Village) of New Castle was duly passed by the Town Board on April 16 2024, in accordance with the applicable *(Name of Legislative Body)* 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 2024, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted 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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)*

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide 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.

5. (City local law concerning Charter revision proposed by petition.)

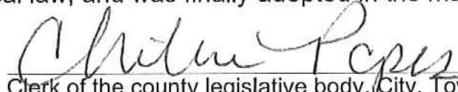
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, 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 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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.)

I 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 _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 18, 2024

(Seal)