

**Town Board of the Town of Newfield  
Resolution No. {##} of 2021**

**Adopting Local Law No. [#] of 2021 amending Local Law No. 1 of 2006, “Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code” to add provisions for a local energy code.**

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WHEREAS, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code – 2020 (NYStretch);

WHEREAS, a stretch energy code is simply an energy code that is more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a supplement to the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY) that improves its efficiency an average of 10-12 %;

WHEREAS, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for its residents and businesses;

WHEREAS, under NY Energy Law § 11-109, the Town Board of the Town of Newfield is authorized to adopt a local energy code more stringent than the 2020 ECCCNY;

WHEREAS, the Town Board is considering amending Local Law No. 1 of 2006, “Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.” to add provisions for a local energy code.; and

WHEREAS, a public hearing was held on [DATE], at which time all persons either for or against said amendments were heard; and

WHEREAS, the Town Board is declared Lead Agency for the purposes of environmental review with respect to the proposed resolution, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 (collectively, “SEQRA”); and

WHEREAS, the Town Board, as Lead Agency, has advised that the proposed action meets the criteria of a “Type II Action” under SEQRA; now, therefore, be it further

RESOLVED, that Local Law No. [#] of 2021 is hereby adopted as follows:

**LOCAL LAW NO. [#] OF 2021**

A LOCAL LAW amending Local Law No. 1 of 2006, “Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.” to add provisions for a local energy code;

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

## **Section 1. Legislative Intent**

The Town Board of the Town of Newfield seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. On May 12th, 2020, the 2020 Energy Conservation Construction Code of New York State (ECCCNYS), adopted by the New York State Fire Prevention and Building Code Council, took effect and must be complied with unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a supplement to the 2020 ECCCNYS. This proposed Amendment seeks to modify Local Law No. 1 of 2006, "Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code" to adopt and enforce NYStretch.

## **Section 2. Amendment**

Local Law No. 1 of 2006, is hereby amended to add provisions for a local energy code.

Effective [DATE], the NYStretch Energy Code 2020, published by the New York State Energy Research and Development Authority (hereafter referred to as "NYStretch"), shall be enforced in full in the Town of Newfield as a supplement to the 2020 ECCCNYS.

## **Section 3. Authority**

The proposed local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

## **Section 4. Severability**

If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

## **Section 6. Effective Date**

This local law shall take effect upon filing with the Secretary of State [i.e., within 30 days of adoption of NYStretch] pursuant to New York Energy Law §11-109(1) and the Municipal Home Rule Law.

AND BE IT RESOLVED, that the Town of Newfield Clerk is hereby directed to publish the following Notice of Adoption:

## **NOTICE OF ADOPTION**

TAKE NOTICE that after a public hearing was held by the Town Board of the Town of Newfield on [DATE], the Town Board, at its meeting on [DATE], adopted Local Law No. [#] of 2021 as follows: A Local Law amending Local Law No. 1 of 2006, "Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code." to add provisions for a local energy code.

SUMMARY OF LOCAL LAW

These code provisions make the Town of Newfield Code consistent with revisions to the 2020 Energy Conservation and Construction Code of New York State.

Copies of the local law are on file in the Town of Newfield Clerk's Office, Monday through Thursday: 8:00 a.m. to 4:00 p.m. and Friday 8:00 to 1:00p.m.

BY ORDER OF THE TOWN BOARD  
TOWN OF NEWFIELD  
KAREN MILLER KENERSON, NEWFIELD CLERK