

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.

Town

of Somers

FILED
STATE RECORDS

MAY 25 2022

Local Law No. 6 of the year 2022

DEPARTMENT OF STATE

A local law

See below

Be it enacted by the
of the

Town Board

(Name of Legislative Body)

Town

of Somers

A LOCAL LAW adding provisions for a local energy code under Chapter 75 of the Code of the Town of Somers;

BE IT ENACTED by the Town Board of the Town of Somers as follows:

Section 1. Recitals and Legislative Intent

The New York State Energy Conservation Construction Code (hereinafter referred to as the "State Energy Code") is adopted by the State Fire Prevention and Building Code Council (hereinafter referred to as the "Code Council") pursuant to Article 11 of the Energy Law.

The State Energy Code includes the provisions contained in Part 1240 of Title 19 of the New York Codes, Rules and Regulations (hereinafter referred to as "Part 1240") and the publications incorporated by reference in Part 1240.

The publications currently incorporated by reference in Part 1240 include, but are not limited to, the 2020 edition of the Energy Conservation Construction Code of New York State (hereinafter referred to as the "2020 ECCCNYS") and the 2016 edition of ASHRAE 90.1 (hereinafter referred to as "ASHRAE 90.1-2016").

The 2020 ECCCNYS is based on the 2018 edition of a publication entitled International

Energy Conservation Code (hereinafter referred to as the “2018 IECC”).

The New York State Energy Research and Development Authority (hereinafter referred to as “NYSERDA”) has issued a publication entitled NYStretch Energy Code 2020, Version 1.0, dated July 2019 (hereinafter referred to as “NYStretch”). NYStretch modifies (i.e., amends, replaces, replaces and renames, or adds to) certain sections, certain tables, and a certain appendix in the 2018 IECC; adds certain sections, certain tables, and certain appendices to the 2018 IECC; modifies (i.e., adds to, amends, or replaces) certain sections and certain tables in ASHRAE 90.1- 2016; and adds certain new sections to ASHRAE 90.1-2016.

Studies commissioned by NYSEDA indicate that modifying the State Energy Code in the manner contemplated by NYStretch can result in significant savings in energy usage and energy costs.

Article 11 of the Energy Law authorizes municipalities to adopt local energy conservation construction codes that are more stringent than the State Energy Code.

The Town of Somers desires to adopt as its local energy conservation construction code the State Energy Code as modified in the manner contemplated by NYStretch.

Section 2. Adoption of Local Energy Conservation Construction Code

The Town of Somers hereby adopts, as its local energy conservation construction code, the State Energy Code as modified in the manner contemplated by NYStretch. Such local energy conservation construction code shall consist of the provisions currently set forth in Part 1240 and in the publications currently incorporated by reference in Part 1240; provided, however, that the 2020 ECCCNY and ASHRAE 90.1-2016 shall be deemed to be modified as follows:

- (a) in each case where a section, table, or appendix in the 2018 IECC is modified by NYStretch, the corresponding section, table, or appendix in the 2020 ECCCNY shall be deemed to be modified in the same manner;
- (b) in each case where a section, table or appendix is added to the 2018 IECC by NYStretch, such section, table, or appendix shall be deemed to be added to the 2020 ECCCNY, subject to the following exception: Section R403.6.2, which is added to the 2018 IECC by section 3.11 of NYStretch, shall not be deemed to be added to the 2020 ECCCNY;
- (c) each section or table in ASHRAE 90.1-2016 that is modified by NYStretch shall be deemed to be so modified; and
- (d) each section added to ASHRAE 90.1-2016 by NYStretch shall be deemed to be added to ASHRAE 90.1-2016.

A copy of NYStretch is annexed hereto and made part hereof.

Section 3. Applicability

The local energy conservation construction code, as hereby adopted, shall be applicable to all

buildings constructed, substantially renovated, or altered in the Town of Somers on or after the effective date of this local law and to all additions to buildings in the Town of Somers made on or after the effective date of this local law. However, pursuant to Energy Law § 11-109(2):

- (a) if a copy of this local law is filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this local law, and if the Code Council shall substantially determine that the local energy conservation construction code as hereby adopted is not more restrictive than the State Energy Code, then on and after the date of such determination the local energy conservation construction code as hereby adopted shall no longer be enforced and the State Energy Code shall be applicable and shall be enforced in the Town of Somers; and
- (b) if a copy of this local law is not filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this local law, then the local energy conservation construction code as hereby adopted shall not be enforceable until and unless the Code Council shall determine that such local energy conservation construction code is more restrictive than the State Energy Code, and until and unless the Code Council shall make such determination the State Energy Code shall be applicable and shall be enforced in the Town of Somers.

Section 4. Severability

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. The Town Board hereby declares that it would have passed each section subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 5. Authority

This local law is adopted pursuant to Energy Law §11-109(1) and Municipal Home Rule Law §10.

Section 7. Effective Date

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout 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 2022 of the ~~(County)~~ (City) (Town) (Village) of Somers was duly passed by the Town Board on April 21, 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 2022 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2022, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2022,
(Name of Legislative Body)
(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 2022 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2022, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 2022. Such local law was submitted
(Name of Legislative Body)
(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 _____ 2022, 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 2022 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2022, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 2022. Such local law was subject to
(Name of Legislative Body)
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 2022, 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 2022 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 _____ 2022, 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 2022 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2022, 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

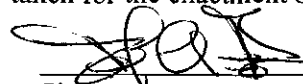
(Seal)

Date: 5/12/2022

(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 WESTCHESTER

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

Town Attorney

Title

County

City of Somers

Town

Village

Date: 5/12/2022