

# 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 North Dansville

Local Law No. 3 of the year 2022

A local law Superseding and Replacing Local Law #3 of the year 2006  
(Insert Title)  
Adoption and Implementation of the New York State  
Uniform Fire Prevention and Building Code and Energy  
Code.

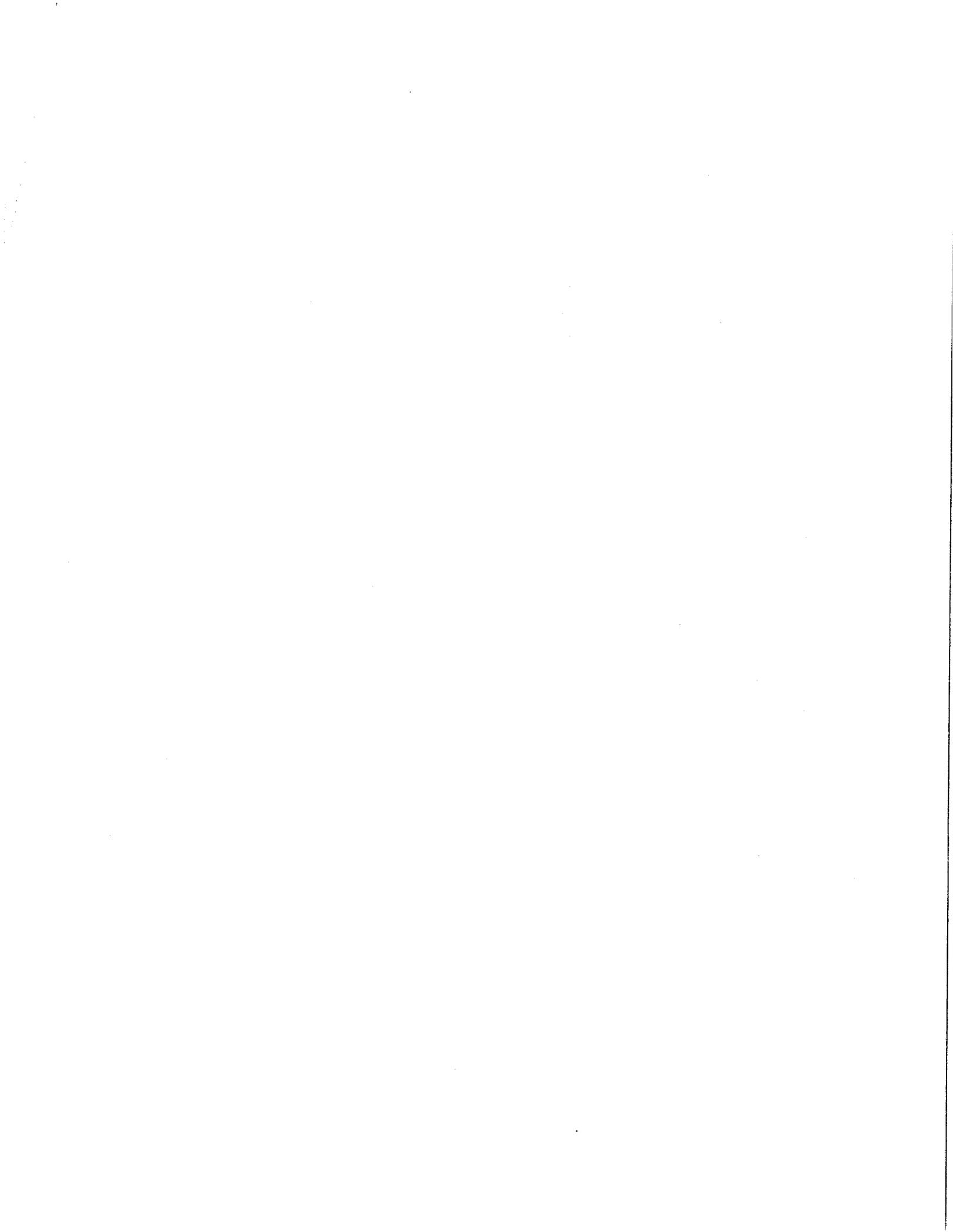
Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of North Dansville as follows:

See Attached

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



**(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. 3 of 2022 of the ~~(County)(City)(Town)(Village)~~ of North Dansville was duly passed by the ~~(County)(City)(Town)(Village)~~ Town Board on October 11 20 22, in accordance with the applicable 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 XXXXXXXXXXXXXXXXXXXX was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ and was deemed duly adopted (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 2022, 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 XXXXXXXXXXXXXXXXXXXX was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (repassed after disapproval) by the \_\_\_\_\_ (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 XXXXXXXXXXXXXXXXXXXX was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local 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.



~~XXXX~~ **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.

~~XXXX~~ **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 1 above.

*Kari Tyler*

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

Date: October 18, 2022

(Seal)



**Town of North Dansville**

**Adoption and Implementation of the  
New York State Uniform Fire Prevention  
And Building Code and  
Energy Code**

**Local Law No. 3 - 2022**

**Adopted on 10/11, 2022**

**By the Town Board of  
The Town of North Dansville**

## TABLE OF CONTENTS

Section 1: Purpose and Intent	3
Section 2: Definitions	3
Section 3: Adoption of Codes	6
Section 4: Code Enforcement Officers and Inspectors	6
Section 5: Building Permits	8
Section 6: Construction Inspections	12
Section 7: Stop Work Orders	14
Section 8: Certificates of Occupancy and Certificates of Compliance	16
Section 9: Notification Regarding Fire or Explosion	19
Section 10: Unsafe Buildings, Structures and/or Equipment	19
Section 11: Operating Permits	24
Section 12: Fire Safety and Property Maintenance Inspections	28
Section 13: Housing Code	30
Section 14: Complaints	37
Section 15: Non-Delegation of Responsibility by Owner	37
Section 16: Climatic and Geographic Design Criteria	38
Section 17: Record Keeping	39
Section 18: Program Review and Reporting	40
Section 19: Violations	40
Section 20: Fees	43
Section 21: Intermunicipal Agreements	43
Section 22: Partial Invalidity	44
Section 23: Conflict of Laws and Supersession	44
Section 24: Effective Date	44

**Local Law 3 of 2022.**

Be it enacted by the Town Board of the Town of North Dansville in the County of Livingston, State of New York as follows:

**SECTION 1. PURPOSE AND INTENT**

This local law provides for the adoption, administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law to protect the health, safety and welfare of this Town.

Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

This local law shall be entitled "A local law adopting and implementing the New York State Fire Prevention and Building Code and Energy Code".

**SECTION 2. DEFINITIONS**

In this local law, the following terms shall have the meanings shown in this section:

"Assembly Area" shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar congregating purposes.

"Boarding, Rooming and/or Lodging House" shall mean a dwelling with multiple rooms rented out individually, in which the tenants share bathroom and/or kitchen facilities.

"Building Permit" shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "Building Permit" shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

"Certificate of Compliance" shall mean a document issued by the Town stating that work was done in compliance with approved construction documents and the Codes.

"Certificate of Occupancy" shall mean a document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 4 of this local law.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors.

"Codes" shall mean the Uniform Code and Energy Code, as they may be amended and/or revised from time to time.

"Energy Code" shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as it may be amended and/or revised from time to time.

"FCNYS" shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225, as it may be amended and/or revised from time to time.

"Fire Safety and Property Maintenance Inspection" shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

"Hazardous Production Materials" shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

"Inspector" shall mean an inspector appointed pursuant to subdivision (d) of section 4

of this local law.

"Operating Permit" shall mean a permit issued pursuant to section 11 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

"Order to Remedy" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 19 of this local law. It may also be referred to as a "Compliance Order".

"Permit Holder" shall mean the Person to whom a Building Permit has been issued.

"Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"PMCNYS" shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226, as it may be amended and/or revised from time to time.

"RCNYS" shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220, as it may be amended and/or revised from time to time.

"Repair" shall mean the alteration, reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

"Short-Term Residential Rentals" (aka Airbnb) (other than a traditional Motel or Hotel which is registered with Livingston County, NY) shall mean premises which property owners rent out all or a portion of the space thereat to travelers looking for a place to stay for lodging, primarily home-stay for vacation rentals and tourism activities. The difference between Short Term Residential Rental (aka Airbnb) and a Bed and Breakfast (aka B&B) is that Airbnb is a lightly regulated home sharing that lets almost anyone list and rent accommodations for a period of one (1) day to one (1) year without a traditional written lease. A B&B is a regulated single-family residential structure that is subject to state and/or local lodging laws.

"Stop Work Order" shall mean an order issued pursuant to section 7 of this local law.

"Sugarhouse" shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

"Temporary Certificate of Occupancy" shall mean a certificate issued pursuant to subdivision (d) of section 8 of this local law.

"Town" shall refer to the Town of North Dansville in Livingston County, New York.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law, as it may be amended and/or revised from time to time.

### **SECTION 3. ADOPTION OF CODES**

The Town hereby adopts and implements the Uniform Code and the Energy Code.

### **SECTION 4. CODE ENFORCEMENT OFFICERS AND INSPECTORS.**

- A. The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:
1. to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;
  2. upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include therein terms and conditions as the Code Enforcement Officer may determine to be appropriate for such Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of

Occupancy, and Operating Permits. All such terms and conditions must be agreed to by a signed writing by the applicant(s) before a permit or certificate shall be issued;

3. to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;
4. to issue Stop Work Orders;
5. to review and investigate complaints;
6. to issue orders pursuant to subdivision (a) of section 19 (Violations) of this local law;
7. to maintain records;
8. to collect fees as set by the Town Board of this Town;
9. to pursue administrative enforcement actions and proceedings;
10. upon direction of the Town Board and in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and
11. to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

- B. The Code Enforcement Officer shall be appointed by Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his/her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- D. One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of the Town.

## **SECTION 5. BUILDING PERMITS**

- A. Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required in advance for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

B. Exemptions. No Building Permit shall be required for work in any of the following categories:

1. construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;
2. construction of temporary sets and scenery associated with motionpicture, television, and theater uses;
3. installation of window awnings supported by an exterior wall of a one- ortwo-family dwelling or multiple single-family dwellings (townhouses);
4. installation of partitions or movable cases less than 5'-9" in height;
5. painting, wallpapering, tiling, carpeting, or other similar finish work;
6. installation of listed portable electrical, plumbing, heating, ventilation orcooling equipment or appliances;
7. replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
8. repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time;
9. installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
10. installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground; or
11. construction of retaining walls for landscaping purposes.

C. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any

category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

1. a description of the location, nature, extent, and scope of the proposed work;
2. the tax map number and the street address of any affected building or structure;
3. the occupancy classification of any affected building or structure;
4. where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;
5. at least one (1) set of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in

accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

- E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. The accepted construction documents shall be retained by the Code Enforcement Officer. However, the set of accepted construction documents shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- F. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall only issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- G. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work shall be performed

in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

- I. Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- J. Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- K. Fee. The fee specified in or determined in accordance with the provisions set forth in Section 20 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

## **SECTION 6. CONSTRUCTION INSPECTIONS.**

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b)

of this section is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

1. work site prior to the issuance of a Building Permit;
2. footing and foundation;
3. preparation for concrete slab;
4. framing;
5. structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
6. fire resistant construction;
7. fire resistant penetrations;
8. solid fuel burning heating appliances, chimneys, flues, or gas vents;
9. inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
10. installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
11. final inspection after all work authorized by the Building Permit has been completed.

C. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be

performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

- D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 20 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

## **SECTION 7. STOP WORK ORDERS.**

- A. Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
  - 1. any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
  - 2. any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

3. any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
  - C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, also on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
  - D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.
  - E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 19 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

## **SECTION 8. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE**

- A. Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance. A Certificate of Compliance shall also be required as set forth in Section 13 below.
- B. Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:
1. a written statement of structural observations and/or a final report of special inspections,
  2. flood hazard certifications,
  3. a written statement of the results of tests performed to show compliance with

the Energy Code, and

4. where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

C. Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

1. the Building Permit number, if any;
2. the date of issuance of the Building Permit, if any;
3. the name (if any), address and tax map number of the property;
4. if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
5. the use and occupancy classification of the structure;
6. the type of construction of the structure;
7. the occupant load of the assembly areas in the structure, if any;
8. any special conditions imposed in connection with the issuance of the Building Permit; and
9. the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

D. Temporary Certificate of Occupancy. The Code Enforcement Officer shall be

permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in Section 20 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

## **SECTION 9. NOTIFICATION REGARDING FIRE OR EXPLOSION.**

The chief of any fire department providing firefighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

## **SECTION 10. UNSAFE BUILDINGS, STRUCTURES AND/OR EQUIPMENT.**

- A. Unsafe structures and equipment in this town shall be identified and addressed in accordance with this section.
- B. Definition of unsafe building, structure, and/or equipment. Any building, structure or equipment or portion thereof which:
  - 1. Has interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third (1/3) of its base;
  - 2. Exclusive of the foundation, shows thirty-three percent (33%) or more of damage to or deterioration of the supporting member or members or fifty percent (50%) damage to or deterioration of the non-supporting enclosing or outside walls or covering;
  - 3. Has improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used;
  - 4. Has been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the Town;
  - 5. Has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease; so as to work injury to the health, safety or general welfare of those living therein;

6. Has light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;
  7. Has inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, fire escapes or other means of communication;
  8. Has parts thereof which are so attached that they may fall and injure members of the public or property;
  9. Because of its condition, is unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the Town;
  10. Is open at the doorways or windows or walls, making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as to vagrants and other trespassers;
  11. Is or may become a place of rodent infestation;
  12. Consists of debris, rubble or parts of building left on the ground after demolition, reconstruction, fire or other casualty; OR
  13. Is otherwise defined as unsafe by the PMCNYS.
- C. It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Town to maintain such building or structure or portion of such buildings or structures or any equipment therein in any condition or manner which shall be unsafe as defined herein above. Any owner, occupant, or person in custody of real property located within the Town who allows or permits a building, structure, equipment, or portion thereof to continue as unsafe after the times set forth to complete repair or removal set forth in the notice as provided below shall be guilty of a violation of this local law.
- D. When in the opinion of the Code Enforcement Officer any building, structure or equipment, or portion thereof located in the Town shall be deemed to be dangerous or unsafe to the public as defined in paragraph B of this Section 10 above, the Code Enforcement Officer shall make a formal inspection

thereof and report in writing to the Town Board his/her findings and recommendations in regard to the building's, structure's and/or equipment's removal or repair.

- E. If, after review of said report, the Town Board by resolution determines that there is probable cause to believe that a building, structure and/or equipment is unsafe, it shall direct:
1. that a notice be served on the owner, or some one of the owner's executors, legal representatives, agents and the lessees and any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner, or some one of the owner's executors, legal representatives, agents, lessees and other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register, containing the names of all known interested parties, a description of the premises, a statement of the particulars in which the building, structure or equipment is alleged to be unsafe or dangerous, and an order requiring same to be made safe and secure or removed; and if said service be made by registered mail, for a copy of such notice to be posted on the premises;
  2. that the notice shall contain the times within which the person(s) served with such notice shall commence and fully complete the securing, and repair or removal of the buildings, structures and/or equipment, which **TIMES SHALL BE OF THE ESSENCE;**
  3. that said notice shall also advise the owner and such persons having an interest in the property or structure as is hereinabove prescribed that if they object to said notice and direction and/or any part thereof, they have a right to a due process hearing conducted by the Town Board of the Town at a time, date and location established by said board and set forth in said notice to repair or demolish, said hearing date to be no later than thirty (30) days after the notice is served; any such objections to the order and request for a hearing must be in a writing signed by each objectant specifying in detail all objections to the order, the facts and laws, rules and/or regulations on which each separate objection is based, and must be filed with the Town Clerk no later than

fifteen (15) days after service if served personally or eighteen (18) days after posting if served by registered mail, TIME IS OF THE ESSENCE; failure to file said objections and request with the Town Clerk within said period of time shall be deemed a complete waiver of the right to both a hearing and any further appeal, as well as the acknowledgement that the order is valid in all respects; at a hearing, objectant's proof can be limited to the matters specified in said objections;

4. that the notice shall also state that in the event either no objections and request for a hearing is timely made, or if after a hearing the Town Board determines that the building, structure and/or equipment is unsafe and orders its repair or removal, if such owner, occupant or other person having an interest in said premises shall fail to contest to comply with the order, the Town Board can order the repair or removal of such building, structure and/or equipment by the Town, and that the Town will assess all costs and expenses incurred in such repair or removal against the land on which said building, structure or equipment is located, as well as personally against the owners thereof;
5. that the notice shall also state that the failure to commence and/or the necessary repairs, improvements or demolition within the times specified in the notice will constitute a violation of the law, subjecting the violators to all fines, penalties and remedies set forth in this local law.
6. In addition to serving the notice as provided above, the Town Board may, if it determines that the purposes of this local law will be further effectuated, order that no person other than the owner or his agent shall enter upon the property and shall post on such property signs indicating no trespassing. When such a determination is made, notice of such fact shall be included in the notice referred to above. Anyone found trespassing in violation of this section shall be liable for a fine not to exceed One Hundred Fifty Dollars (\$150.00) for each offense for each separate trespass and/or continued day thereof.
7. A copy of said notice shall be personally served upon the owner or one of the owners, executors, legal representatives, agents, and also upon the lessees and other person having a vested interest in the premises

as shown on the Town tax records or in the records in the Livingston County Clerk's Office. If any such person cannot be reasonably found for personal service, then a copy of said notice shall be mailed to such person by registered mail addressed to his last known address as shown on said records and by personally serving a copy of said notice upon any adult person residing in or occupying said premises and by securely affixing a copy of said notice upon said building or structure.

8. The filing of a copy of such notice in the office of the county clerk of the county within which such building or structure is located, which notice shall be filed by such clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one (1) year from the date of filing, provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the town attorney. The clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.
  9. The Town Board shall conduct the public hearing at the time and place specified in the notice to repair or demolish. It may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed.
- F. If, after the due process hearing the Town Board determines that the building, structure and/or equipment is unsafe, then the Board:
1. shall issue a written decision and order setting forth its findings, directing the time within which the building, structure and/or equipment shall be secured, and either repaired or removed, and if repaired, the repairs that are necessary.
  2. In the event that the building, structure or equipment is not repaired in compliance with the Uniform Code, or removed if so directed, in the time specified, the Town may direct the Code Enforcement Officer, with

the assistance of the Town Attorney to apply to the Supreme Court for compliance with its directive, as well as to obtain a money judgment in favor of the Town against all violators for all costs, professional fees and attorney's fees, costs and disbursements associated with this proceeding, the securing, repairs and/or removal of the building, structure and/or equipment therein, and the court litigation to enforce same, including but not limited to the cost of collection of the money judgment that may be awarded.

- G. Other Measures and Remedies. In lieu of and/or in addition to the above, the Town may take all other measures and have all other remedies allowed by the Uniform Code, including the Emergency Measures allowed by Property Maintenance Code Section 108 and Fire Code Section 109, as these codes may be amended from time to time, and as otherwise allowed by this Local Law.

## **SECTION 11. OPERATING PERMITS.**

- A. Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
1. manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
  2. buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
    - a. Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
    - b. Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

- c. Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
- d. Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
- e. Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
- f. Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
- g. Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
- h. Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
- i. Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
- j. Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
- k. Section 307, "Open Burning, Recreational Fires and Portable Outdoor

Fireplaces."Conducting open burning, not including recreational fires and portable outdoor fireplaces;

- I. Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
  3. energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS;
  4. buildings containing one or more assembly areas;
  5. outdoor events where the planned attendance exceeds 1,000 persons;
  6. facilities that store, handle or use hazardous production materials;
  7. buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town; and
  8. other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of this Town.
- B. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.
- C. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

- D. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.
- E. Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his/her discretion, issue a single Operating Permit to apply to all such activities.
- F. Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
1. One hundred eighty (180) days for tents, special event structures, and other membrane structures;
  2. Sixty (60) days for alternative activities at a sugarhouse;
  3. Three (3) years for the activities, structures, and operations determined per paragraph (8) of subdivision (A) of this section, and
  4. One (1) year for all other activities, structures, and operations identified in subdivision (A) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- G. Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- H. Fee. The fee specified in or determined in accordance with the provisions set forth in section 20 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

## **SECTION 12. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS**

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
  - 1. at least once every twelve (12) months for buildings which contain an assembly area;
  - 2. at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities;
  - 3. at least once every twenty-four (24) months for all nonresidential occupancies;
  - 4. for all residential premises used as rental units (except for short-term residential rentals), and for all multiple dwelling units, each time any said unit is rented or leased to any person other than the owner of record. Also, every twenty-four months for said premises, whether such premises is used as a single-family residence, or multiple family dwelling units. "Used as a rental

unit" hereat shall mean used by any person other than the owner of record in return for compensation, whether as a tenant, land contract purchaser or otherwise; and

5. for short-term residential rentals, every six (6) months.
- B. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- C. Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:
1. the request of the owner of the property to be inspected or an authorized agent of such owner;
  2. the request of a legal occupant of said premises;
  3. receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist within said premises; or
  4. receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

- D. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

1. the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
  2. the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
  3. such inspections are performed no less frequently than once a year;
  4. a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
  5. upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 19 (Violations) of this local law.
- E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 20 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

## **SECTION 13. HOUSING CODE**

### **A. General Provisions.**

1. Purpose. The purpose of this part is to provide basic and uniform standards governing the condition, occupancy and maintenance of residential rental premises and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof.
2. Applicability. This code shall apply to all residential rental units, including both single-family homes and multi-family units.
3. Non-applicability. This part shall not be applicable to travel trailers or trailer parks, tourist camps, farm labor camps, or nursing and convalescent homes.
4. Conformance with State Provisions Required. Installations, alterations and repairs to residential premises and materials, assemblies and equipment utilized in connection therewith shall be reasonably safe to persons and property and in conformity with the applicable statutes of the State of New York and the orders, rules and regulations issued by authority thereof. Conformity of such work, materials, assemblies, or equipment to the applicable requirements of the Uniform Code and PMCNYS shall be prima facie evidence that the same is reasonably safe to persons and property.

### **B. Compliance and Responsibility of Owners of Residential Rental Premises.**

1. Responsibilities of Owners of Residential Rental Premises.
  - a. The owners of premises shall be responsible for compliance with the housing standards and shall remain responsible therefor in addition to the fact that this part may also place certain responsibilities on occupants and despite any agreement between owners and occupants as to which party shall assume such responsibility. Compliance with this section shall be a pre-condition to obtaining a certificate of compliance pursuant to subsection 13C.
  - b. In the event that cooking and/or refrigeration equipment is provided by the

owner, the owner shall maintain the same in proper operating condition.

- c. The owner, as well as the operator, agent or other person or entity in control of the building shall be responsible for the following:
  - 1) Limiting occupancy to the maximum number of persons permitted and prohibiting unlawful uses.
  - 2) Posting required statements of the maximum number of occupants permitted.
  - 3) Maintenance of the premises in a clean, safe, and sanitary condition.  
*NOTE: The owner and tenant or other occupant are both responsible pursuant to PMCNYS.*
  - 4) Maintenance of the operation of service facilities in good order and condition.
  - 5) Maintenance of plumbing, heating and electrical equipment and systems, appliances, fixtures, as well as other building equipment and facilities in an appropriate good operating condition.
  - 6) Maintenance of walls, floors and ceilings in public places in a clean and sanitary condition.
  - 7) Keeping exits free and clear. *NOTE: The owner and tenant or other occupant are both responsible pursuant to PMCNYS.*
  - 8) Disposal of building garbage and refuse in a clean and sanitary manner.  
*NOTE: The owner and tenant or other occupant are both responsible pursuant to PMCNYS.*
2. Boarding, Rooming and/or Lodging Houses are not allowed in the Town.
3. Responsibilities of Occupants of Residential Rental Premises.
  - a. In conjunction with the owner of the premises, occupants of residential rental units shall be responsible for compliance with this law in regard to

the following:

- 1) Occupancy limitations and its lawfully permitted use.
  - 2) Maintenance in a clean, safe and sanitary condition.
  - 3) Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities in a clean and sanitary condition, and providing reasonable care in the operation and use thereof.
  - 4) Keeping exits free and clear.
  - 5) Disposing of garbage and refuse into provided facilities in a sanitary manner and keeping the premises free and clear of same.
  - 6) Extermination of insects, rodents, and other pests on the premises.
- b. In the event cooking and/or refrigeration equipment is provided by the occupant, the occupant shall maintain the same in proper operating condition.
4. Discontinuance of Utilities. No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this law to be removed or shut off from or discontinued for any occupied residential rental unit except for necessary repairs, alterations or emergencies.
5. Retaliatory Evictions or Reprisals.
- a. No owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building or part thereof shall threaten to or take reprisal against any tenant (who has not committed a breach of the lease or contract of rental) for reporting or complaining, in good faith, of the existence or belief of the existence of any violation of the provisions of this local law or other applicable laws, statutes, ordinances or regulations or for, in good faith, availing himself/herself of any legal remedy. "Reprisal" shall be defined as:

- 1) the institution of eviction proceedings or other legal remedy relating to the tenant's right of possession; or
  - 2) the imposition of an unreasonable rent increase; or
  - 3) the curtailment of services required to be given to the tenant by law or agreement.
- b. Receipt of a notice to quit the dwelling or a substantial rent increase without adequate cause within ninety (90) days after the above-defined tenant has made a report or complaint or availed himself/herself of remedies against the owner provided by law shall create a rebuttable presumption that such notice to said tenant is a reprisal against the tenant for making such report or complaint or for having availed himself/herself of such remedies against the owner as provided by law.
- c. Notwithstanding Subsections a and b, the landlord may recover possession of the dwelling unit where otherwise allowed by law if:
- 1) the tenant is in arrears with respect to rent, or the tenant has failed to pay and caused the termination of public water and/or sewer, or gas, electric and/or propane service to the premises for which the tenant may be responsible pursuant to the lease terms;
  - 2) the tenant, the tenant's family or guest are committing waste or a nuisance or are using the dwelling unit for an illegal purpose or for other than living or dwelling purposes in violation of the tenant's rental agreement;
  - 3) the landlord seeks in good faith to recover possession of the dwelling unit for immediate use as his/her own abode;
  - 4) the landlord seeks in good faith to recover possession of the dwelling unit for the purpose of substantially altering, remodeling or demolishing the premises;
  - 5) the landlord seeks in good faith to recover possession of the dwelling

unit for the purpose of immediately terminating, for at least six (6) months, use of the dwelling unit as a dwelling unit;

- 6) the complaint or request relates only to a condition or conditions caused by lack of ordinary care by the tenant or another person in said household or on the property with the tenant's consent;
  - 7) the dwelling unit and other property and facilities used by or affecting the use and enjoyment of the tenant were, on the date of filing of such complaint or request, in substantial compliance with all codes, statutes or ordinances;
  - 8) the landlord has in good faith contracted to sell the property, and the contract of sale contains a representation by the purchaser corresponding to subsection c (2), (3) or (4) directly above;
  - 9) the landlord is seeking to recover possession on the basis of a notice to terminate a periodic tenancy, which notice was given to the tenant previous to the complaint or request.
- d. The defense of retaliatory eviction or reprisal may be raised by the tenant in any eviction action, summary proceeding or other action or proceeding relating to the right of the tenant to remain in possession of the premises.

C. Certificates of Compliance Required for Residential Rental Units.

1. Certificate of compliance are required for residential rental units as follows:
  - a. Except for short-term rental units, a certificate of compliance must be obtained from the Code Enforcement Officer for all residential premises used as rental units, and for all multiple dwelling units, each time any said unit is rented or leased to, or otherwise occupied by, any party other than the owner of record. Further, a certificate of compliance must also be obtained from the Code Enforcement Officer every twenty-four (24) months for each said premises, whether it is used as a single-family rental or multiple dwelling rental unit.

Each owner of rental property, and each owner of a multiple dwelling is

hereby required to immediately notify the Code Enforcement Officer when any dwelling unit is or is about to be vacated by a tenant or boarder, as well as notify said Officer prior to occupancy by a new tenant or boarder. In no event can said dwelling unit be rented to a new or different tenant or boarder until a certificate of compliance has been issued by the Code Enforcement Officer.

For purposes of this entire section 13, "used as rental units" shall mean used and/or occupied by any party other than the owner of record for any residential purpose in return for compensation or other consideration; intent to eventually purchase the property shall not be an exemption from this requirement.

- b. For short-term rentals, an inspection must be had and a certificate of occupancy obtained every six (6) months.
  - c. In the event that a required inspection is made and no certificate of compliance is obtained for a period of more than ninety (90) days, due to one or more uncorrected violations, failure to correct said violations and obtain said certificate shall constitute grounds to order the premises vacated until such time as all requirements necessary to obtain a certificate of compliance have been satisfied.
  - d. No rental units shall be occupied until a required certificate of compliance is first obtained. For rental units in existence at the time this law is passed, a first certificate of compliance must be obtained within six (6) months after the date this law goes into effect.
  - e. In the event that premises subject to the above requirements are ordered vacated for any reason, any certificate of compliance issued previously shall be considered null and void, and a new certificate of compliance shall be obtained prior to resuming occupancy.
2. Because the owner shall be responsible for violations as provided above, a certificate of compliance shall be obtained from the Code Enforcement Officer upon the transfer of title to a new owner of any residential premises used as a rental unit and for all premises used as multiple dwellings. The owner of the premises shall notify the enforcement officer at least five (5) days prior to the

sale of such premises.

3. Failure to obtain a certificate of compliance as required herein shall constitute a violation of this chapter and shall also be grounds for obtaining an administrative search warrant.
4. The Code Enforcement Officer shall specifically be empowered to make such inspections of properties and to attach such conditions as are necessary to bring such rental units into compliance with the requirements of this local law.
5. A certificate of compliance may be issued for any building or individual dwelling at any other time after inspection thereof, by request, determination of compliance with the Uniform Code, and the Town's Zoning Code, and payment of the prescribed fee.

#### **SECTION 14. COMPLAINTS**

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code.

The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- A. performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B. if a violation is found to exist, whether via a complaint or as a result of any other inspection, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, and/or otherwise proceeding in the manner described in section 19 (Violations) of this local law;
- C. if appropriate, issuing a Stop Work Order;
- D. if a violation which was found to exist is abated or corrected, performing an

inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

## **SECTION 15. NON-DELEGATION OF RESPONSIBILITY BY OWNER**

All obligations of an "owner(s)" of the premises in this Local Law shall be the full responsibility of all the title holders of record of the premises as then listed in the Livingston County Clerk's Office at the date of the occurrence. Any delegation of responsibility for the premises by the title holder(s) to one or more third party(ies) by land contract or other transfer shall not relieve the title holder(s) from any responsibility under this Local Law. Penalties imposed for any violation of this Local Law shall take precedence and have priority over any transfer by owners of any right, title or interest of the premises by land contract, mortgage or otherwise, whether or not such transfer has occurred before or after said violation. This shall not prevent the Code Enforcement Officer from enforcing a violation(s) against a land contract buyer or any other entity responsible for or who has caused the violation in whole or in part.

## **SECTION 16. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.**

- A. The Code Enforcement Officer, with the assistance of professionals where needed, shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:
1. design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
  2. heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the

Design Criteria Tablefound in Chapter 3 of the RCNYS; and

3. flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
  - a. the accompanying Flood Insurance Rate Map (FIRM)
  - b. Flood Boundary and Floodway Map (FBFM); and
  - c. related supporting data along with any revisions thereto.
- B. The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

#### **SECTION 17. RECORD KEEPING.**

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
  1. all applications received, reviewed and approved or denied;
  2. all plans, specifications and construction documents approved;
  3. all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
  4. all inspections and tests performed;
  5. all statements and reports issued;
  6. all complaints received;

7. all investigations conducted;
  8. all condition assessment reports received;
  9. all fees charged and collected; and
  10. all other features and activities specified in or contemplated by sections 4 through 16, inclusive, of this local law.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

## **SECTION 18. PROGRAM REVIEW AND REPORTING**

- A. The Code Enforcement Officer shall annually submit to the Town Board of the Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 17 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

## **SECTION 19: VIOLATIONS**

A. Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within a specified period of time; state that the alleged violator(s) may appeal said order to the Town Board by filing a notice of appeal specifying in full the grounds therefor with the Town Clerk within fifteen (15) days, TIME BEING OF THE ESSENCE, after service upon the violators; state the penalties and other remedies afforded the Town against the violators; and shall include a statement substantially similar to the following:

"The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_ [*specify date*], which is no later than thirty (30) days after the date of this Order to Remedy."

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which shall be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work

being performed at the affected property personally or by certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order. 19 NYCRR 1203.5 as it may be amended shall apply concerning compliance with orders to remedy.

- B. Appearance Tickets. At the direction of the Town Board, the Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- C. Criminal Penalties.
  - 1. Criminal penalties for a violation of the Uniform Fire Prevention and Building Code shall be as set forth in Executive Law Section 382 and 19 NYCRR Section 1203.5 as they may be amended from time to time. Currently said statute and regulation set forth a penalty of not more than \$1,000 per day of violation, or imprisonment not exceeding one (1) year, or both.
  - 2. The statutory penalties for a violation of the Energy Code shall be as set forth in Energy Law Section 11-108(1) as it may be amended from time to time. Currently said law sets forth a punishment of a fine of not more than \$1,000, or by imprisonment of not more than thirty (30) days, or both. Pursuant to Section 11-108(2), such shall not be deemed a crime or a criminal penalty or punishment.
- D. Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy or Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town, or by the Code Enforcement Officer when directed by the Town Board.
- E. Injunctive Relief. An action or proceeding may be instituted in the name of this Town in a court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce any provision of, the Uniform Code, the Energy

Code, this local law or any term or condition of any Building Permit, Certificate of Occupancy or Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

- F. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in Section 7 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in Section 7 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of the penalties specified in subdivision (2) of Section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of Section 381 of the Executive Law.
- G. Recoverable Fees and Expenses. For each violation of this Local Law the Town shall be entitled to all fees and expenses, including but not limited to all professional fees and attorney's fees, cost and disbursements to cure all violations of and to enforce all remedies of this Local Law, including all expenses incurred in local enforcement and administration as well as all litigation to enforce and collect same, which shall be the joint and several obligation of each and every violator

thereof.

## **SECTION 20: FEES**

Permit and application fees shall be collected and paid according to the fee schedule adopted by the Town Board and in effect at the time of application. The current fee schedule is attached at Appendix I. A fee schedule shall be posted at the Town Clerk's Office and available from the Code Enforcement Officer. The current fee schedule is attached hereto and may be amended from time to time.

## **SECTION 21. INTERMUNICIPAL AGREEMENTS**

The Town Board of this Town may, by resolution, enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

## **SECTION 22. PARTIAL INVALIDITY**

If any portion of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

## **SECTION 23. CONFLICT OF LAWS AND SUPERSESSION**

This local law supersedes all earlier local laws and ordinances on the subjects contained herein, which earlier local laws and ordinances are hereby terminated. In the event of a conflict between the terms of this local law and another local law or ordinance, then the provisions of this local law shall control.

## **SECTION 24. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.