

PART II – GENERAL LEGISLATION

Chapter 44 Building Code, New York State Fire Protection and

[Adopted at Local Law #4 of 1989, Amended and Adopted, December 27, 2012, as Chapter 44 of the Code]

Article I NYS Fire Protection and Building Code

Section 44-1 – 44-25

Article I NYS Fire Protection and Building Code

Section 44-1 – Purpose and Intent – This chapter shall provide for 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 Village. This Chapter is adapted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law or other sections of this chapter, all buildings, structures and premises, regardless of use or occupancy are subject to the provisions of this chapter.

Section 44-2 – Definitions – As used in this chapter, the following terms shall have the meaning indicated:

Abandoned Building shall mean any building or structure that has been vacant or used for a purpose other than its approved use for a period of two consecutive years or more.

Building shall mean any building, structure or portion thereof used for residential, commercial, industrial or any other purpose

Building Permit shall mean permit issued pursuant to Section 44-f this chapter. The term building permit shall also include a building which is renewed, amended or extended pursuant to any provision of this chapter.

Certificate of Occupancy/Certificate of Compliance shall mean a certificate issued pursuant to subdivision (b) of Section 44-7 of this local law.

Code Enforcement Officer shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of Section 44-3 of this chapter.

Code Enforcement Personnel shall mean the Code Enforcement Officer and all Inspectors.

Compliance Order shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of Section 44-15 of this chapter.

Demolition Permit shall mean a permit issued for the demolition of any building or structure, pursuant to Chapter 63 of the Village Code

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

Inspector shall mean an Inspector appointed pursuant to subdivision (d) of Section 44-4 of this chapter.

Operating Permit shall mean a permit issued pursuant to Section 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 shall mean a building, demolition or zoning permit issued pursuant to Section 4 of this chapter. The term permit shall also include a 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 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 Section 44-6 of this chapter.

Village shall mean the Village of Marcellus.

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.

Zoning Permit shall mean the written authorization from the Codes Enforcement Officer, other than a Building Permit, that the construction or use proposed is in accord with the regulations of the Zoning Ordinance. A permit gives approval for the construction or use, subject to conditions set forth in this Chapter.

Section 44-3 – Code Enforcement Officer and Inspectors

(a) The office of the 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 chapter. The Code Enforcement Officer shall have the following powers and duties:

1. To receive, review and approve or disapprove applications for permits, certificates of occupancy/certificates of compliance 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 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.

3. To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, 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 Section 44-15 (Violations) of this chapter.

7. Maintain records

8. To collect fees as set by the Village Board of this Village

9. Pursue administrative enforcement actions and proceedings

10. Consult with the Village Attorney to pursue such legal proceedings as may be necessary to enforce the Uniform Code, Energy Code and this chapter.

11. To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

(b) The Code Enforcement Officer shall be appointed by the Village Board of this Village. The Code Enforcement Officer is recommended to 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 codes enforcement personnel, and the Code Enforcement Officer is recommended to obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Village Board to serve as acting Code Enforcement Officer. The acting code enforcement officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer.

(d) One or more Inspectors may be appointed by the Village Board of this Village 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 chapter. Each Inspector shall within the time prescribed by law obtain such basic training, 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 State Fire Administrator 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 Village Board of this Village.

Section 44-4 – Building Permits

(a) Building Permits required: except as otherwise provided in subdivision (b) of this section, a building permit shall be required for the change in use of any land or 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 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. Installation of swings and other playground equipment associated with a one or two-family dwelling (townhouses)
2. Installation of swimming pools associated with a one or two-family dwelling or multiple-family dwelling where such pools are designed for a water depth of less than 24 inches and are installed above ground.
3. Construction of retaining walls unless such walls support a surcharge or impound Class I, II, or III A liquids.
4. Construction of temporary motion picture, television and theater stage sets and scenery.
5. Installation of window awnings supported by an exterior wall of a one or two-family dwelling or multiple single-family dwelling (townhouses).
6. Installation of partitions or movable cases less than 5'9" in height.
7. Painting, wallpapering, tiling, carpeting, or other similar finish work.
8. Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
9. Repairs provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition or portion thereof, or 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 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.

(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) Application for a Building Permit: applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The applications 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 proposed work;
2. the tax map number and the street address of the premises where the work is to be performed;
3. the occupancy classification of any affected building or structure;
4. where applicable, a statement of special instructions prepared in accordance with the provisions of the Uniform Code; and
5. At least two sets of construction documents (drawings and specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or professional engineer where so required by the Education Law; (iii) indicate the 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 distance between the buildings and structures and the lot lines.

(e) Construction documents: construction documents will not be accepted as part of an application for a 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 permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be retained by the applicant to be kept at the work site so as to be available for us by the Code Enforcement Personnel. However, the return of a set of construction documents to the applicant shall not be construed as authorization to commence work, or 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 the Energy Code. The Code Enforcement Officer shall issue a building

permit if the proposed work is in compliance with the applicable requirements of the Uniform and the 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 a 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 Limit: building permits shall become invalid unless authorized work is commenced within 6 months following the date of issuance. Building permits shall expire 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 and the Energy Code.

(k) Fees: the fee specified in or determined in accordance with the provisions set forth in Section 44-16 (Fees) of this chapter must be paid at the time of approval of an application for a building permit, for an amended building permit or for the renewal of a building permit.

Section 44-5 – 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 an 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 issuance of a building permit
2. Footing and foundation
3. Preparation for concrete slab
4. Framing building systems including underground and rough-in
5. Fire resistant construction
6. Solid fuel burning heating appliances, chimneys, flues and gas vents
7. Energy Code compliance and
8. A final inspection after all work authorized by the building permit has been completed

(c) Inspection results: after inspection, the work or portion thereof shall be noted as satisfactory or completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or the Energy Code and shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected and found satisfactory as completed.

(d) Fee: the fee specified in or determined in accordance with the provisions set forth in Section 44-16 (Fees) of this chapter must be paid at the time of each inspection performed pursuant to this section.

Section 44-6 – 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 and the Energy Code, without regard to whether such is or is not work for which a permit is required, and without regard to whether a building permit has or has not been issued for such work or;

2. Any work this is being conducted in a dangerous and 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 reasons for issuance, 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, on the permit holder) personally or by certified/registered mail. The Code Enforcement Officer shall be permitted, but not required to cause to 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/registered mail, provided however, that failure to serve any persons mentioned in this sentence shall not effect the efficacy of the stop work order.

(d) Effect of Stop Work Order: upon issuance of the 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 Section 44-15 (Violations) of this chapter or under any other applicable chapter 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 44-7 – Certificate of Occupancy/Certificate of Compliance

(a) A certificate of occupancy/certificate of compliance shall be required for any work, which is subject of a building permit and for all structures, buildings or portion thereof, which is converted from one use or occupancy, classification or sub classifications 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/certificate of compliance.

(b) Issuance of Certificate of Occupancy/Certificate of Compliance: The Code Enforcement Officer shall issue a certificate of occupancy/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 the Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use occupancy, classification or sub classification to another complies with all applicable provisions of the Uniform Code and the 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/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/Certificate of Compliance shall be provided by the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Certificate of Compliance.

1. A written statement of structural observations and/or a final report of special inspections, and
2. Flood Hazard certifications

(c) Content of Certificate of Occupancy/Certificate of Compliance: a Certificate of Occupancy/Certificate of Compliance shall contain the following:

1. The building permit's 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/Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/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
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 Certificate of Occupancy/Certificate of Compliance and the date of issuance.
10. The signature of the Code Enforcement Officer issuing the Certificate of Occupancy/Certificate of Compliance and the date of issuance

(d) Revocation or Suspension of Certificates: if the Code Enforcement Officer determines that a Certificate of Occupancy/Certificate of Compliance was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such a period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fees: the fee specified in or determined in accordance with the provisions set forth in Section 44-16 (Fees) of this chapter must be paid at the time of approval of an application for a Certificate of Occupancy/Certificate of Compliance.

Section 44-8 – Notification Regarding Fire or Explosion – The chief of any fire department providing fire services for a property within this Village shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, or electrical system, fuel burning appliance, chimney or gas vent.

Section 44-9 – Unsafe Buildings and Structures – Unsafe buildings and structures in this Village shall be identified and addressed in accordance with the procedures established in Chapter 47 – Unsafe Buildings.

Section 44-10 – Operating Statements

(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 process and activities, including but not limited to, commercial an industrial operations which produce combustible dust as a byproduct, fruit and crop ripening and waste handling

3. Use of pyrotechnic device in assembly occupancies

4. Buildings containing one or more areas of public assembly with an occupant loss 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 Village Board of this Village

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.

(b) Application for Operating Permits: an application for an operating permit shall be made 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 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 persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) 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.

(d) 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 or her discretion, issue a single operating permit to apply for all such activities.

(e) Duration of Operating Permits: operating permits shall be issued for such a period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed one year in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be re-issued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of application by the Code Enforcement Officer.

(f) 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 provisions of the Uniform Code, such operating permit shall be revoked or suspended.

(g) Fees: the fee specified in or determined in accordance with the provisions set forth in Section 44-16 (Fees) of this chapter must be paid at the time of approval of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

Section 44-11 – Fire Safety and Property Maintenance Inspections

(a) Inspections Required: fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the 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, shall be performed at least once every 12 months.
2. Fire safety and property maintenance inspections of buildings and structures being occupied, as dormitories shall be performed at least once every 12 months.
3. Fire safety and property maintenance inspections of all multiple dwellings and all other buildings, structures, uses and occupancies not included in paragraphs (1) and (2) of this subdivision, except one (1) and two (2) family dwellings and their accessory structures, shall be performed at least once every twenty-four (24) 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 Code Enforcement Officer or an Inspector designated by the 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 Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exists, or

3. 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 and the Energy Code.

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) Fees: the fee specified in or determined in accordance with the provisions set forth in Section 44-16 (Fees) of this chapter must be paid at the time of each inspection performed pursuant to this section.

Section 44-12 – Complaints – The Code Enforcement Officer shall review and investigate complaints which or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Chapter or any other Chapter 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 as 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 Section 44-15 (Violations) of this Chapter.

(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 corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complainant.

Section 44-13 – Record Keeping

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by the 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, 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 other features and activities specified in or contemplated by Sections 44- 4 through 44-12 inclusive of this chapter including; and
9. 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.

Section 44-14 – Program Review and Reporting

- (a) The Code Enforcement Officer shall annually submit to the Village Board 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 44-13 (Record Keeping) of this chapter and a report and summary of all appeals or litigation pending or conducted.
- (b) The Code Enforcement Officer shall annually submit to the Secretary of the State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village 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, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

Section 44-15 – Violations

- (a) Compliance Orders: the Code Enforcement Officer is authorized to order in writing the remedying of any violation 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 Code Enforcement Officer shall issue a compliance order. The compliance order shall (1) be in writing, (2) be dated and signed by the 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 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 by be instituted if compliance is not achieved within the specified period of time. The 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 registered/certified mail. The 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 registered/certified mail provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

(b) Civil Penalties: in addition to those penalties prescribed 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 permit, certificate of occupancy/certificate of compliance, stop work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter 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 and all expenses incurred by the Village in connection with enforcing this chapter shall be recoverable in an action instituted in the name of this Village or shall be assessed against the land on which the property in question is located and shall be levied and collected in the same manner as other Village property taxes.

(c) Injunctive Relief: an action or proceeding may be instituted in the name of this Village, 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 permit, certificate of occupancy, certificate of compliance, stop work order, operating permit, compliance order or other notice or order issued by the 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 obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Village, 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 actions or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board of this Village.

(d) 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 and not substitution for or limitation of, the other remedies or penalties specified in this section, in Section 44-6 (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 Section 44-6 (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 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.

Section 44-16 – Fees – A fee schedule shall be established by resolution of the Village Board of this Village. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of permits, amended permits, renewed permits, certificates of occupancy/certificates of compliance, operating permits, fire safety and property maintenance inspections and other actions of the Code Enforcement Officer described in or contemplated by this chapter.

Section 44-17 – Inter-municipal Agreements – The Village Board of this Village may, by resolution, authorize the Mayor of this Village to enter into an agreement, in the name of this Village, 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.

Sections 44-18 – 44-25 – Reserved

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