

**Village of Cayuga Heights
Local Law No. 2 of the Year 2006**

A local law detailing administration and enforcement of building and fire prevention codes in the Village of Cayuga Heights.

WHEREAS, Section 381 of the Executive Law of the State of New York provides that the New York Secretary of State shall issue rules and regulations for implementation of the Uniform Fire Prevention and Building Code (“the Uniform Code”) within this state, and

WHEREAS, Subdivision 2 of said Section 381 of the Executive Law requires, with certain exceptions, every local government to administer and enforce the Uniform Code, and

WHEREAS, Title 19 of the New York Code of Rules and Regulations sets forth the minimum standards for such administration and enforcement in Part 1203 of said Title 19, which may be implemented by local law enacted by a local government,

NOW THEREFORE,

BE IT ENACTED by the Board of Trustees of the Village of Cayuga Heights, County of Tompkins, State of New York a new Article to its compilation of Ordinances and Local Laws, as follows:

Article XV – Code Enforcement and Administration

Section 1. Designation of Code Enforcement Officer as Public Official

There is hereby designated in the Village of Cayuga Heights a public official to be known as the Code Enforcement Officer who shall also be the Building Commissioner, and who shall be appointed by the mayor with the approval of the Board of Trustees at a compensation to be fixed by it.

Section 2. Duties and Powers of Code Enforcement Officer

Except as otherwise specifically provided by law, ordinance, rule or regulation, the Code Enforcement Officer shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code, hereinafter sometimes referred to as “the Uniform Code”, the New York state Energy Conservation Construction Code, hereinafter sometimes referred to as “the Energy Code,” and other

laws, ordinances, rules and regulations applicable to plans, specifications, or permits for the construction, alteration and repair of buildings and structures, and the installation and use of materials and equipment therein, and to the location, use and occupancy thereof.

The Building Commissioner shall also be the Village Fire Safety Inspector and shall administer and enforce the New York State Uniform Fire Prevention and Building Code, primarily with regard to requirements pertaining to the storage of combustible, flammable, or otherwise dangerous materials.

Section 3. Rules and Regulations

The Village Board of Trustees may by resolution, after public notice and publication at least five (5) days prior to the effective date thereof in a newspaper of general circulation within the village, adopt such further procedural/ administrative rules and regulations that the Board deems reasonable to carry out the provisions of this local law. The Code Enforcement Officer may make recommendations to the Village Board of Trustees to adopt, amend, or appeal such rules and regulations as may relate to the efficient administration and enforcement of the provisions of the Uniform Code. Such rules and regulations shall not conflict with the Uniform Code, this local law, or any other provision of law.

Section 4. Acting Code Enforcement Official

In the absence of the Code Enforcement Officer, or in the case of his inability to act for any reason, the Mayor shall have the power, with the consent of the Board of Trustees, to designate a person to act on behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this ordinance, at such compensation as the Board of Trustees may determine.

Section 5. Appointment of Inspectors

The Mayor with the approval of the Board of Trustees may appoint one inspector or more, as the need may arise, to act under the supervision and direction of the Code Enforcement Officer and to exercise any portion of the powers and duties of the Code Enforcement Officer as he may direct.

Section 6. Restrictions on Employees

The Code Enforcement Officer or any employee of his office directly involved in code enforcement, shall not engage in any activity inconsistent with his duties, or with the interest of the building department; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials, supplies or appliances for, or the supervision of, the construction, alteration, demolition or maintenance of a building or the preparation of plans or specifications thereof within the County of Tompkins except that this provisions shall not prohibit the

officer or any employee from engaging in any such activities in connection with the construction of a building or structure owned by him for his own personal use and occupancy or for the use and occupancy of members of his immediate family, and not constructed for sale. It is the intent of this provision to prohibit impropriety and the appearance of impropriety.

Section 7. Review Board

(a) Where practicable difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, applications for variances consistent with the spirit of the Code may be made to the Regional Board of Review in accordance with part 1205 of Title 19 of the New York Code of Rules and Regulations entitled "Uniform Code: Variance Procedures" as promulgated by the New York Department of State. The Code Enforcement Officer shall maintain a copy of all decisions rendered by the Regional Board of Review of special interest and/ or pertaining to matters affecting the Village of Cayuga Heights.

(b) Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this Local Law or any rule or regulation hereunder which provision is not required by the Uniform Code, applications for variances and appeals, consistent with the spirit of such law, rule or regulations, may be made to the Village Zoning Board of Appeals.

Section 8. Building Permit

No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure, nor install heating equipment, without having applied for and obtained a permit from the Code Enforcement Officer. No permit shall be required for the performance of necessary repairs which do not involve material alteration or removal of (1) structural features, (2) any required means of egress, (3) a fire protection system for any period of time and/ or (4) plumbing, electrical or heating/ ventilation systems, such repairs including, for example, the replacement of siding and roofing materials, nor for the erection of fences which are not part of an enclosure surrounding a swimming pool, nor for the construction of one-story detached structures associated with residential dwellings, such as storage facilities, of less than 140 square feet of gross floor area. Such work shall nevertheless be done in conformance with the Uniform Code.

Section 9. General Permitting Procedures

The Code Enforcement Officer shall receive applications, approve plans and specifications, and issue permits for the erection and alteration of buildings or structures or parts thereof as detailed in the previous section and shall examine the premises

for which such applications have been received, plans approved, or such permits have been issued for the purpose of insuring compliance with laws, ordinances, rules and regulations governing building construction or alterations.

The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.

The form of the permit and application therefore shall be prescribed by resolution of the Village Board of Trustees. The application shall be signed by the owner (or his authorized agent), of the building or property on which the work is to be done and shall contain at least the following:

- 1) name and address of the owner;
- 2) identification and/ or description of the land on which the work is to be done, including tax parcel number;
- 3) description of use or occupancy of the land and existing or proposed building;
- 4) description of the proposed work;
- 5) estimated cost of the proposed work;
- 6) statement that the work shall be performed in compliance with the Uniform Code and applicable State and local laws, ordinances and regulations;
- 7) At least 2 sets of construction documents (drawings and/or specifications) that define the scope of the proposed work. Such construction documents shall meet the following requirements:
 - (a) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - (b) indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (c) substantiate that the proposed work will comply with the Uniform Code and the Energy Code.
 - (d) where applicable, include a site plan that shows any existing and proposed 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 structures and the lot lines.
- 8) required fee.

Applicant may confer with the Code Enforcement Officer in advance of submitting his application to discuss the Code Enforcement Officer's requirements for same.

A building permit will be issued when the application has been determined to be complete, when the proposed work is determined to conform to the provisions of the Uniform Code, if applicable, and when the Code Enforcement Officer has determined that the proposed work is in compliance with the Zoning Ordinance of the Village.

Provisions shall be made for construction documents accepted as part of a permit application to be so marked in writing or by stamp. The Code Enforcement Officer shall

retain one set of accepted construction documents, and one set shall be returned to the applicant to be kept at the work site so as to be available for review by the Code Enforcement Officer. The permit shall be prominently displayed on the property or premises to which it pertains during construction so as to be readily seen from adjacent thoroughfares, if possible.

The Building Permit shall contain a statement that all work must be performed in accordance with the construction documents and information contained in the application, and applicant shall notify the Code Enforcement Officer in writing of any pertinent changes in the information contained in the application during the period for which the permit is in effect. Failure to do so shall in and of itself, affect revocation of the permit previously issued.

A building permit issued pursuant to this Local Law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been an omission, misrepresentation or falsification of a material fact in connection with the application for the permit.

A building permit issued pursuant to this Local Law shall expire one (1) year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods provided that:

- 1) the permit has not been revoked or suspended at the time the application for renewal is made,
- 2) the relevant information in the application is up to date, and
- 3) the renewal fee is paid.

Section 9.1 Construction Inspections

(1) Permitted work shall be required to remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. Permit holders shall be required to notify the Code Enforcement Officer when construction work is ready for inspection.

(2) Provisions shall be made for inspection of the following elements of the construction process, where applicable:

- (i) work site prior to the issuance of a permit;
- (ii) footing and foundation;
- (iii) preparation for concrete slabs;
- (iv) framing;
- (v) building systems, including underground and rough-in;
- (vi) fire resistant construction;
- (vii) fire resistant penetrations;
- (viii) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (ix) energy code compliance; and
- (x) a final inspection after all work authorized by the building permit has been completed.

(3) 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. Construction work not in compliance with code provisions shall be required to remain exposed until it has been brought into compliance with the code, been reinspected, and been found satisfactory as completed.

Section 10. Certificates of Occupancy

(a) No building hereafter erected, enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Code Enforcement Officer.

(b) No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.

(c) When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable laws, ordinances, rules or regulations, and also in accordance with the application, the code Enforcement Officer shall issue a certificate of occupancy. If it is found the proposed work has not been properly completed, the Code Enforcement Officer shall not issue a certificate of occupancy and shall order the work completed immediately in conformity with the building permit and in conformity with the applicable building regulations.

(d) A certificate of occupancy shall be issued, where appropriate, within thirty days after written application therefore is made.

(e) The certificate of occupancy shall acknowledge that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable laws, ordinances, rules and regulations, and shall contain the following information:

- (i) the building permit number, if any;
- (ii) the date of issuance of the permit, if any;
- (iii) the name, address and tax map number of the property;
- (iv) if the certificate is not applicable to the entire structure, a description of that portion of the structure for which the certificate is issued;
- (v) the use and occupancy classification of the structure;
- (vi) the type of construction of the structure;
- (vii) the assembly occupant load of the structure, if any;
- (viii) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (ix) any special conditions imposed in connection with the issuance of the building permit;
- (x) the signature of the official issuing the certificate and the date of issuance.

(f) Upon request, the Code Enforcement Officer may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work

covered by the building permit shall have been completed provided such portions as have been completed (1) may be occupied safely without endangering life or public health and welfare, (2) have operational fire and smoke detecting and/ or fire protection equipment, and (3) all required means of egress have been provided. A temporary certificate of occupancy shall remain effective for the period stated therein which shall not exceed six months from its date of issuance, and during which time the holder must diligently undertake to bring the entire structure into full compliance, such that a permanent Certificate of Occupancy may be issued. For good causes and in unusual situations the Code Enforcement Officer in his sole discretion may allow a maximum of two extensions for periods not exceeding six months each.

(g) After completion of work requiring a building permit hereunder where issuance of a Certificate of Occupancy is not appropriate, the Code Enforcement Officer shall issue instead a Certificate of Satisfactory Completion.

(h) A certificate of occupancy issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within a reasonable period of time as determined by the Code Enforcement Officer.

Section 11. Fire Prevention and Safety Inspections

(a) Any and all areas of public assembly and all dormitory buildings shall be inspected at least once each calendar year for the purpose of determining compliance with fire safety requirements of the Code. Said inspections shall be completed by the Code Enforcement Office prior to November 30th of each year.

(b) All dwelling units in a building consisting of more than two such units and the common areas of such building such as halls, foyers, staircases, etc., shall be inspected for the purpose of determining compliance with fire safety requirements of the Uniform code at least once in each odd-number-ending calendar year (e.g., 2003). Said inspections shall be completed by the Code Enforcement Officer prior to November 30th of each year.

(c) All other buildings, uses and occupancies, other than public assembly and one or two family dwelling units, shall be inspected once in each even-number-ending calendar year (e.g., 2004). Said inspections shall be completed by the Code Enforcement Officer prior to November 30th of each year. (Inspections under this Local Law of one or two family dwelling units shall not be required.)

(d) An inspection of building or dwelling unit shall be performed at any other time upon:

- (1) the request of owner or authorized agent,
- (2) receipt of a written statement specifying grounds upon which the subscriber believes a violation of the Uniform Code exists or
- (3) other reasonable and reliable information that such violation exists.

Section 11.1. Operating Permits

(1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

(a) 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), of the Fire Code of New York State (see 19 NYCRR Part 1225);

(b) 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;

(c) use of pyrotechnic devices in assembly occupancies;

(d) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(e) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government agency charged with or accountable for administration and enforcement of the Uniform Code.

(2) Parties who propose to undertake the types of activities or operate the types of buildings listed in paragraph (1) of this subdivision shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall contain sufficient information to permit a determination that quantities, materials, and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required.

(3) An inspection of the premises shall be conducted prior to the issuance of an operating permit.

(4) A single operating permit may apply to more than one hazardous activity.

(5) Operating permits may remain in effect until reissued, renewed or revoked, or may be issued for a specified period of time consistent with local conditions.

(6) Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

Section 11.2 Unsafe Buildings and Structures

(a) Report of Unsafe Building or Structure. If the Code Enforcement Officer, in his or her opinion determines or receives information that a building or structure within the Village is, by reason of its physical condition or otherwise, dangerous or unsafe to the general public or any subgroup or member thereof, including buildings which have

already collapsed or been destroyed by fire, then he or she shall cause an inspection of such building or structure, or the remains thereof, and report in writing to the Village Board his or her findings and recommendations with respect to the unsafe or dangerous feature and to its repair or demolition and removal.

(b) Order Regarding Unsafe Building or Structure. The Village Board shall thereafter consider such report and if the Village Board determines that the building is unsafe or dangerous, it shall by resolution order the following:

(1) the repair (if such building can be safely repaired to meet the standards of the Uniform Code) or demolition and removal (if such building cannot be safely repaired), and

(2) that a Notice of Unsafe Building be served upon the person(s) and in the manner as provided herein.

(c) Contents of Notice of Unsafe Building. The Notice of Unsafe Building shall contain the following: (1) a description of the premises; (2) a statement of the reasons that the building has been deemed unsafe; (3) an order stating that such unsafe building may not be used or occupied; (4) an order outlining the necessary repairs or stating that the building must be demolished and removed; (5) a statement that such repair or demolition and removal must commence within thirty (30) days of service and the Notice and such work must be completed within sixty (60) days of service of the Notice, unless for good causes shown the Village Board shall extend such time; and (6) a statement that in the event of neglect or refusal to comply with the order to repair or demolish and remove the unsafe building, the Village Board is authorized to provide for its demolition and removal and to assess all expenses thereof against the land on which the building is located and/or to institute a special proceeding to collect the costs of demolition, including legal expenses.

(d) Service of Notice. A copy of said notice of Unsafe Building shall be served upon the owner, executor, legal representative, agent, lessee or any other person having a vested or contingent interest in the property on which the unsafe building or structure is located, as shown by the records of the Village Receiver of Taxes (or Tax Collector) and/ or of the Tompkins County Clerk, and such service shall be made either personally or by certified mail or national overnight courier, addressed to the last known address of said party. Additionally, a copy of such Notice shall be posted on or near the exterior of the building by the Code Enforcement Officer.

(e) Removal of Posted Notice. Only the Code Enforcement Officer shall be authorized to remove any such Notice of Unsafe Building posted on or near the unsafe structure, and the Code Enforcement Officer shall not remove such Notice until he or she determines that the unsafe feature has been correctly and completely repaired or demolished and removed.

(f) Refusal to Comply. In the event that the person so notified refuses or neglects to comply with said order of the Village Board, then upon public hearing, notice of which subsequent hearing shall be served upon the person(s) and in the manner prescribed above, the Village Board may by resolution order the repair or demolition and removal of such building either by Village employees or by contract, which contract shall comply with competitive building requirements, if such are applicable.

(g) Assessment of Expenses. All expenses incurred by the Village in connection with the proceedings to repair or demolish and remove the unsafe building including necessary legal expenses shall be, at the option of the Village Board, collected as follows:

(1) By assessment against the property on which such unsafe building is located in the manner provided for in New York State Village Law and Real Property Tax Law;

(2) By prosecution of a special proceeding against the owner of said unsafe building or structure pursuant to New York State General Municipal Law, Section 78-b; or

(3) By any other means legally available to the Village.

(h) Emergency Cases. Where it reasonably appears that there is a clear and imminent danger to life, safety or health of any person or property unless an unsafe building is immediately repaired or demolished and removed, the Village Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition and removal of such unsafe building. The expenses of such action, including legal expenses, may be collected in same the manner set forth above.

Section 11.3. Notification Regarding Fire or Explosion.

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

Section 12. Department Records and Reports.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him including all applications received, plans approved or denied, permits and certificates issued, complaints received, fees charged and collected, inspection reports, all rules and regulations promulgated by the municipality, and notices and orders issued. All such reports shall be public information open to the public inspection during normal business hours.

(b) The Code Enforcement Officer shall annually submit to the Village Board of Trustees a written report of all business conducted, and more frequently upon request.

- (c) The Code Enforcement Officer shall annually submit to the Secretary of State, on a form provided by the Secretary of State, a report of the activities of the Village relative to administration and enforcement of the Uniform Code.
- (d) Upon request of the Department of State, the Code Enforcement Officer shall provide from the records and related materials, excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Code.

Section 13. Stop Orders

Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is being performed in violation of the provisions of the New York State Uniform Fire Prevention and Building Code or applicable laws, ordinances or regulations, or is not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe manner and dangerous manner, he shall notify the owner of the property, and the owner's agent, to suspend all work and issue a Stop Work Order. All such persons performing work shall immediately stop such work and suspend all building activities until the stop orders have been rescinded. All stop work orders and notices shall be in writing and shall state the conditions under which work may be resumed. A Stop Work Order shall be served upon a person to whom it is directed either by delivering it personally, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to the person, firm or corporations by certified mail return receipt requested, and simultaneously by regular mail, with return address noted.

Section 14. Violations

(a) Upon determination by the Code Enforcement Officer or the Fire Safety Inspector (or their respective designees) that a violation of the Uniform Code or this local law exists in, on, or about any building or premises, he shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by certified mail, return receipt requested.

(b) Any person, firm or corporation who violates any provision of the Uniform Code, this Local Law, or any rule or regulation issued under this local law, or the terms or conditions of any Certificate of Occupancy issued by the Building and Fire Safety Inspector, shall be liable to a civil penalty of not more than \$100.00 for each day or part thereof during which such violation continues. The civil penalties provided by

this subdivision shall be recoverable in an action instituted in the name of the Village Board on its own initiative or at the request of the Code Enforcement Officer or the Fire Safety Inspector.

(c) Alternatively, and in addition to an action to recover the civil penalties provided by subsection (b), the Village Board may institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or terms or conditions of any Certificate of Occupancy issued by the Code Enforcement or the Fire Safety Inspector.

(d) Furthermore, the Village Board may designate certain violations as criminal in nature, subject to fine or imprisonment as the case may be. A violation of Code Requirements pertaining to storage of combustible, flammable, or otherwise dangerous materials is hereby declared to constitute a Violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine of not more than \$250.00 for each day or part thereof during which said violation continues, or imprisonment for a term not to exceed fifteen days, for each violation. These penalties shall be in addition to any other penalty provided by law.

Section 15. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this Local Law shall be judged invalid or held unconstitutional, it shall not affect the validity of this Local law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 16. Effective Date

This Local Law shall take effect upon filing with the Department of State, whereupon Local Law No. 2 of 2004 should be deemed superceded and cancelled hereby.