

Local Law Filing

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Village of Minoa

Local Law No. One (1) of the year 2007.

A Local Law repealing Chapter 51 of the Code of the Village of Minoa and replacing the same with a new Chapter 51 providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the Energy Conservation Construction Code of New York State (the Energy Code), the Code of the Village of Minoa (Code of Minoa) and this Local Law.

Be it enacted by the Village Board of Trustees of the Village of Minoa as follows:

Section 51-1. PURPOSE AND INTENT.

(a) The purpose of this Local Law is intended to provide minimum--

(1) requirements to safeguard the public safety, health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the build environment.

(2) standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas, plumbing and mechanical systems.

(3) requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises.

(b) The intent of this Local Law provides for the repeal and replacement of the existing Code of Minoa, Chapter 51, by this Local Law and for the administration and enforcement of the Uniform Code and the Energy Code, the Code of Minoa and this Local Law in this Village. This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code, other federal and state laws and regulations, the Code of Minoa or other section of this Local Law; all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, are subject to the provisions this Local Law.

Section 51-2. DEFINITIONS.

In this Local Law the following definitions shall apply (regardless of whether capitalized or not):

“Appurtenance” shall mean an object of real or personal property, including fixtures, improvements belonging to or incidental to the ownership or use of another object of real or personal property, including fixtures and

improvements, either attached or not, and including without limitation the installation of fuel gas distributing piping and equipment, fuel gas-fired water heaters and water heater venting systems; fuel gas piping systems, utilization equipment, and related accessories; mechanical systems, system components equipment and appliances that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings and solid, liquid or gas fuel burning heating appliances.

“Board of Appeals” shall mean the Village Zoning Board of Appeals which has authority to review certain orders, requirements, decisions or determinations made the Codes Enforcement Officer pursuant to the Code of Minoa, Chapter 160 Zoning, Article XI Board of Appeals and Village Law §7-700.

“Building” shall mean any detached one- and two-family dwellings (i.e. stick-built, manufactured or modular homes), multiple single family dwellings (attached or clustered patio homes, townhouses), one-family dwellings converted to a bed and breakfast, community residences, hospice residences and mobile homes.

“Building Inspector” shall mean Codes Enforcement Officer.

“Building Permit” shall mean a permit issued pursuant to Section 51-4 of this Local Law. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this Local Law.

“Business/Operating Permit” shall mean a permit issued pursuant to Section 51-10 of this Local Law. The term “Business/Operating Permit” shall also include a Business/Operating Permit which is renewed, amended or extended pursuant to any provision of this Local Law.

“Certificate of Occupancy” shall mean a certificate issued pursuant to Section 51-7a(1) of this Local Law, to acknowledge the successful closure to a Building Permit with regard to new construction or additions to buildings or structures.

“Certificate of Compliance” shall mean a certificate issued pursuant to Section 51-7a(2) of this Local Law, to acknowledge the successful closure to a Building Permit with regard to installation of equipment or compliance with a Fire Safety/Property Maintenance Inspection.

“Codes Enforcement Officer” shall mean the Codes Enforcement Officer appointed pursuant to Section 51-3b of this Local Law. The Codes Enforcement Officer shall have such authority as provided for under the Code of Minoa and in addition shall be the “Code Enforcement Officer” as provided for under the Uniform Code, Energy Code, and other related laws, regulations and codes of the State of New York.

“Code Enforcement Personnel” shall include the Codes Enforcement Officer and all Inspectors.

“Code of Minoa” shall mean the Village Code of Minoa, including as amended from time to time.

“Compliance Order” shall mean an order issued by the Codes Enforcement Officer pursuant to Section 51-16(a) of this Local Law.

“Detached Structure” shall mean any structure designed to accommodate an accessory use but detached from the principal or main structure, such as a freestanding garage for a vehicle(s), pole style building, storage shed, garden house, a tent or membrane structure, handicap ramps and other accessible constructions of fixtures or materials together with the remnants or remains of such structure.

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

“Fee” shall mean any fee or charge as stated or contemplated hereunder except for a fine or penalty and including without limitation those fees described at Section 51-17 and any Fee Schedule duly adopted by the Village of Minoa Board of Trustees.

“Fire Protection Systems” shall mean an approved devices, equipment and systems or combinations of systems used to detect a fire, activate an alarm, extinguish or control a fire, control or manage smoke and products of a fire or any combination thereof.

“Fuel-Fired Appliance” shall mean an appliance that burns solid, liquid and/or gaseous fuel, including, but not limited to wood stoves, household cooking ranges, furnaces, boilers, water heaters, clothes dryers and gas-fire refrigerators.

“General Contractor” shall mean any organization or individual responsible for the entire project, from contracting with or administrating contracts to subcontractors and suppliers, scheduling and reviewing their work; ensuring code compliance; worker and job site safety; coordination of work schedules; and compliance with contractual deadlines. The term General Contractor shall include any construction manager overseeing the entire project.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of Section 51-4 of this Local Law. Upon appointment and delegation by the Codes Enforcement Officer, the Inspector shall have such authority as the Codes Enforcement Officer has been granted hereunder.

“Local Law” (or “this Local Law”) shall mean this Local Law No. One (1) of 2007. In addition, any other law, regulation, code or similar statutory enactment or promulgated provision(s) of state or local law governing the subject matter hereof which is incorporated in such Local Law by reference or inference, even if not specifically enumerated, shall be deemed as part of this Local Law No. One (1) of 2007, provided the Codes Enforcement Officer can be legally charged with the enforcement and administration thereof.

“Owner” shall mean the owner or holder of title to any personal or real property subject hereof.

“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 Section 51-6 of this Local Law.

“Structure, Accessory” shall mean any structure designed to accommodate an accessory use but detached from the principal structure, such as a freestanding garage for a vehicle(s), pole style building, storage shed, garden house, a tent or membrane structure, handicap ramps and other accessible constructions of fixtures or materials together with the remnants or remains of such structure.

“Subcontractor” shall mean any person or entity that contracts with a general contractor or a subcontractor for the improvement of the real property and that performs some part of the general contractor’s contract with the owner.

“Temporary Certificate” shall mean a certificate issued pursuant to Section 51-7(d) of this Local Law to acknowledge the successful partial closure to a Building Permit to allow an approval to occupy a new building or addition with conditions and limitations

“Two-Family Dwelling” shall mean two complete, but separate, self-contained residential units, each intended for permanent habitation by one family only, in a single structure having a common wall, roof, wall or ceiling and containing separate rooms and facilities for living, including cooking, sleeping and sanitary needs.

“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.

“Village” shall mean the Village of Minoa.

“Work” shall mean the action(s) or performance(s) contemplated or permitted under a building permit or any other permit, permission or approval issued hereunder.

“Zoning Enforcement Officer” shall mean Codes Enforcement Officer

The foregoing definitions shall supercede any differing definitions of the same terms contained in Part I, Chapter I Article II of the Code of Minoa if any, for purposes of this Chapter 51 and any other sections of the Code to the extent incorporated herein by reference or inference. Such definitions contained at Part I, Chapter I Article II and Part II, Chapter 160, Article II of the Code of Minoa shall otherwise control.

SECTION 51-3. CODE ENFORCEMENT OFFICER AND INSPECTORS.

(a) The office of Codes Enforcement Officer is hereby created. The Codes Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, the Code of Minoa and this Local Law. The Codes Enforcement Officer shall have the following powers and duties and/or duties (however such powers and/or duties to administer, enforce and issue permits relative to the National Electrical Code, the Plumbing Code of New York State, federal and state Stormwater Management regulations and Flood Plain regulations, may be, in the discretion of the Village Board, as indicated by resolution duly adopted from time to time hereafter, delegated to others:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Business/Operating Permits, Changes of Occupancy and Flood Plain Permits and the plans, specifications and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Business/Operating Permits, Changes Occupancy and Flood Plain Permits, such terms and conditions as the Codes Enforcement Officer may determine to be appropriate;
- (3) to conduct construction inspections, inspections to be made prior to the issuance of temporary or final Certificates of Occupancy, Temporary or final Certificate of Compliance, Business/Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, inspections and investigations of land development activities as, or as directed by, the Stormwater Management Officer, pursuant to Chapters 127, 135, and 140 of the Code of Minoa 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 Section 51-16(a) (Violations) of this Local Law;
- (7) to maintain records;
- (8) to issue and/or withhold permits, temporary or final Certificates of Occupancy/Certificates of Compliance, approvals, inspections and the like pending the collection of unpaid fees and penalties as set by the Village Board;
- (9) to pursue administrative enforcement actions and proceedings;

(10) consultation with the Village Attorney and upon Village Board approval, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, Code of Minoa and this Local Law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, Code of Minoa or this Local Law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Codes Enforcement Officer by this Local Law.

(b) The Codes Enforcement Officer shall be appointed by the Village Mayor with Village Board approval. The Codes 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 Codes Enforcement personnel, and the Codes Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated hereunder.

(c) In the event that the Codes Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Village Mayor with Village Board approval to serve as Acting Codes Enforcement Officer. The Acting Codes Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Codes Enforcement Officer by this Local Law.

(d) One or more Inspectors may be appointed by the Village Mayor with Village Board approval to act under the supervision and direction of the Codes Enforcement Officer and to assist the Codes Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Codes 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 Codes Enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated hereunder.

(e) The compensation for the Codes Enforcement Officer and Inspectors shall be fixed from time to time by the Village Board.

SECTION 51-4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in Section 51-4(b) hereof, a Building Permit shall be required for any Work which must conform to the Uniform, the Energy Code, the Code of Minoa and/or this Local Law, including, but not limited to, the construction, alteration, movement, enlargement, replacement, repair, use and occupancy, location, maintenance, removal and demolition of

(1) building, structures, and structure accessory that are defined in the Uniform, the Energy Code, the Code of Minoa and/or this Local Law.

(2) appurtenances connected or attached to buildings and structures that are defined in the Uniform, the Energy Code, the Code of Minoa and/or this Local Law.

(3) fire protection systems that are defined in the Uniform, the Energy Code, the Code of Minoa and/or this Local Law, but subject to the following:

a. portable fuel-fired heating equipment including generators that are not vented shall be prohibited;

b. all smoke and carbon monoxide detectors shall be interconnected by hard wire and have a battery backup capability; and

- c. carbon monoxide detectors shall be located where required by the Uniform Code and in all habitable rooms where fuel-fired appliances and equipment are located.

No Person, firm, corporation, association or partnership shall commence any Work for which a Building Permit is required without first having obtained a Building Permit from the Codes Enforcement Officer.

(b) Exemptions. Subject to the provisions of Section 51-21 authorizing waivers and modifications, in the discretion of the Codes Enforcement Officer, no Building Permit may be required for Work in the following categories:

- (1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple attached or clustered single-family dwellings (patio homes, townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 100 square feet;
- (2) installation of swings and other playground equipment associated with a one- or two family dwelling or multiple attached or clustered single-family dwellings (patio homes, townhouses);
- (3) installation of swimming pools associated with a one- or two-family dwelling or multiple attached or clustered single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches;
- (4) installation of fences which are not part of an enclosure surrounding a permitted swimming pool;
- (5) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (6) installation of partitions or movable cases less than 5'-9" in height;
- (7) roofing, painting, wall, tiling, carpeting, or other similar finish Work;
- (8) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (9) 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
- (10) repairs, 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.

(c) Exemption not deemed authorization to perform non-compliant Work. An 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, the Code of Minoa, or any other provisions of this Local Law, nor of homeowners association, common area association declaration, restrictions, bylaws or the like, nor any other contractual rights of another person or property. Any exception granted on the basis of plans and specifications required and submitted for review shall not be construed as a representation or opinion that no other such issues or violations exist and shall require that such construction not be in violation of any such legal or contractual requirements and be strictly in accordance with such plans and specifications submitted and that a copy of same be on file with the Village prior to issuance of an Exemption Certificate. The plans and specifications may be in such form as required by

the Codes Enforcement Officer based upon the complexity of the installation or construction involved and need not necessarily be architect or engineer drafted plans or specifications. An Exemption Certificate will be issued by the Codes Enforcement Officer prior to commencement of installment or construction upon request by the Owner.

(d) Applications for Building Permits Applications for a Building Permit. The application, on a form provided by or otherwise acceptable to the Codes Enforcement Officer, shall be signed both by the Owner of the property where the Work is to be performed and the general contractor or construction manager, or subcontractor (only where there is no general contractor or construction manager) who will be responsible for the Work. The application shall include such information as the Codes Enforcement Officer deems sufficient to permit a determination by the Codes Enforcement Officer that the intended Work complies with all applicable requirements of the Uniform Code, Energy Code, the Code of Minoa and this Local Law. The application shall include or be accompanied by the following information and documentation:

- (1) Full name and address of the owner; and if by a corporation, the name and address of the responsible officer(s);
- (2) Full name and address of the general contractor, and if by a corporation, the name and address of the responsible officer(s);
- (3) Proof of Workers Compensation and Disability Insurance on a form approved by the New York State Workers' Compensation Law and the General Municipal Law; as well as certificates of insurance in the form required at Section 51-4(e)(1) and (e)(2) naming the Village of Minoa as additional insured and certificate holder. The foregoing notwithstanding, no certificate of liability insurance shall be required naming the Village as additional insured where the work proposed is not on, near, or the cause of potential liability exposure to the Village or Village property, as determined by the Codes Enforcement Officer;
- (4) Other related permits including a plumbing permit issued by the Onondaga County Department of Plumbing; an electrical permit issued by an approved Certified Electrical Inspector; and, where applicable, a driveway permit from New York State Department of Transportation or Onondaga County Department of Transportation;
- (5) the tax map number and the 911-assigned street address of the property where the Work is to be performed;
- (6) Identification and/or description of the land to where the Work is to be done including a boundary and topographical survey map by a NYS license land surveyor, certified to the Village of Minoa, and showing location of all federal and state wetlands, floodplains and floodways, utilities, easements, restrictions, setbacks, any violations or encroachments, and any other relevant state of facts reasonably necessary for a proper evaluation of the application/project proposal. Elevations shall be shown at not less than 3 ft contours and shall extend to 20 feet beyond each property boundary line either by actual survey or the surveyors' best estimate (where access is not permitted) as noted on the survey map.
- (7) a description of the use and/or occupancy of the property and the occupancy classification of any affected building or structure on the property;
- (8) where applicable, an Asbestos Survey in accordance with the amended Industrial Code Rule 56;

(9) where applicable, a statement of special inspections prepared as required by the Codes Enforcement Officer and in accordance with the provisions of the Uniform Code, the Energy Code, the Code of Minoa or this Local Law; and

(10) at least two (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, Energy Code, the Code of Minoa and this Local Law; 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; and

(11) the required fee(s).

(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 Section 51-4(d)(9) hereof. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Codes Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Codes Enforcement Officer and one set shall be filed with the Village Clerk. Work, including excavation, shall not be commenced until and unless a Building Permit is issued.

(f) Demolitions. In the case of all demolitions, the Codes Enforcement Office shall not issue a permit until the applicant furnishes –

(1) a public liability insurance policy issued by a carrier licensed to do business in the State of New York in the sum of \$100,000 to \$300,000 or such additional coverage as the Codes Enforcement Officer may determine as necessary to adequately protect the Village and public generally. The policy may be evidenced by a unconditional binder, certificate, and/or endorsement naming the Village Owner(s) as additional named insured and certificate holder and shall provide that it will not be canceled, expired, terminated, or be materially modified, including for non-payment of premium, without twenty (20) days prior written notice to the Village and shall be otherwise subject to approval as to form by the Village Attorney.

(2) Proof of Workers Compensation and Disability Insurance on a form approved by the New York State Workers' Compensation Law and the General Municipal Law; as well as a certificate of general, automobile and pollution liability insurance(s) naming the Village of Minoa as additional insured and certificate holder.

(3) The Codes Enforcement Officer shall not issue a permit to demolish a structure until the applicant has provided an Asbestos Survey as required by the New York State Department of Labor's Law, 12 NYCRR, Part 56, "Asbestos", Amended Industrial Code Rule 56; and such Asbestos Survey has been reviewed by the Codes Enforcement Officer to determine whether the Asbestos Survey complied with 12 NYCRR, Part 56, "Asbestos", Amended Industrial Code Rule 56, Section 56-5.

(4) The application shall also indicate the method and place of disposal of the debris from the demolition and a plan for the restoration of the property, including the filling of all excavations or below-ground-level openings and the capping or removal of sewer and water lines if there is no intention to immediately rebuild on the site.

(5) The Owner shall be responsible for restoring the property in accordance with the approved restoration plan.

(g) 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, Energy Code, the Code of Minoa and this Local Law. The Codes Enforcement Officer shall issue a Building Permit if the proposed Work is in compliance with the applicable requirements of the Uniform Code, Energy Code, the Code of Minoa and this Local Law

(h) 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.

(i) 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 Codes Enforcement Officer of any change occurring during the course of the Work. The Building Permit shall contain such a directive. If the Codes 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.

(j) 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 six (6) 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 Codes Enforcement Officer.

(k) Revocation or suspension of Building Permits. If the Codes 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, Energy Code, the Code of Minoa, this Local Law or where the Codes Enforcement Officer finds that the Work performed under the permit is not in accordance with the provisions of the applications, plans, or specifications, the Codes 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, the Energy Code, the Code of Minoa and this Local Law and (2) all Work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code, the Code of Minoa and this Local Law.

(l) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 51-17 (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.

(m) Appeal of Codes Enforcement Officer's decision. The Board of Appeals will review such orders, requirements, decisions or determinations of the Codes Enforcement Officer over which it has jurisdiction under the Code of Minoa's Chapter 160 Zoning, Article XI Board of Appeals and applicable laws of New York State. The Applicant (Owner) of the Building Permit may request a review of the written order, decision or determination that was made by the Codes Enforcement Officer by the Board of Appeal. Such request can be made no later than sixty (60) days from the date that the written order, decision or determination was made by the Codes Enforcement Officer. The request shall be on a form approved by the Village.

SECTION 51-5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Codes Enforcement Officer or by an Inspector authorized by the Codes Enforcement Officer.

The Permit Holder shall notify the Codes 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:

- (1) Work Site – After issuance of Building Permit, drainage swales and easements are completed, construction driveway is installed and perimeter of property and catch basins are protected by a silt fence;
 - a) Silt fences shall be inspected throughout the Work and shall be maintained until the soil is seeded and mulched.
 - b) All residual concrete from the pouring of footer(s) or foundation wall(s) that may remain in the mixing vehicle shall not be left on the construction site nor may it be disposed on any other property within the Village
- (2) Abatement/Demolition – When abatement/demolition of interior, roofing and other building materials is complete;
- (3) Excavation – After excavation, **but before** forming of footing and/or concrete slab;
- (4) Footing and/or Concrete Slab – Once the footer(s) and/or concrete slab(s) is formed, **but before** pouring the concrete;
- (5) Foundation – Once the anchor bolts, sill plates and interior and exterior drains along the foundation walls are in place, **but before** framing and backfilling;
- (6) Framing (including fire resistant construction and/or penetrations) – Once framing is 100% complete, **but before** installing any insulation;
- (7) Underground and rough-in plumbing systems – Once framing is 100% complete, **but before** installing any insulation inspection by Onondaga County Plumbing Department is required;
- (8) Underground and rough-in electrical systems – Once framing is 100% complete, **but before** installing any insulation inspection of the electrical wiring, junction boxes and service by the approved certified Electrical Inspector is required;
- (9) Insulation – Once insulation is complete, **but before** any sheet rocking, paneling, or other wall covering is installed/constructed;
- (10) Final Inspection of appurtenances connected or attached to buildings or structures for a Certificate of Compliance – Once all Work is complete, **but before** -
 - a) any operation or use of permitted appurtenances connected or attached to a building or structure, accessible construction or a pool shall occur;
 - b) final Electrical Inspection of the electrical wiring, junction boxes and service by an approved certified Electrical Inspector;
 - c) verification of Energy Code compliance is obtained or submitted;
- (11) Final Inspection of all buildings or structures including where the demolition of a building or structure was permitted, for a Certificate of Occupancy – Once all Work and grading is complete, **but before**:
 - a) anyone can reside, assemble or use a building or related structure;
 - b) as-built construction documents, if applicable are drawn or submitted;
 - c) final Plumbing Inspection by the Onondaga County Plumbing Department is conducted;
 - d) final Electrical Inspection of the electrical wiring, junction boxes and service by an approved certified Electrical Inspector is conducted;
 - e) Verification of Energy Code compliance is obtained or submitted;

(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, the Energy Code, the Code of Minoa and this Local Law. Work not in compliance with any applicable provision of the Uniform Code, the Energy Code, the Code of Minoa and this Local Law shall remain exposed until such Work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code, the Code of Minoa and this Local Law, re-inspected, and found satisfactory as completed.

(d) Fee. The fee, if any, specified in or determined in accordance with the provisions set forth in Section 51-17 (Fees) of this Local Law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 51-6. STOP WORK ORDERS.

(a) Authority to issue. The Codes Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Codes Enforcement Officer shall issue a Stop Work Order to halt:

(1) any Work that is determined by the Codes Enforcement Officer to be contrary to any applicable provision of the Uniform Code, the Energy Code, the Code of Minoa or this Local Law, 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 Codes 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 Codes 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 Codes 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 first class mail. The Codes 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 first class 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.

(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 51-16 (Violations) of this Local Law or under any other applicable

Local Law or federal and state laws and regulations. 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 51-7. TEMPORARY OR FINAL CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE

(a) Temporary or Final Certificate of Occupancy required. A Certificate of Occupancy shall be required for any Work which is the subject of a Building Permit with regard to new construction or additions to buildings, structures and structure accessories; and for all buildings, structures, or portions thereof, which are converted from one use or occupancy classification or sub-classification 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

(a-1) Temporary or Final Certificate of Compliance required. A Certificates of Compliance shall be required for any Work which is the subject of a Building Permit with regard to installation of appurtenances connected or attached to buildings and structures or fire protection systems or compliance with a Fire Safety/Property Maintenance Inspection. 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 Certificates of Compliance

(b) Issuance of Temporary or Final Certificate of Occupancy/Certificate of Compliance. The Codes Enforcement Officer shall issue a temporary or final 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, the Energy Code, the Code of Minoa and this Local Law. The Codes Enforcement Officer or an Inspector authorized by the Codes Enforcement Officer shall inspect the Work prior to the issuance of a temporary or final Certificate of Occupancy/Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code, the Energy Code, the Code of Minoa and this Local Law by such person or persons as may be designated by or otherwise acceptable to the Codes Enforcement Officer, at the expense of the applicant for the temporary or final Certificate of Occupancy/Certificate of Compliance shall be provided to the Codes Enforcement Officer prior to the issuance of the temporary or final Certificate of Occupancy/Certificate of Compliance

(1) Special Inspections - a written statement of structural observations and/or a final report of special inspections,

(2) as-built survey with elevations

(3) as-built construction documents, if changes have been made to the Construction Documents. This is in addition to the requirements of Section 51-4(e)

(c) Contents of Temporary or Final Certificate of Occupancy/Certificate of Compliance. A Certificate of Occupancy/Certificates 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/Certificates of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/Certificates 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 Codes Enforcement Officer issuing the Certificate of Occupancy/Certificates of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy/Certificate of Compliance. The Codes Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy/Certificate of Compliance 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 Codes Enforcement Officer issue a Temporary Certificate of Occupancy or Certificate of Compliance unless the Codes Enforcement Officer determines (1) that the building or structure 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 Codes Enforcement Officer may include in a Temporary Certificate of Occupancy or Certificate of Compliance 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, the Energy Code, the Code of Minoa and this Local Law. A Temporary Certificate shall be effective for a period of time, not to exceed, in any event, six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate of Occupancy or Certificate of Compliance, the Permit Holder shall undertake to bring the Work into full compliance with all applicable provisions of the Uniform Code, the Energy Code, the Code of Minoa and this Local Law.

(e) Revocation or suspension of Temporary or Final Certificate of Occupancy/Certificate of Compliance. If the Codes Enforcement Officer determines that a temporary or final Certificate of Occupancy/Certificate of Compliance or was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Codes Enforcement Officer within such period of time as shall be specified by the Codes Enforcement Officer, the Codes Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee, if any, specified in or determined in accordance with the provisions set forth in Section 51-17 (Fees) of this Local Law must be paid at the time of submission of an application for a temporary or final Certificate of Occupancy/Certificate of Compliance.

SECTION 51-8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within this Village shall promptly notify the Codes Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent. Except as specifically otherwise provided in this Section 51-8, the provisions and procedures of Village Code Chapter 68 (Fire Safety) shall supplement and otherwise govern any such notification and related requirements hereunder. In the event of a conflict, the provisions of this Section 51-8 shall control and prevail. The foregoing notwithstanding, the establishment of a higher standard in any part of such Chapter 68 shall not be deemed a conflict and such part shall prevail and control in such event.

SECTION 51-9. UNSAFE BUILDING AND STRUCTURES.

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the provisions and procedures established by Chapter 57 of the Code of Minoa, the Fire Code of New York State and/or the Property Maintenance Code of New York State, as now in effect or as hereafter amended from time to time.

SECTION 51-10. BUSINESS/OPERATING PERMITS.

(a) Business/Operating Permits required. A Business/Operating Permit 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) use or operation of automobile tire rebuilding plant;
- (5) use or operation of automobile wrecking yard;
- (6) operation and/or use of dry-cleaning plant- use in excess of four gallons of solvents or cleaning agents classified as flammable or combustible;
- (7) operation and/or use of dust-producing plants- use and operation of any grain elevator, flour, starch or feed mill, woodworking plant or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, sulfur or other materials producing explosive-potential dust;
- (8) use or operation of a junkyard;
- (9) use or operation of a lumberyard;
- (10) use or operation of industrial processing ovens and furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400°F which are heated with oil or gas fuel or which during operation contain flammable vapors from the material in the oven or catalytic combustion chamber;
- (11) use or operation of a service station or repair garage; and
- (12) use or operation of a welding and cutting business. A record of all locations where welding or cutting operations are performed shall be maintained and kept available for inspection by the permit holder.
- (13) buildings containing one or more areas of public assembly with an occupant load of 50 persons or more; and
- (14) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Village Board.

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 a Business/Operating Permit prior to commencing such activity or operation.

(b) Applications for Business/Operating Permits. An application for a Business/Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Codes Enforcement Officer. Such application shall include such information as the Codes Enforcement Officer deems sufficient to permit a determination by the Codes Enforcement Officer that proposed or existing quantities, materials, and activities will conform or continue to conform to the requirements of the Uniform Code, the Energy Code, the Code of Minoa and this Local Law. If the Codes 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 Codes Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Codes Enforcement Officer or an Inspector authorized by the Codes Enforcement Officer shall inspect the subject premises prior to the issuance of a Business/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 Codes Enforcement Officer may require a separate Business/Operating Permit for each such activity, or the Codes Enforcement Officer may, in his or her discretion, issue a single Business/Operating Permit to apply to all such activities.

(e) Duration of Business/Operating Permits. Business/Operating permits shall be issued for such period of time, not to exceed one year in the case of any Business/Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Codes Enforcement Officer to be consistent with local conditions. The effective period of each Business/Operating Permit shall be specified in the Business/Operating Permit. A Business/Operating Permit may be reissued or renewed upon application to the Codes Enforcement Officer, payment of the applicable fee, the completion and/or receipt of any inspection(s), report(s) or other due diligence deemed necessary by the Codes Enforcement Officer, and approval of such application by the Codes Enforcement Officer.

(f) Revocation or suspension of Business/Operating Permits. If the Codes Enforcement Officer determines that any activity or building for which a Business/Operating Permit was issued does not comply with any applicable provision of the Uniform Code, the Energy Code, the Code of Minoa or this Local Law, such Business/Operating Permit shall be revoked or suspended.

(g) Fee. The fee, if any, specified in or determined in accordance with the provisions set forth in Section 51-17 (Fees) of this Local Law must be paid at the time submission of an application for an Business/Operating Permit, for an amended Business/Operating Permit, or for reissue or renewal of an Business/Operating Permit.

SECTION 51-11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS.

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Codes Enforcement Officer or an Inspector designated by the Codes 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 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 public areas of multiple dwellings and other rental dwellings, not included in paragraphs (1) or (2) of this subdivision shall be performed at least once every twelve (12) months. The owner of the dwelling shall be given ten (10) days notice of such

inspections and required to post a Notice informing the tenants of the dwelling that they have the right to request the Codes Enforcement Officer to inspect their respective dwelling unit.

(4) Fire safety and property maintenance inspections of 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 twelve (12) months.

(b) Other 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 Codes Enforcement Officer or an Inspector designated by the Codes Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected, by any tenant or an authorized agent of such owner;

(2) receipt by the Codes Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code, the Energy Code, the Code of Minoa or this Local Law exist; or

(3) receipt by the Codes Enforcement Officer of any other information, reasonably believed by the Codes Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code, the Energy Code, the Code of Minoa or this Local Law 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) Fee. The fee, if any, specified in or determined in accordance with the provisions set forth in Section 51-17 (Fees) of this Local Law must be paid prior to or at the time each inspection performed pursuant to this section.

(d) Except as permitted in this Section 51-11, the provisions and procedures of Code of Minoa, Chapter 68 (Fire Safety) shall supplement and otherwise govern such fire safety, property maintenance inspection and related requirements as required hereunder. In the event of a conflict the provisions of this Section 51-11 shall control and prevail. The foregoing notwithstanding, the establishment of a higher standard in any part of such Chapter 68 thereof shall not be deemed a conflict and such part shall prevail and control in such event.

SECTION 51-12. ELECTRICAL INSPECTIONS.

(a) Authorization to make inspections. The duly appointed certified Electrical Inspector or an inspection agency (that employs such certified Electrical Inspector) that is approved by the Village is hereby authorized and deputized as Inspectors and agents of the Village to make inspections and re-inspections of all electrical installations described in this chapter, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and re-inspections be a charge against the Village.

(b) Duties of Certified Electrical Inspector:

(1) It shall be the duty of the certified Electrical Inspector to report to the Codes Enforcement Officer all violations of or deviations from or omissions of the electrical provisions of the National Electric Code, the Uniform Code, the Code of Minoa or this Local Law. The certified Electrical Inspector shall make inspections and re-inspections of electrical installations in and on properties in the Village upon the written request of the Codes Enforcement Officer or Fire Chief or as provided in the Chapters 33 through 42 (Electrical Part) of the National Fire Protection Association, the National Electric Code, the Uniform Code, the Code of Minoa or this Local Law.

(2) The certified Electrical Inspector is authorized to make inspections and re-inspections of electrical wiring installations, devices, appliances and equipment in and on properties within the Village where he or she deems it necessary for the protection of life and property.

(3) In the event of an emergency, it is the duty of the certified Electrical Inspector to make electrical inspections upon the oral request of an official or officer of the Village.

(4) The certified Electrical Inspector shall furnish written reports to the proper officials of the Village and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection.

(5) The certified Electrical Inspector shall authorize the issuing of a Certificate of Compliance when electrical installations and equipment are in conformity with the National Electrical Code, the Uniform Code, the Code of Minoa or this Local Law and he or she shall direct that a copy of the Certificate of Compliance be sent to the Codes Enforcement Officer.

(c) Exceptions.

(1) The provisions of this article shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment or the installations or equipment employed by a railway, electrical or communications utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose.

(2) This article shall not apply to any building which is owned or leased in its entirety by the government of the United States, the State of New York or the Village.

(d) No waiver or assumption of liability.

This article shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Village or duly appointed certified Electrical Inspector or an inspection agency who employs such Inspector that is approved by the Village, be deemed to have assumed any liability by reason of any inspection made pursuant to this article.

(e) Violations of article.

(1) It shall be a violation of this article for any person to install or cause to be installed or to alter or repair electrical wiring for light, heat or power in or on properties in the Village until an application for inspection has been filed with duly appointed certified Electrical Inspector or an inspection agency who employs such Inspector that is approved by the Village.

2) It shall be a violation of this article for a person to connect or cause to be connected electrical wiring in or on properties for light, heat or power (transformers or generators) to any source of electrical energy supply prior to the issuance of a temporary or final Certificate of Compliance, by duly appointed Certified Electrical Inspector or an inspection agency who employs such Inspector that is approved by the Village.

SECTION 51-13. COMPLAINTS.

The Codes 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, the Code of Minoa, this Local Law or any other Local Law or regulation adopted for administration and enforcement of the Uniform

Code, the Energy Code, the Code of Minoa or this Local Law. The process for responding to a complaint shall include such of the following steps as the Codes 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 Section 51-16 (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 51-14. RECORD KEEPING.

(a) The Codes Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Codes 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, temporary and final Certificates of Occupancy/Certificate of Compliance, Stop Work Orders, and Business/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 51-4 through 51-13, inclusive, of this Local Law, 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 federal and state laws and regulations.

SECTION 51-15. PROGRAM REVIEW AND REPORTING.

(a) The Codes Enforcement Officer shall annually submit to Village Board a written report and summary of all business conducted by the Codes Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in Section 51-14 (Record Keeping) of this Local Law and a report and summary of all appeals or litigation pending or concluded.

(b) The Codes Enforcement Officer shall annually submit to the Secretary of 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 and the Energy Code.

(c) The Codes Enforcement Officer shall, upon request of the New York State's 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 and the Energy Code.

SECTION 51-16: VIOLATIONS.

(a) Compliance Orders. The Codes 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, the Code of Minoa, or this Local Law. Upon finding that any such condition or activity exists, the Codes Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Codes Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, the Code of Minoa or this Local Law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, the Code of Minoa or this Local Law which is/are violated by the specified condition or activity; (5) specify the period of time which the Codes 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 Codes Enforcement Officer shall cause the Compliance Order, or a copy thereof; to be served on the owner of the affected property personally or by first class mail. The Codes 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 first class mail; 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 Codes Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code, the Energy Code, the Code of Minoa or this Local Law.

(c) Civil Penalties. In addition or as an alternative to those penalties prescribed by the Code of Minoa, Chapter 113, and by New York State law, any Person who violates any provision of the Uniform Code, the Energy Code, the Code of Minoa or this Local Law, or any term or condition of any Building Permit, temporary or final Certificate of Occupancy/Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Codes Enforcement Officer pursuant to any provision of this Local Law, shall be liable to a civil penalty of not more than \$250 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 Village. The foregoing notwithstanding, no such additional or alternative penalty shall be imposed for the same specific violation and date of violation a penalty was previously imposed for.

(d) 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, the Code of Minoa, this Local Law, or any term or condition of any Building Permit, temporary or final Certificate of Occupancy/Certificate of Compliance, Temporary Certificate, Stop Work Order, Business/Operating Permit, Compliance Order, or other notice or order issued by the Codes 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, the Code of Minoa, this Local Law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code, the Code of Minoa or this Local Law, 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 action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Mayor or Village Board of Trustees.

(e) 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 51-6 (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 51-6 (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. The foregoing notwithstanding, no such additional or alternative penalty shall be imposed for the same specific violation and date of violation a penalty was previously imposed for.

SECTION 51-17. FEES.

A fee schedule applicable to the provisions hereof shall be established by resolution or resolutions duly adopted from time to time by the Village Board. The fee schedule presently in effect, as of the effective date of this Local Law, shall be the fee schedule applicable to the items contained therein until such time as amended in the manner aforementioned.. Such fee schedule may thereafter be further 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 Building Permits, amended Building Permits, renewed Building Permits, temporary or final Certificates of Occupancy/Certificate of Compliance, Business/Operating Permits, fire safety and property maintenance inspections, and/or other actions of the Codes Enforcement Officer, Inspectors or any consultants retained by the Village, including the Village Attorney and/or Engineer as described in, delegated to or as otherwise contemplated by this Local Law. The Village Board shall have authority to modify the fee schedule as pertains to a specific case or cases, or use or class(es) of use(s), based upon an investigation and report by the Codes Enforcement Officer as to the additional Work or complexity of Work above and beyond the usual and customary services performed for such fee, provided however, that except in extraordinary circumstances requiring immediate action by the Codes Enforcement Officer, the Board of Trustees and any other interested parties shall be given not less than ten (10) days prior written notice containing the Codes Enforcement Officer's investigation report and request that additional or increased fees are warranted, and that all such Persons have an opportunity to be heard on the issue at the next following Village Board meeting and prior to any such determination. Notice shall be given in the manner provided for at Section 51-23 hereof.

SECTION 51-18. INTERMUNICIPAL AGREEMENTS.

The Village Board 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 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 51-19. REPEAL.

This Code shall repeal in its entirety, the existing Chapter 51 of the Code of Minoa and replace the same with this Local Law #1 of 2007 establishing a new Chapter 51.

SECTION 51-20. PARTIAL INVALIDITY.

If any section 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. Furthermore, in such event, any trier of fact, law, arbitrator or other officer charged with enforcement or interpretation of this Local Law shall, where and whenever possible, strive to modify, and accordingly interpret and enforce such Section or provision held unconstitutional, invalid, or ineffective as a provision or Section which as modified comes closest to the intent of such unconstitutional invalid or ineffective Section or provision without being unconstitutional, invalid or ineffective.

SECTION 51-21. RELIEF FROM REQUIREMENTS:

(a) Discretionary Relief. Certain of the requirements under this Chapter 51 have been mandated for adoption by the State of New York, and accordingly, are deemed minimum standards for which relief may not be granted. Other provisions hereof, included those incorporating by reference other sections of the Code of Minoa, have been adopted as continuations of existing Code of Minoa provisions, or as a result of recommendations by Village Board members, the Village Engineer, Codes Enforcement Officer and/or Village Attorney, as well as by and from the Village of Minoa's past experiences with development, construction, and the use and occupation of dwellings, buildings and other lands and structures located within the Village. Accordingly, as to such provisions which are not uniform mandatory minimum standards required by New York State, the Board of Trustees of the Village of Minoa, after consultation with the Codes Enforcement Officer shall have authority, in its discretion, to waive or modify such requirements to a lesser standard provided such relief is granted on an equal or equitable basis for all situations and circumstances similarly situate, and given the totality of circumstances relating to a particular case (such as a Person(s), developer's, builder's or other applicant's past or present acts or omissions relative to the project or other or past projects within the Village). The Village Board shall have the authority to follow or decline to follow the Codes Enforcement Officer's recommendation, if any, or as applicable, to refer same to another Village deliberative body (Planning or Zoning Appeals) for recommendation or for a hearing or the request for relief where such other body has jurisdiction pursuant to the Code of Minoa or New York State law. The standard to be applied in all such cases shall be whether or not the relief (modification or waiver) sought is appropriate and reasonable under the circumstances such that the objectives of this Code of Minoa, Chapter 51 (and provisions incorporated hereunder) as it relates to the subject matter of the request for relief can still be achieved notwithstanding the waiver, modification, or other relief from application or enforcement of such provisions. The Village Board or other body shall be entitled to consider the past or present conduct of the Person, builder/developer or other applicant in granting any such relief, and shall otherwise ensure that any such waivers, modifications, or similar relief is granted on an equal or equitable basis to all applicants similarly situate. Any request for relief shall be made within sixty (60) days of the decision from which relief is sought was made. The Village Board or other body shall hear the request and make its decision within sixty (60) days from the date of the request for relief. The request for relief shall be made in written form and shall include the submission of all documentary evidence which the applicant is relying upon.

(b) Mandatory Relief: Wherever any existing or amended federal and state law or regulation is specifically and clearly intended to, as a matter of law, supersede or preempt any subject matter or field covered hereunder, including with respect to the requirements of and for building permits, certificates of occupancy, compliance, investigations and inspections and the like, the same shall be deemed to automatically supersede and

predominate the specific provisions or subject matter hereunder and as such shall be deemed a grant of relief (waiver or modification) effective from the commencement of Work, the application for permit, issuance of a violation or stop Work order or similar event or occurrence. For such provision to be effective the Codes Enforcement Officer and Village Clerk shall be provided conclusive written documentation as to such superseding or preempting other federal and state laws and regulations.

SECTION 51-22. ASSESSMENT ON VILLAGE PROPERTY TAX.

The intent of this Chapter 51 as enacted by this Local Law #1 of 2007 is to enact provisions under the Amendments to the Uniform Code and Energy Code to be mandated and required by the Village of Minoa as minimum standards, to incorporate in such amended provisions those additional provisions presently existing under Code of Minoa, Chapter 51 and related Sections which are not superseded by and which mandates higher standards than those required by the foregoing New York State enactments and to add new provisions intended to assist in the enforcement and administration of Chapter 51 as amended hereby. As such, the administration and enforcement of Code of Minoa, Chapter 51, as amended, other Code of Minoa sections incorporated hereunder, and other applicable laws incorporated herein and the costs and expenses incurred in enforcement and administration of same should not, where reasonably possible, as determined by the Village Board of Trustees, be incurred by residents of the Village, but where appropriate and capable of determination, should be incurred by the Person(s) owning the premises subject of the administration and/or enforcement actions, or of the actions or proceedings, administrative, legal, equitable or otherwise, including any internal administrative costs and outside or internal contracting or demolition costs incurred by the Village. Such costs and expenses shall be clearly and accurately documented as pertaining to a particular administration and enforcement matter hereunder. Accordingly, it shall be the policy of the Village to require the collection of fees and penalties and such costs incurred from the responsible Persons wherever possible in advance of or prior to the performance or issuance of any permits, approvals, inspections, consents, waivers, modifications, releases from suspensions, Stop Work Orders, and the like. Otherwise, in the event of non-payment the Person who is owner of the subject premises, whether having actual knowledge or not, shall together and severally with any Person(s) responsible for the violation hereof, be liable for the payment of all such fees, penalties and incidental expenses not later than fifteen (15) days from written request for same for the Village pursuant to Notice given in the manner required hereunder at Section 51-23 at the address(es) listed on the Village tax assessment records and any building or other permit application. Failing such payment, the Village Treasurer shall ensure that all such costs and fees are placed on the next following Village Tax bill and shall thereafter forward all necessary documentation to the County of Onondaga if such costs or part thereof remain unpaid as part of its annual notice of unpaid taxes to the County of Onondaga. All such fees, penalties, administrative, consultants, legal, engineering, demolition, contractors, construction and internal administrative costs (including relative to such enforcement proceedings) reasonably ascertainable and documented to the subject property shall be included in such charges.

SECTION 51-23. NOTICE.

(a) Contents of Notice. Any Notice hereunder to a Person or otherwise pertaining to certain property shall contain:

- (1) A description of the property;
- (2) The date, place and time of any required meeting or hearing (if applicable); and
- (3) A copy of any notice previously sent by the Codes Enforcement Officer setting forth the relevant particulars.

(b) Service of Notice. Except in the event of any emergency, the date of any hearing or other action contemplated by the Notice shall be scheduled not less than five (5) days after the date of service of the Notice. The Notice shall be served:

- (1) By personal service of a copy thereof upon the owner, executor, administrator, agent or any Person having a vested or contingent interest in such property upon which the condition exists, as such owner or other person is shown on the assessment/tax billing or building permit application records of the Village.
- (2) If no such person can reasonably be found, by mailing to such owner by certified mail a copy of such Notice directed to his last known address as shown by the above records. And a copy of such Notice being fixed or set upon the subject building, structure, if applicable, or property; and
- (3) By personal service of a copy of such notice upon any adult person known to be residing in or occupying said premises (if a dwelling), provided such person can be reasonably found.

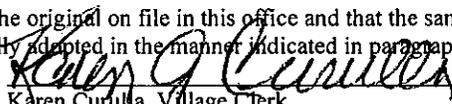
SECTION 51-24. EFFECTIVE DATE.

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.

1. (Final adoption by local legislative body only.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. One of 2007 of the Village of Minoa was duly passed by the Village Board of Trustees the Village of Minoa on January 17, 2007 in accordance with the applicable provisions of law.

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 one (1) above.


Karen Curulla, Village Clerk

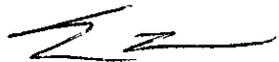
Date: January 18, 2007

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.



Signature
Steven J. Primo

Attorney for the Village of Minoa
Title

Date: 1/18, 2007

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.

PRIMO, PRIMO & KIRWAN, LLP
Attorney at Law

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7075 Manlius Center Road
East Syracuse, NY 13057
Telephone: (315) 452-2440
Fax: (315) 671-1550

January 18, 2007

Village of Minoa
240 North Main Street
Minoa, New York 13116

RECEIVED
JAN 19 2007
VILLAGE OF MINOA

Attn: Karen Curulla, Clerk/Treasurer

Dear Karen:

Enclosed are two (2) revised original of Local Law No. 1 for the year 2007. After you have executed each copy, date and affixed the Village Seal, please forward the original to:

State Records and Law Bureau
Department of State
41 State Street
Albany, NY 12231

The second is for your records.

Thank you.

Very truly yours,

Primo, Primo & Kirwan, LLP



Steven J. Primo
SJP/cmh

Enclosures