

DRAFT

LOCAL LAW 4 OF 2007

A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Be it enacted by the Town Board of the Town of New Baltimore, County of Greene, as follows:

Section 1.

Chapter 32 of the Code of the Town of New Baltimore, as adopted by Local Law 1 of 1989, and amended by Local Law 4 of 1998, is HEREBY REPEALED, and a new Chapter 32 of the Code of the Town of New Baltimore is hereby adopted to read as follows:

Chapter 32
Administration and Enforcement of the New York State
Uniform Fire Prevention and Building Code

§ 32-1. Purpose and Intent.

This chapter provides for the 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 the Town of New Baltimore. This chapter is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this chapter.

§ 32-2. Definitions.

For purposes of this chapter, the following terms used herein shall have the following meanings:

“Building Inspector” shall mean the Building Inspector appointed pursuant to subdivision (b) of section § 32-3 of this chapter.

“Building Permit” shall mean a permit issued pursuant to section § 32-4 of this chapter. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this chapter.

“Certificate of Occupancy” or “Certificate of Compliance” shall mean a certificate issued pursuant to subdivision (b) of § 32-7 of this chapter.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (c) of § 32-3 of this chapter.

“Compliance Order” shall mean an order issued by the Building Inspector or Code Enforcement Officer pursuant to subdivision (a) of section § 32-15 of this chapter.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Operating Permit” shall mean a permit issued pursuant to § 32-10 of this chapter. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this chapter.

“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.

“Stop Work Order” shall mean an order issued pursuant to § 32-6 of this chapter.

“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of § 32-7 of this chapter.

“Town” shall mean the Town of New Baltimore.

“Town Board” shall mean the Town Board of the Town of New Baltimore.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 32-3. Building Inspector.

- (a) There is hereby designated in the Town of New Baltimore a public official to be known as the “Building Inspector”, who shall be appointed by the Town Board at compensation to be fixed by the Town Board. The Building Inspector 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 Building Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- (b) The Building Inspector shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this chapter. The Building Inspector 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 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 Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Building Inspector or Code Enforcement Officer may determine to be appropriate;
 - (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates 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 chapter;
 - (4) to issue Stop Work Orders;
 - (5) to review and investigate complaints;
 - (6) to issue orders pursuant to subdivision (a) of § 32-15 (Violations) of this chapter;
 - (7) to maintain records;
 - (8) to collect fees as set by the Town Board of this Town; maintain records;
 - (9) to pursue administrative enforcement actions and proceedings;
 - (10) in consultation with the Attorney for the Town, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter;
 - (11) to request and receive the assistance of any other town official exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein; and
 - (12) to exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this and any other chapter conveying powers and duties to the Building Inspector.
- (c) The Town Board shall also appoint additional Building Inspectors and shall also appoint Code Enforcement Officers as may be required. Any Building Inspector appointed by the Town Board shall exercise all powers and fulfill all duties conferred

upon the Building Inspector by this chapter. Any Code Enforcement Officer appointed by the Town Board shall have the same powers and duties conveyed upon the Building Inspector under paragraphs (4), (5) and (6) of subsection (a) of this section.

- (d) In the absence of all Building Inspectors or in the case of their inability to act for any reason, the Supervisor shall have the authority, with the consent of the Town Board, to designate a person to act in their behalf and to exercise all the powers conferred upon the Building Inspector by this chapter, or any other town law, ordinance, rule or regulation.

§ 32-4. Building Permits.

- (a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required 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 Building Inspector.
- (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 (13.88 square meters);
 - (2) Construction or installation of nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes;
 - (3) Repairs and alterations to existing buildings, , provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress, (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time;
 - (4) Demolition of a building whose location is greater than 100 feet plus the height of the tallest part of the building from any property line, active right-of-way or easement;

- (5) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (6) installation of swimming pools associated with a one- or two-family dwelling where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - (7) installation of fences which are not part of an enclosure surrounding a swimming pool;
 - (8) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - (9) construction of temporary. motion picture, television and theater stage sets and scenery;
 - (10) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (11) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (12) installation of portable electrical, plumbing, heating, ventilation or cooling equipment or appliances; and
 - (13) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications.
- (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 Building Inspector. 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 Building Inspector deems sufficient to permit a determination by the Building Inspector 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 proposed work;
 - (2) the tax map number and the Street address of the premises where the work is to be performed;

- (3) the current and intended use of any affected building or structure;
 - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) at least 2 sets of construction documents (drawings and/or specifications) which
 - (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines. The Building Inspector may waive certain requirements of this paragraph relating to architectural and engineering drawings for buildings of less than 1500 square feet..
 - (6) Proof of insurance as required by State or Federal law.
- (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 Building Inspector in writing or by stamp. One set of the accepted construction documents shall be retained by the Building Inspector, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Building Inspector. However, the return of a set of accepted construction documents to the applicant 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.
- (1) An application for a Building Permit shall be examined for the completeness of the submission and to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code and is in compliance with the Town's Zoning Code.
 - (2) The Building Inspector shall issue a Building Permit if all required documents have been submitted, the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code and the proposed work is in compliance with the Town's Zoning Code.
 - (3) The Building Inspector shall complete the review of applications for Building Permits and approve, disapprove or take other appropriate action on such

applications within fifteen (15) days of receipt of all required documentation.

- (4) The Building Inspector may hold any application in abeyance pending the filing of complete documentation, action by any other town board or public official having jurisdiction over the matters relative to such application or where in the judgment of the Building Inspector, there is other good cause shown.
- (5) No approval shall be final until the applicant shall have completed all requirements hereunder and obtained all permits, variances, orders or approvals applicable to the project and to the premises.
- (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 Building Inspector of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Building Inspector 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 expire one (1) year after the date of issuance or upon the issuance of the Certificate of Occupancy or Certificate of Compliance, whichever occurs first. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed for successive one-year periods upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Building Inspector, provided that the permit has not been revoked or suspended at the time the application is made, and the relevant information on the application is current.
- (j) Revocation or suspension of Building Permits. If the Building Inspector 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 Building Inspector 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) Payment of fee at time of application submission. The fee specified in or determined in accordance with the provisions set forth in § 32-16 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.

§ 32-5. Construction Inspections

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector. The Permit Holder shall notify the Building Inspector 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) building systems, including underground and rough-in;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance; and
 - (10) a final inspection after all work authorized by the Building Permit has been completed.
- (c) 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 where the work fails to comply with the Uniform Code or Energy Code. 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.

§ 32-6. Stop Work Orders.

- (a) Authority to issue. The Building Inspector or Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Building Inspector or Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Building Inspector or 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 Building Inspector or 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 Building Inspector or 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 Building Inspector or 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, on the Permit Holder) personally or by certified mail, return receipt requested. The Building Inspector or 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, return receipt requested; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the validity and 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.
- (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 §32-15 of this chapter 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.

§ 32-7. Certificates of Occupancy and Certificates of Compliance.

- (a) Certificates of Occupancy or Certificate 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.
- (b) Use of form for Certificate of Occupancy or Certificate of Compliance. The owner of the premises for which a Certificate of Occupancy or Certificate of Compliance is sought, or his/her authorized agent, shall make the application for a Certificate of Occupancy or Certificate of Compliance upon a form prescribed by the Building Inspector.
- (c) Issuance of Certificates of Occupancy or Certificate of Compliance. The Building Inspector 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 and the use or occupancy classification or subclassification is in compliance with the Town's Zoning Code. The Building Inspector 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 Building Inspector, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance shall be provided to the Building Inspector 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, and
 - (2) flood hazard certifications.
- (d) Contents of Certificate of Occupancy or Certificate 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, 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 assembly occupant load of the structure, if any;
 - (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) any special conditions imposed in connection with the issuance of the Building Permit; and
 - (10) the signature of the Building Inspector issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.
- (e) Temporary Certificate. The Building Inspector shall be permitted to issue a Temporary Certificate 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 Building Inspector issue a Temporary Certificate unless the Building Inspector determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Building Inspector may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed 3 months, which shall be determined by the Building Inspector and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, 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. Upon request in writing and for good cause, the Building Inspector may allow a maximum of two (2) extensions of a Temporary Certificate for periods not exceeding three (3) months each.
- (f) Revocation or suspension of certificates. If the Building Inspector determines that a Certificate of Occupancy or Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.

§ 32-8. Notification regarding fire or explosion.

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Building Inspector of any fire or explosion involving any

structural damage, fuel burning appliance, chimney or gas vent.

§ 32-9. Unsafe building and structures.

Unsafe buildings and structures shall be identified and addressed in accordance with the procedures established by the Unsafe Buildings and Collapsed Structures Law of the Town of New Baltimore (Chapter 34 of the Code of the Town of New Baltimore), as now in effect or as hereafter amended from time to time.

§ 32-10. Operating Permits.

(a) Operating Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

- (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled “Fire Code of New York State” and incorporated by reference in 19 NYCRR section 1225.1;
- (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) use of pyrotechnic devices in assembly occupancies;
- (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board.

(b) Operating Permit required prior to commencing activity or operation. 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 Building Inspector. Such application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Building Inspector 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 Building Inspector, at the expense of the applicant.

- (d) Inspections. The Building Inspector shall inspect the subject premises prior to the issuance of an Operating Permit.
- (e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.
- (f) Revocation or suspension of Operating Permits. If the Building Inspector 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.
- (g) Payment of fee at time of application submission. The fee specified in or determined in accordance with the provisions set forth in § 32-16 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.

§ 32-11. Fire safety and property maintenance inspections.

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Building Inspector or Code Enforcement Officer at the following intervals:
 - (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly, which are defined under Section 303 of the Building Code, and areas of public assembly with an occupancy load of 50 or more, shall be performed at least once every twelve (12) months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
 - (3) Fire safety and property maintenance inspections of all multiple dwellings that exceed two families and are not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every 36 months.
- (b) 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 Building Inspector or Code Enforcement Officer at any time upon:
 - (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) receipt by the Building Inspector or Code Enforcement Officer of a written

statement alleging that conditions or activities fail to comply with the Uniform Code or Energy Code exist; or

- (3) receipt by the Building Inspector or Code Enforcement Officer of any other information, reasonably believed by the Building Inspector or Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities fail 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.

- (c) 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 under Executive Law section 1 56-e and Education Law section 807-b.

- (d) Notwithstanding any other provision of this section to the contrary:

- (1) the Building Inspector shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
- (2) the Building Inspector shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
- (3) the Building Inspector shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section, and
- (4) the Building Inspector shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

- (e) Fee to be paid at the time of inspection. The fee specified in or determined in accordance with the provisions set forth in §32-16 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.

§ 32-12. Complaints.

The Building Inspector or 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 any of the following steps as the Building Inspector or 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, 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, or otherwise proceeding in the manner described in §32-15;
- (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.

§ 32-13. Record keeping.

- (a) The Town Clerk shall keep permanent official records of all transactions and activities conducted by all Building Inspectors, 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 or 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; and
 - (8) all fees charged and collected;
- (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.

§ 32-14. Program review and reporting.

- (a) The Building Inspectors and Code Enforcement Officers shall periodically, no less frequently than quarterly, submit to the Town Board a written report and summary of all business conducted by the Building Inspectors and Code Enforcement Officers, including a report and summary of the following transactions:
 - (1) Applications for Building Permits received;
 - (2) Building Permits issued;
 - (3) Operating Permits issued;
 - (4) Certificates of Occupancy or Certificates of Compliance issued;
 - (5) Building Inspections conducted for construction pursuant to issued building permits;
 - (6) Fire safety and Property Maintenance inspections conducted;
 - (7) Stop Work Orders issued; and
 - (8) Complaints received and investigated
- (b) The Building Inspector shall annually submit to the Secretary of State, on behalf of the Town, on a form prescribed by the Secretary of State, a report of the activities of the Town relative to administration and enforcement of the Uniform Code. A copy of this report shall be furnished to the Town Board.
- (c) The Building Inspector shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Town in connection with administration and enforcement of the Uniform Code.

§ 32-15. Violations.

- (a) Compliance Orders. The Building Inspectors and Code Enforcement Officers are 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 chapter. Upon finding that any such condition or activity exists, the Building Inspector or Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall
 - (1) be in writing;

- (2) be dated and signed by the Building Inspector or Code Enforcement Officer;
- (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter;
- (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;
- (5) specify the period of time which the Building Inspector or Code Enforcement Officer deems to be reasonably necessary for achieving compliance;
- (6) direct that compliance be achieved within the specified period of time; and
- (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

The Building Inspector or Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail, return receipt requested. The Building Inspector or Code Enforcement Officer shall be permitted, but not required, to cause the Compliance 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 being performed at the affected property personally or by certified mail, return receipt requested; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- (b) Appearance Tickets. The Building Inspectors and Code Enforcement Officers are authorized to issue appearance tickets for any violation of the Uniform Code:
- (c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any Building Permit, Certificate of Occupancy, 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 not more than \$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 the Town.
- (d) Injunctive Relief. An action or proceeding may be instituted in the name of the 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 chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Building Inspector or Code Enforcement Officer pursuant to any provision of this chapter. 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 the Town 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.

- (e) 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 §32-6 (Stop Work Orders) of this chapter, in any other section of this chapter, 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 §32-6 (Stop Work Orders) of this chapter, in any other section of this chapter, 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 382 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 382 of the Executive Law.

§32-16. Fees.

A fee schedule has been previously been established by resolution of the Town Board. Such fee schedule may thereafter be amended from time to time by like resolution.

§32-17. Intermunicipal agreements.

The Town Board may, by resolution, authorize the Town Supervisor to enter into an agreement, in the name of the Town, with other governments to carry out the terms of this chapter, 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.

§32-18. Partial invalidity.

If any section of this chapter 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 chapter.

Section 2. 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.