



Series

A Model Local Resolution

**Whereby a Municipality Provides the
Services of a Building
Inspector/Zoning Enforcement Officer/
Code Enforcement Officer For
Another Municipality**

**Prepared by the NYS Legislative Commission
on Rural Resources
Legislative Office Building
Albany, New York 12247**

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Note to Local Officials:

Article 5-G of the General Municipal Law authorizes municipalities to enter into agreements with other municipalities for the providing of services by one for the other on a contract basis. Such provision of law has been used by many municipalities for providing the services of a building inspector, zoning enforcement officer or code enforcement officer by one for another municipality. Often the result is to acquire a well trained official with the ability to provide a highly technical service on a part time basis.

It has been difficult, in many instances, for municipalities, particularly small villages and towns that do not require full time building inspectors, zoning enforcement officers or code enforcement officers to find qualified part time officials. As a result, the sharing of one building inspector, zoning enforcement officer or code enforcement officer by two or more municipalities clearly offers an opportunity to provide essential quality services cost effectively. The enclosed model resolution is offered as a guide to municipal officials wishing to share the services of such officers with another municipality. There is set forth language that can be adopted by participating municipalities to carry out the goal of sharing such services. Although the resolution has been designed for two municipalities to share code enforcement officials, other municipalities could be added as appropriate.

In designing a resolution to meet the particular needs of your municipality, the resolution here offered should be modified by using the applicable language within the parentheses.

The Rural Resources Commission and State Land Use Advisory Committee would appreciate being kept abreast of any local efforts in order to share such knowledge with other community leaders across the state who are considering the use of this innovative land use tool. For further information or comments on the content or application of this model local law, please contact the Commission at (518) 455-2544, or (518) 426-6960 (fax), ruralres@senate.state.ny.us.

Intermunicipal Cooperation: Sharing of (Building Inspector, Zoning Enforcement Officer, Code Enforcement Officer)

At a regular meeting of the (City Council, Town Board, Village Board of Trustees) of the (City, Town , Village) of _____ duly held at the (City,Town, Village) Hall in such (City, Town, Village) on the _____ day of _____, 20____. Upon the calling of the role by the clerk the following members were :

Present:

Absent:

The following resolution was offered for adoption by (Council Person, Trustee) _____, which resolution was seconded by (Council Person, Trustee) _____.

Resolution authorizing the (Mayor, Supervisor) to contract on behalf of the (City, Town, Village) of _____ with the (City, Town, Village) of _____ whereby the (city, town, village) will provide the services of (building inspector, zoning enforcement officer, code enforcement officer) for the (City, Town ,Village) of _____ by providing that the (city, town, village) (building inspector, zoning enforcement officer, code enforcement officer) will act as (building inspector, zoning enforcement officer, code enforcement officer).

Services as (building inspector, zoning enforcement officer, code enforcement officer) contract
Between (City, Town, Village) of _____ and (City, Town, Village) of
_____.

Whereas the (City, Town, Village) of _____ and the (City, Town, Village) of _____ each have the power to regulate building construction, land use regulation and subdivision regulations individually, they may, pursuant to the authority granted to each of them by Article 5G of the General Municipal Law, enter into agreements, one with the other, to provide that the (building inspector, zoning enforcement officer, code enforcement officer) of the (City, Town, Village) of _____, perform the services normally provided by the (city, town, village) (building inspector, zoning enforcement officer, code enforcement officer) for the City, Town, Village of _____.

Now therefore be it resolved by the (city council, town board, village board of trustees) of the (City, Town, Village) of _____ as follows:

§1. The (Mayor, Town Supervisor) is hereby authorized to sign a agreement on behalf of the (City, Town, Village) of _____ with the (City, Town, Village) of _____ whereby the (city, town, village) (building inspector, zoning enforcement officer, code enforcement officer) will provide building inspection services and those services relating to the issuance of building permits, which permits are required by the New York State Uniform Fire Prevention and Building Code and the land use regulations of the (city, town, village) to the same degree and with the same effect as if the (city, town, village) (building inspector, zoning enforcement officer, code enforcement officer) was the (city, town, village) (building inspector, zoning enforcement officer, code enforcement officer) and pursuant to such agreement such (building inspector, zoning enforcement officer, code enforcement officer) will have the jurisdiction of a (city, town, village building inspector, zoning enforcement officer, code enforcement officer) when performing duties pursuant to such agreement.

§2. That such agreement shall read as follows:

(Building Inspection , Zoning Enforcement Officer, Code Enforcement Officer Services)

1. The (City, Town, Village) of _____ agrees to perform within the (City, Town, Village) of _____ with the personnel in the (city's, town's, village's) (building , zoning enforcement, code enforcement) department all functions performed by such (building, zoning enforcement, code enforcement) department within the (City, unincorporated area of the Town, Village) of _____ which may be applicable to the (City, Town, Village) of _____ as required by the New York State Uniform Fire Prevention and Building Code and the zoning and land use

regulations of the (City, Town, Village) of _____. The (city, town, village) (building, zoning enforcement, code enforcement) department may do additional work related to their particular areas of work when requested to do so by the (City, Town, Village) of _____ in writing at a charge to be agreed upon.

2. The (City, Town, Village) of _____ agrees to enforce within the (City, unincorporated area of the Town, Village) of _____, to the same degree and in the same manner as if performing such service in the (city, unincorporated area of the town, village) all the provisions of the New York State Uniform Fire Prevention and Building Code, the zoning and land use regulations of the (city, town, village) in the (city, town, village) and to make all inspections and to issue all permits and orders required in such enforcement. Such enforcement shall include all of the duties prescribed in the (city, town, village) (local laws, ordinances) rules and regulations relating to the New York State Uniform Building and Fire Prevention Code, the (city, town, village) zoning and land use regulations including the determination of those matters placed within the jurisdiction of the Board of Appeals by such (local laws, ordinances) rules and regulations and the furnishing of the evidence necessary in any prosecution of the violation of any local laws, rules or regulations relating to the New York State Uniform Fire Prevention and Building Code, zoning and land use regulations. In performing such work the officers and employees of the (City, Town, Village) of _____ shall have the powers and duties of (building inspectors, zoning enforcement officers, code enforcement officers) of the (City, Town, Village) of _____.

3. The (city, town, village) agrees to furnish the (city, town, village) building department all maps, forms, applications and other necessary papers, local laws, rules and regulations necessary to carry out the duties required by this agreement. It is agreed that the (City, Town, Village) of _____ shall provide all clerical work, provide office space and public counter service for the (city, town, village) including the storage of all records of the (city, town, village) relating to the performance of the duties as provided in this agreement. At the end of each month during the term of this agreement the records of the (building inspector, zoning enforcement officer, code enforcement officer) relating to his/her services when acting as a (city, town, village) (building inspector, zoning enforcement officer, code enforcement officer) shall be filed with the (city, town, village) clerk and copies of such records shall be on file in the office of the (city, town, village) (building inspector, zoning enforcement officer, code enforcement officer) during the term of this agreement.

4. The (city, town, village) agrees to furnish required furniture, and equipment necessary for the carrying out of the duties as agreed upon in this agreement. The extent and manner of equipping and furnishing are to be determined by the (city, town, village).

5. The (city, town, village) agrees to make reasonable efforts to collect the fees determined by the local laws, rules and regulations of the (city, town, village) relating to the inspection of buildings, the issuance of permits and any other fees collected in the performance of the duties as required under this agreement.

Fees collected shall be presented to the treasurer of the (city, town, village) on about the first day of each month.

6. The (City, Town, Village) of _____ shall pay all expenses for the performing of the services for the (city, town, village) including but not limited to salaries of officers and employees of the building department, vacation, sick leave, retirement, traveling expenses and overhead. The (city, town, village) shall annually determine the total amount to be paid for the services to be provided pursuant to this agreement and estimate the amount to be paid for the extension of the agreement for the next fiscal year and shall notify the (city, town, village) of such charge in writing no later than first day of January prior to the expiration of the agreement in order to enable the (city, town, village) to include such cost in the next succeeding (city, town, village) budget.

7. It is further agreed that the (city, town, village) shall provide appropriate liability insurance for all officers and employees performing work for the (city, town, village) under the terms of this agreement and that the (city, town, village) shall have no direct control over the work of the employees of the (city, town, village) and the (city, town, village) shall be responsible for the acts of the officers and employees of the (city, town, village) building department when performing duties for the (city, town, village) pursuant to the terms of this agreement. The officers and employees of the (city, town, village) when performing duties for the (city, town, village) for purposes of employee benefits, salaries and work rules shall be deemed to be employees of the (city, town, village).

8. This agreement shall be effective on _____ and shall continue in full force and effect until _____ unless terminated as provided in section nine hereof, this agreement shall be automatically renewed from year to year for successive one year periods thereafter.

9. This agreement may be terminated at the end of any term thereof by the (city, town, village) by giving a written notification of such intention to terminate to the other party before the expiration of the initial period of any succeeding one year period.

10. This agreement shall be subject to the provisions of the civil service law of the state of New York and all other laws of the state made and provided.

11. Should any party hereto fail to carry out the provisions of this agreement according to its terms and provisions, the other party shall give written notice of such default and should such default not be corrected within 30 days after the mailing of notice thereof this agreement may be terminated by the non defaulting party giving written notice thereof.

12. The amount to be paid to the (city, town, village) by the (city, town, village) for the period commencing _____ and ending on _____ shall be \$_____ and such sum shall be paid in equal monthly installments of \$_____, the first of which shall be paid upon the signing of this agreement.

IN WITNESS WHEREOF, the said (City, Town, Village) of _____ has by order of the (city council, town board, village board) caused these presents to be subscribed by the (Mayor, Supervisor,) and the seal of the (city, town, village) to be affixed and attested by the (city, town, village) clerk thereof, and the (city council, town board, village board of trustees) has caused this agreement to be subscribed by the (mayor, supervisor) and the seal of the (city, town, village) to be affixed and attested by the clerk of the (city, town, village) this _____ day of _____, 200__.

(City, Town, Village) of _____

By: _____
(Mayor, Supervisor)

Attest:

(City, Town, Village) Clerk

(City, Town, Village) of _____

By: _____
(Mayor, Supervisor)

Attest:

(City, Town, Village) Clerk

Approved as to form:

(City, Town, Village) Attorney

(City, Town, Village) Attorney

§3. This resolution shall take effect immediately.

A vote having been taken upon such resolution the result was as follows:

(Council person, Trustee)	Yes	No
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Mayor, Supervisor)		
_____	_____	_____

There being a majority of the (city council, town board, village board of trustees) voting to approve the resolution, the resolution was declared by the (mayor, presiding officer of the city council, supervisor) to have been adopted.

I, (City, Town, Village) Clerk of the (City, Town, Village) of _____ hereby certify that the above is a correct text of the resolution adopted by the (city council, town board, village board of trustees) of the (City, Town, Village) of _____ on the _____ day of _____, 20__ and that the above is the complete and whole text of such resolution.

(Seal)

(City, Town, Village) Clerk