

VILLAGE OF BROCKPORT

“To provide a high quality of life for all residents, exercising fiscal responsibility and preserving Brockport’s unique heritage and historic character.”

VILLAGE BOARD – WORK SESSION AGENDA

Monday, November 25, 2013 7:00pm

Location: Village Hall conference room

This is a work session, not a regular meeting. No public comment.

Intended for Board discussion, not action. Therefore, meeting minutes are not required.

If any action is taken, Mayor takes notes & provides to Clerk.

- **GUESTS:**

- Assessment – Tony Eaffaldano, Assessor – Town of Sweden

- Code Review Committee – Art Appleby, Chair

- Draft revisions to Village Code Chapter 36 – Minimum Housing & Buildings Code

- **ITEMS FOR DISCUSSION / REVIEW:**

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- **EXECUTIVE SESSION:** (if needed)

- **ADJOURNMENT**

Upcoming:

Village Board meeting: 7pm Monday, 12/2

Village Board meeting: 7pm Monday 12/16 (with Attorney, Treasurer, Department Heads)

Village Board work session: none in December

Village Hall closed: Wednesday, 12/25 & Wednesday, 1/1

DRAFT

Chapter 36

MINIMUM HOUSING AND BUILDINGS CODE

[HISTORY: Adopted by the Board of Trustees of the Village of Brockport 10-6-2008 by L.L. No. 8-2008.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction administration — See Ch. 11.
Building Construction Code — See Ch. 10.
Carbon monoxide detectors — See Ch. 53.
Code enforcement — See Ch. 59.
Electrical inspection — See Ch. 17.
Fire prevention — See Ch. 19.
Flood damage prevention — See Ch. 20.
Garbage, refuse & open burning — See Ch. 21.
Land subdivision regulations — See Ch. 26.
Plumbing — See Ch. 41.
Sewers — See Ch. 42.
Stormwater management and erosion and sediment control — See Ch. 27.
Trailers and trailer camps — See Ch. 51.
Trees and vegetation — See Ch. 46.
Zoning — See Ch. 58.
Uniform Code of the State of New York

10/28/13

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ARTICLE I
General Provisions

§ 36-1. Title; purpose; scope; definitions; applicability; enforcement.

- A. This chapter shall be known as the "Minimum Housing and Buildings Code", as applicable to dwellings, buildings, multiple dwellings, dwelling units, premises, structures, land and equipment, and is herein referred to as the "Housing and Buildings Code" or "this chapter".
- B. The purpose of this code is to protect the public health, safety and welfare in buildings used for dwelling and human occupation purposes as hereinafter provided and to prevent the existence of such conditions, factors or characteristics that can adversely affect public safety, health and welfare and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum housing and buildings standards, as follows:
- (1) Establishing minimum standards for basic equipment, facilities, hazardous processes/activities and/or to eliminate issues that pose a substantial potential hazard to public safety, including but not limited to light, ventilation, space heating and electrical, for sanitation, safety from fire, for occupancy and space, use and location, exiting and means of egress, safe and sanitary maintenance, cooking equipment, and plumbing provisions in all dwellings, buildings, multiple dwellings, dwelling units,

1. Editor's Note: This local law superseded former Ch. 36, Minimum Housing and Buildings Code, adopted 2-4-1974, as amended.

premises, structures, land and equipment now in existence and planned.

- (2) Fixing the responsibilities of owners, operators and occupants of dwellings, buildings and multiple dwellings, dwelling units, rental units, premises and structures.
- (3) Providing for administration, enforcement and penalties.

- C. Definitions. For the purpose of this local law, the following words and terms shall be defined as per Chapter 58, § 58-2, of the Code of the Village of Brockport, and/or as follows, unless otherwise expressly provided:

BUILDING — Any roofed walled structure.

BUILDING PERMIT — A permit issued pursuant to § 36-2 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE — A certificate issued pursuant to §§ 36-5 through 36-8 of this chapter.

CODE— The Code of the Village of Brockport.

CODE ENFORCEMENT INSPECTOR — Includes the Code Enforcement Officer and all Inspectors employed by the Village of Brockport, who are certified by the State of New York either in the capacity of Code Enforcement Officer, Building Inspector or Fire Marshal, and/or titled as the Assistant Code Enforcement Officer, Assistant Building Inspector, Deputy Fire Marshal, or any combination thereof.

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CODE ENFORCEMENT OFFICER — An officer employed by the Village of Brockport who is certified by the State of New York either in the capacity of Code Enforcement Officer, Building Inspector, Fire Marshal, Planning/Zoning Officer, peace officer, Stormwater Manager, Floodplain Administrator, or any combination thereof.

COMPLIANCE ORDER — A written order for the remedying of found violation(s), pursuant to Article II, § 36-18(C), of this chapter.

DWELLING — To include one-family and two-family dwellings, multiple-family and/or mixed-use dwellings, boardinghouses/rooming houses and apartment houses, as per the definitions stated in Chapter 58, § 58-2, of the Code. The actual use and occupancy of a dwelling at the time of any applications for certificates or permits hereunder, registration, their renewal, or any compliance or complaint inspection(s) required to be made by the Code Enforcement Officer, regardless of any other classification of the property (whether for tax purposes or otherwise), shall determine whether and to what extent the dwelling is subject to the provisions of this chapter.

DWELLING UNIT — One or more rooms arranged for use of one or more individuals living together as a single housekeeping unit, with living, sanitary and sleeping facilities.

ENERGY CODE — The New York State Energy Conservation Construction Code, which regulates design and construction of residential and commercial buildings for the effective use of energy.

FOIL (FREEDOM OF INFORMATION LAW) — A legislative act to assist persons seeking public records to identify records sought.

NYCRR — The New York Code of Rules and Regulations.

OPERATING PERMIT — A permit issued pursuant to § 36-3 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

OWNER — The person or entity in whose name the premises affected by an order, issued in accordance with this chapter, is recorded as the owner in the office of the Monroe County Clerk.

PLACARD/POSTING — A public notice placed on a building, structure, premises, dwelling, dwelling unit, equipment and/or land pursuant to Article I, §§ 36-15 and/or 36-16, of this chapter.

RED TAG — See "placard/posting".

RESIDENTIAL RENTAL PROPERTY

(a) Shall mean:

- [1] Single-family houses (one dwelling unit with living, kitchen, sanitary and sleeping facilities), rented by absentee owners and/or owners/occupants to tenants, by verbal contract or written contract (lease) for agreed terms, and rentals, and subject to agreed possessory conditions.
- [2] Multiples, so rented by absentee owners and/or owners/occupants to tenants, with two or more dwelling units, each with living, kitchen, sanitary and sleeping facilities, including doubles, triples, fours, or more.
- [3] Apartment houses, with each apartment being a dwelling unit so rented by absentee owners to tenants, with living, kitchen, sanitary and sleeping facilities.
- [4] Boardinghouses and rooming houses with multiple sleeping rooms (up to 30 in number) serviced by common sanitary facilities.
- [5] Mixed-use buildings containing one or more dwelling units.

- (b) For purposes of this chapter, each sleeping room in a boardinghouse, furnished-room house, and rooming house is not deemed a dwelling unit as defined above.
- (c) The definition of "residential rental property" supplements the existing Code definitions for families, apartment house, boardinghouse, furnished-room house, rooming house, dwelling (multiple), dwelling (two-family), dwelling unit, and unit (single-family dwelling).

STOP-WORK ORDER — A public notice placed on a building, structure, premises, dwelling unit, equipment and/or land pursuant to Article I, § 36-15, of this chapter, that work and/or a use is in noncompliance and shall cease.

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UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code.

VILLAGE — The Village of Brockport.

- E. Every portion of a building or premises used or intended to be used for human habitation purposes shall comply with the provisions of this code, irrespective of when such building shall have been constructed, altered or repaired, except as hereinafter provided.
- F. Application of the Uniform Code and the Energy Code. The Uniform Code and the Energy Code shall apply to one- and two-family dwellings, all residential rental property, multiple dwellings, boardinghouses, furnished-room houses, rooming houses, tourist homes, apartment houses or any other type of residential rental property, in addition to any commercial occupancies, such as but not limited to stores and shops for retail purposes, bars and restaurants, private or public business uses, industrial manufacturing and processes, storage and warehousing, and also to hotels and motels serving transient guests and rest homes, convalescent homes and nursing homes whereby sleeping accommodations are provided, hospitals, religious facilities and private schools, day cares and municipal buildings and equipment therein. Any alterations to buildings or changes of use therein which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with applicable sections of the Uniform Code, Energy Code, and any other local, regional state, and/or federal laws, rules or regulations that may apply.
- G. Conflict with other ordinances. In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code(s) of this municipality, the County of Monroe or the State of New York, the provision which establishes the higher standard for the promotion and the protection of the safety and health of the people shall prevail. In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or code of this municipality existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this chapter shall prevail, and such other ordinances or codes and articles are hereby declared to be repealed to the extent that they may be found in conflict with this code.
- H. Partial invalidity. If any section of this chapter shall be held unconstitutional, illegal, invalid, or otherwise unenforceable as violative of state or local laws, the remainder of the chapter shall remain in full force and effect and be enforceable as such.
- I. This code establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities, except as provided in this section.
- J. Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.
- K. Code Enforcement Officer.
 - (1) It shall be the duty and responsibility of the Code Enforcement Officer to enforce the provisions of the Housing and Buildings Code as herein provided. The Code

Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and local law(s). The Code Enforcement Officer shall have the following powers and duties:

- (a) To receive, review, and approve or disapprove applications for building permits, operating permits, certificates of occupancy/certificates of compliance, conditional certificates of occupancy/certificates of compliance, residential rental property registrations, construction plans, specifications, construction documents and matters required as submitted with all such applications.
- (b) Upon approval of such application(s), to issue building permits, operating permits, certificates of occupancy/certificates of compliance, conditional certificates of occupancy/certificates of compliance, residential rental registrations and operating permits, and to include in building permits, certificates of occupancy/certificates of compliance, conditional certificates of occupancy/certificates of compliance and residential rental registrations, such terms and conditions as the Code Enforcement Officer may determine to be appropriate.
- (c) To conduct inspections, including, without limitation, for construction, fire, fire hazards or explosion, housing, verification of use, property maintenance and any and all inspections to be made prior to the issuance of building permits, operating permits, certificates of occupancy/certificates of compliance, conditional certificates of occupancy, residential rental registrations, fire safety inspections and property maintenance inspections incidental to the investigation of complaints and all other inspections required or permitted under any provisions of any local laws and/or other codes, rules and/or regulations.
- (d) To issue stop-work orders.
- (e) To review and investigate complaints.
- (f) To placard unsafe buildings or structures.
- (g) To issue orders pursuant to Article II, § 36-18, of this chapter.
- (h) To maintain records.
- (i) To collect fee(s) as determined from time to time by resolution adopted by the Board of Trustees Village of Brockport as contained in the Village of Brockport Fee Schedule.
- (j) To pursue administrative enforcement actions and proceedings.
- (k) In consultation with the Village of Brockport Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and local laws or article/articles listed and/or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter and local laws.
- (l) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

- (2) The Code Enforcement Officer shall be employed by the Village of Brockport. The Code Enforcement Officer shall possess background experience related to building construction and fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the ~~State Fire Administrator~~ Secretary of State
- (3) One or more inspectors may be employed by the Village of Brockport to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the ~~State Fire Administrator~~ Secretary of State pursuant to the Executive Law 381 Part 1208 and the regulations promulgated hereunder.

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§ 36-2. Building permits.

- A. Building permits required. Except as otherwise provided in Subsection (B) of this section, a building permit shall be required for any work and which must conform to the Uniform Code, the Energy Code and/or the Village of Brockport code(s), including but not limited to the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure, or any portion thereof, and the installation of a solid-fuel-burning heating appliance, gas appliances, chimneys or flues. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer. A specific list of building permits required is listed in the Village of Brockport Fee Schedule.
- B. Exemptions. No building permit shall be required for work in any of the following categories:
 - (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or townhouses which are used for tool and storage sheds, playhouses or similar uses, provided that the gross floor area does not exceed 144 square feet (13.88 square meters).
 - (2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses).
 - (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely aboveground.
 - (4) Installation of fences which are not part of an enclosure surrounding a swimming pool, or located in a front yard, per Chapter 6 of the Code.
 - (5) Construction of retaining walls, unless such walls support a surcharge or impound for Class I, II or IIIA liquids, as per the Uniform Code.

- (6) Construction of temporary motion-picture, television and theater stage sets and scenery.
 - (7) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or townhouse.
 - (8) Installation of partitions or movable shelving or cases less than five feet nine inches in height.
 - (9) Painting, wallpapering, tiling, carpeting, or other similar finish work.
 - (10) Installation of generally accepted, tested or recognized and listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances.
 - (11) Replacement of any equipment, provided that the replacement does not alter the equipment's generally accepted listing or render it inconsistent with the equipment's original specifications.
 - (12) Repairs, provided that such repairs do not involve:
 - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
 - (b) The removal or change of any required means of egress or the rearrangement of parts of a structure in a manner which affects egress;
 - (c) The enlargement, alteration, replacement or relocation of any building system; or
 - (d) The removal from service of all or part of a fire-protection system for any period of time.
- C. Exemption not deemed an authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection 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 or the local law(s) of the Village of Brockport.
- D. Applications for building permits. Application for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the permit applicant and the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code, the Energy Code and any local laws. The application shall include or be accompanied by the following information and documentation:
- (1) A description of the proposed work.
 - (2) The Tax Map number and the street address of the premises where the work is to be performed.

- (3) The occupancy classification of any affected building or structure.
 - (4) Where applicable, a statement of special inspections in accordance with the provisions of the Uniform Code.
 - (5) At least two sets of construction documents, drawings and/or specifications which:
 - (a) Define the scope of the proposed work.
 - (b) Shall be prepared by a New York State registered architect or licensed professional engineer where so required by the New York State Education Law, and for all other construction projects whose cost exceeds \$20,000.00 and/or involves work affecting the structural integrity or public safety components of any portion of any buildings.
 - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed.
 - (d) Substantiate that the proposed work will comply with the Uniform Code, Energy Code and local laws.
 - (e) 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, easements, rights-of-way, above-grade or below-grade utilities and drainage swales, as well as the location of the intended work and the distances between all other buildings and structures and lot lines.
- 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 § 36-2(D)(5) of this chapter. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer, and the Code Enforcement Officer shall retain one set of the accepted construction documents. Work shall not commence until and unless the Village of Brockport has issued a building permit.
- F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and local laws. The Code Enforcement Officer shall issue a building permit only if the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and local laws.
- G. Insurance/indemnification. The building permit application, and the issuance and/or renewal thereafter of any building permit, may be conditioned upon the provision by the owner of liability, fire and hazard insurance in amounts and with additional insured coverage naming the certificate holder as the Village and/or such indemnification as the Village of Brockport may require and workers' compensation coverage as applicable pursuant to General Municipal Law § 125. Permit holders are required to maintain applicable insurances throughout the life of the permit; the expense of such insurance and/or indemnification shall be borne by the owner. Failure of the owner to comply with this provision shall be a ground and/or basis for the denial, revocation or suspension of any building permit.

- H. 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 approved construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any proposed change occurring during the course of the work. The building permit also shall contain such a directive. If the Code Enforcement Officer determines that a proposed 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. A building permit or amended building permit shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits or amended building permits shall expire 12 months after the date of issuance. Subject to approval by the Code Enforcement Officer, a building permit or amended building permit which, pursuant to this subsection, has become invalid or which has expired, may be renewed upon application by the permit holder, and payment of the applicable fee to the Village of Brockport.
- K. Revocation or suspension of building permits. If the Code Enforcement Officer determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code, Energy Code or local laws, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code, Energy Code and/or local laws, and all further work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, Energy Code and local laws.
- L. Fee(s); building permits. Initial issuance and/or renewals shall require fee payment specified in or determined in accordance with the provisions set forth as required by this chapter and shall be deposited with the Village of Brockport. Application fee(s) shall be determined by resolution adopted by the Board of Trustees as contained in the Village of Brockport Fee Schedule, which application fee(s) shall be equivalent whether for the initial issuance of building permits or for renewals thereof. ~~Payment of fee(s) shall be required at the time of issuance of an initial building permit, or for renewal of any building permit.~~ Fee(s) shall be determined, assessed, administered and enforced by the Code Enforcement Officer of the Village of Brockport.
- M. Liability for damages. This section shall not be construed to hold the Village of Brockport responsible for any damages to persons or property by reason of the issuance of a building permit or inspections made pursuant to a building permit or the failure to make inspections pursuant to an application for a building permit, or the issuance of or the failure to issue a building permit.

§ 36-3. Operating permits.

- A. Operating permits required. Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
- (1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 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 § 1225.1.
 - (2) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening and waste handling.
 - (3) Use of pyrotechnic devices in assembly occupancies or locations.
 - (4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more.
 - (5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined and adopted by the Board of Trustees of the Village of Brockport.
- B. Any person who proposes to undertake any activity or to operate any type of building listed in Subsection A of this section shall be required to obtain an operating permit prior to commencing or continuing such activity or operation. The eligibility of an owner for the issuance of an operating permit shall be subject to the owner being in full compliance with all applicable requirements of the Uniform Code, local laws, and the codes of the Village of Brockport, specifically, and without limitation, the Village of Brockport local laws and codes concerning certificates of occupancy, building permits and residential rental registrations.
- C. Insurance/indemnification. The classification of any property or use hereunder as requiring an operating permit, and the issuance and/or renewal thereafter of any operating permit, may be conditioned upon the provision by the owner of liability, fire and hazard insurance in amounts and with additional insured coverage naming the certificate holder as the Village, and/or such indemnification as the Village of Brockport may require, and workers' compensation coverage as applicable pursuant to General Municipal Law § 125. Permit holders are required to maintain applicable insurances throughout the life of the permit; the expense of such insurance and/or indemnification shall be borne by the owner. Failure of the owner to comply with this provision shall be a ground and/or basis for the denial, revocation, or suspension of any operating permit.
- (1) The Code Enforcement Officer of the Village of Brockport shall classify properties in the Village as being subject to the requirements of this operating permit requirement. Each property classification under this code shall become a part of and be noted in any other permit or registration required for the property, as for example, on certificates of occupancy, on building permits, and on residential rental registrations. The applicant/owner shall be responsible for the expense of any professional or expert testing of the property for its anticipated use, occupancy, or operation as the Code

Enforcement Officer deems necessary (in his or her sole discretion) to classify the property as being subject to, or exempt from, the requirements of this code.

- D. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include all information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code, Energy Code and/or local laws. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or who is/are otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- (1) In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her sole discretion, issue a single operating permit to apply to all such activities.
 - (2) Duration of operating permits. Except as otherwise provided in the Village of Brockport Fee Schedule, operating permits shall be issued for one year in the case of any operating permit issued for a permanent use, or for such lesser time periods for the occupancy, use, or operation of a property deemed by the Code Enforcement Officer to be of a temporary nature, consistent with local conditions. The effective period of the operating permit shall be specified in the operating permit. Operating permits are renewable at the expiration of each permit period noted on the permit. It is the obligation of the owner to order a compliance inspection for the renewal of the operating permit at least 60 days prior to the expiration of the operating permit. Failure of the owner to do so shall be deemed a violation of this chapter and may subject the owner to the imposition of fines and penalties as are stated in this chapter or elsewhere and to general jurisdiction fines and penalties as are stated in the Code of the Village of Brockport. The failure of an owner to comply with the operating permit requirements of this chapter may subject the owner to the issuance by the Code Enforcement Officer of a temporary or permanent cease-and-desist order and/or a stop-work order or an order to vacate and discontinue the use of the property unless or until it again comes into compliance with the requirements of this chapter.
 - (3) The Code Enforcement Officer (or his/her authorized inspector) shall inspect the subject premises prior to the issuance of an operating permit. Should an owner (and/or agent, employee, authorized representative, or operator) decline consent to inspection(s) believed to be necessary by the Code Enforcement Officer (or his authorized inspector) for proper enforcement of this provision, the Code Enforcement Officer (or his authorized inspector, as the case may be) shall be authorized to apply for a search warrant [pursuant to § 36-11(A)(2) of this chapter and such other legal requirements as may apply], to permit such inspection(s).
 - (4) Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, Energy Code or

any other state or local law that may apply (including, without limitation, certificate of occupancy/certificate of compliance requirements, building permit requirements, and residential rental registration requirements), such operating permit shall be revoked or suspended.

- E. Fee(s); operating permits. Initial issuance and/or renewals shall require fee payment specified in or determined in accordance with the provisions set forth as required by this chapter and shall be deposited with the Village of Brockport. Application fee(s) shall be determined by resolution adopted by the Board of Trustees as contained in the Village of Brockport Fee Schedule, which application fee(s) shall be equivalent whether for the initial issuance of operating permits or for renewals thereof. Payment of fee(s) shall be required at the time of filing of an application for an operating permit, or for renewal of an operating permit. Fee(s) shall be determined, assessed, administered and enforced by the Code Enforcement Officer of the Village of Brockport.

§ 36-4. Registration of residential rental properties.

- A. Owners are required to register with the Code Enforcement Officer each rental building contained on each of their residential rental properties as defined in § 36-1(D) above, including boardinghouses and rooming houses, on an annual calendar year basis beginning January 1st and ending December 31st. For purposes of renewal, no later than 30 days prior to the expiration of a rental registration, it shall be the obligation of the owner to notify the Code Enforcement Officer to cause a new rental registration to be made of the dwelling for which the existing rental registration will be expiring .
- B. ~~Within the ninety day period as indicated,~~ For purposes of initial registration, ~~including renewals annually,~~ owners of residential rental properties located within the Village shall complete and sign a rental registration application provided by the Code Enforcement Officer, which shall state and provide the following information:
 - (1) The name, physical address, telephone number(s), and email address of each owner, or principal of each owner.
 - (2) The address of each residential rental property (including boardinghouses and rooming houses), the number of dwelling units contained within each residential rental property, the number of tenants, and any other pertinent data sought by the Code Enforcement Officer.
 - (3) The name(s), telephone number(s) and email address(es) of any local property manager(s) or agent(s) on behalf of the property owner(s), which shall be required in all cases where no property owner physically resides within 45 miles of the Village for at least 3 months of each calendar year.
- C. The rental registration ~~form~~ application shall indicate an address for receipt of notices by mailing for purposes of this code and any other applicable laws or regulations.
- D. The owner shall be responsible for the timely updating of such information in the event that changing circumstances would render the information in the rental registration inaccurate.
- E. The Code Enforcement Officer (or his authorized inspector) shall conduct such inspections

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as may be necessary to verify compliance with the provisions of this section; specifically, a compliance inspection(s) shall be conducted by the Code Enforcement Officer (or his authorized inspector) not later than 30 days after the filing of a rental registration application, as deemed necessary by the Code Enforcement Officer (or his authorized inspector), in order to verify the correctness of the information stated in the rental registration application. Should an owner (and/or agent, employee, authorized representative, or operator) decline consent to inspection(s) believed to be necessary by the Code Enforcement Officer (or his authorized inspector) for proper enforcement of this provision, the Code Enforcement Officer (or his authorized inspector, as the case may be) shall be authorized to apply for a search warrant [pursuant to § 36-11(A)(2) of this chapter and such other legal requirements as may apply], to permit such inspection(s).

- F. Fee(s); rental registrations. Initial issuance and/or ~~annual registrations renewals~~ shall require fee payment specified in or determined in accordance with the provisions set forth as required by this chapter and shall be deposited with the Village of Brockport. Application fee(s) shall be determined by resolution adopted by the Board of Trustees as contained in the Village of Brockport Fee Schedule, which application fee(s) shall be equivalent whether for the initial issuance of rental registrations or for renewals thereof. Payment of fee(s) shall be required at the time of filing of an application for a rental registration, or for renewal of a rental registration. Fee(s) shall be determined, assessed, administered and enforced by the Code Enforcement Officer of the Village of Brockport.
- G. At such time as the rental registration application is filed and/or the Code Enforcement Officer verifies the information contained therein and the Code Enforcement Officer finds a discrepancy in the classification or occupancy of the property, the Code Enforcement Officer shall issue a notice to the owner advising of the actual classification or occupancy of the property hereunder.

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§ 36-5. Certificates of occupancy/certificates of compliance.

- A. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, and accessory structures and equipment thereof, which are constructed, converted from one use or occupancy classification or sub-classification to another, or have equipment installation or structural alterations. Permission to use or occupy or put into service a building, structure, or portion thereof, or equipment, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.
- B. ~~Additionally, no transfer of title to an existing residential rental property that is a one or two family dwelling, mixed use building containing one or more dwelling units, boardinghouse, rooming house, furnished room house, tourist home, apartment house, multiple dwelling or any other type of residential rental property shall be completed, in whole or in part, until the issuance of a new certificate of occupancy/certificate of compliance. A new certificate of occupancy/certificate of compliance, with respect to this subsection, shall mean a certificate of occupancy/certificate of compliance issued no earlier than 60 days prior to transfer of title to a new owner.~~

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Scott Z. thought this should stay, Atty. deleted.

~~E.B.~~—Any building or structure which has been vacant or which has had utilities disconnected in excess of 9 consecutive months shall also require a new certificate of occupancy/certificate of compliance, and otherwise may not be used for any purpose.

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~~D.C.~~ Issuance of certificates of occupancy/certificates of compliance. The Code Enforcement Officer shall issue a certificate of occupancy/certificate of compliance if the work which was the subject of a building permit was completed in accordance with all applicable provisions of the Uniform Code, Energy Code and local laws, if applicable, and that the structure, building or portion thereof that was constructed, or was converted from one use or occupancy classification or sub-classification, or had equipment installation or structural alterations, complies with all applicable provisions of the Uniform Code, Energy Code and local laws. For purposes of § 36-5(B) of this chapter, the Code Enforcement Officer shall issue a current certificate of occupancy if the residential rental property, in its entirety, substantially conforms to the requirements of this Code, the Uniform Code, if applicable, and all other applicable laws, ordinances or rules. The Code Enforcement Officer (or his/her authorized inspector) is authorized to inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance. In addition, where applicable, documents or inspection(s) reports substantiating compliance can be prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or are otherwise acceptable to the Code Enforcement Officer, and such documents or inspection report(s) will be at the expense of the permit holder or applicant prior to issuance of the certificate of occupancy/certificate of compliance.

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~~E.D.~~ Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:

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- (1) A written statement of structural observations and/or a final report of special inspections.
- (2) Flood hazard certifications.
- (3) The building permit number, if any.
- (4) The date of issuance of the building permit, if any.
- (5) The name, address and Tax Map number of the property.
- (6) If the certificate of occupancy is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy is issued.
- (7) The use and occupancy classification of the structure.
- (8) The type of construction of the structure.
- (9) The assembly occupant load of the structure, if any.
- (10) If an automatic fire sprinkler, fire-suppression system/systems or fire alarm/alarms are provided, a notation as to whether the automatic fire sprinklers and fire-suppression system/systems or fire alarm/alarms are required.
- (11) Any special conditions imposed in connection with the issuance of the building permit.

(12) The signature of the Code Enforcement Officer issuing the certificate of occupancy and the date of issuance.

~~F.E. Whenever violations of the Housing and Buildings Codes, or Chapter 58 of the Code, or any other applicable law, ordinance or rule are discovered, and those violations are such that the dwelling and/or any dwelling unit thereof is deemed a structure unfit for human habitation pursuant to § 36-16 of this chapter, the existing certificate of occupancy shall become null and void. In that case, the Code Enforcement Officer shall notify the registered owner(s) that the continued occupancy or use of the building is forbidden unless a conditional certificate of occupancy can be obtained as provided in § 36-7(B) of this chapter.~~

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~~G.F. Notwithstanding the existence of a valid certificate of occupancy/certificate of compliance, the Code Enforcement Officer may cause the subject building to be inspected as often as may be necessary for the purpose of ascertaining and causing to be corrected any violations of the provisions of the laws, ordinances or rules which are enforced hereunder. Should an owner (and/or agent, employee, authorized representative, or operator) decline consent to inspection(s) believed to be necessary by the Code Enforcement Officer (or his/her authorized inspector) for the proper enforcement of this provision, the Code Enforcement Officer (or his/her authorized inspector as the case may be) shall be authorized to apply for a search warrant [pursuant to § 36-11(A)(2) and such other legal requirements as may apply], to permit such inspection(s).~~

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~~H.G. Revocation or suspension of certificates of occupancy/certificates of compliance. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate of occupancy/certificate of compliance.~~

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~~H.H. Fee(s); certificates of occupancy/certificates of compliance. Initial issuance shall require fee payment specified in or determined in accordance with the provisions set forth as required by this chapter and shall be deposited with the Village of Brockport. Application fee(s) shall be determined by resolution adopted by the Board of Trustees as contained in the Village of Brockport Fee Schedule. Payment of fee(s) shall be required at the time of filing of an application for a certificate of occupancy/certificate of compliance, and any assessed re-inspection fees shall thereafter be paid prior to issuance of the certificate of occupancy/certificate of compliance. Fee(s) shall be determined, assessed, administered and enforced by the Code Enforcement Officer of the Village of Brockport.~~

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~~H.I. Liability for damages. This section shall not be construed to hold the Village of Brockport responsible for any damages to persons or property by reason of inspections made pursuant to an application for a certificate of occupancy/certificate of compliance, or the failure to make inspections pursuant to an application for a certificate of occupancy/certificate of compliance, or the issuance of or the failure to issue a certificate of occupancy/certificate of compliance.~~

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§ 36-6. Residential rental property renewals of certificates of occupancy.

- A. Where no changes of occupancy or use have occurred, and where there is full compliance with the applicable provisions of § 36-4 of this chapter, regarding the required registration of residential rental properties, as well as full compliance with the laws, ordinances and rules specified in the certificate of occupancy and any other applicable laws, ordinances or rules, a certificate of occupancy for a residential rental property shall remain valid for a period of ~~three years one year~~ from the date of its issuance. For purposes of renewal, no later than 30 days prior to the expiration of a certificate of occupancy, it shall be the obligation of the owner to notify the Code Enforcement Officer in order to cause a new certificate of occupancy to be issued for the residential rental property for which the existing certificate of occupancy will be expiring. At the time any owner applies for a renewed certificate of occupancy for a residential rental property, he/she/it shall demonstrate that there is on file with the Village a current residential property rental registration; in the event that no current residential property rental registration is on file with the Village, the owner shall immediately file a residential rental property registration application as required pursuant to § 36-4 of this chapter. The Code Enforcement Officer (or his/her authorized inspector) shall then make an inspection of the dwelling for which the certificate of occupancy application is made. Should an owner (and/or agent, employee, authorized representative, or operator) decline consent to inspection(s) believed to be necessary by the Code Enforcement Officer (or his/her authorized inspector) for proper enforcement of this provision, the Code Enforcement Officer (or his/her authorized inspector, as the case may be) shall be authorized to apply for a search warrant [pursuant to ~~§ 36-11(A)(2)~~ of this chapter and such other legal requirements as may apply] to permit such inspection(s). → 36-10-A(2)
- B. Fees; initial and renewals of certificates of occupancy. Issuance shall require fee payment specified in or determined in accordance with the provisions set forth as required by this chapter and shall be deposited with the Village of Brockport. Application fee(s) shall be determined by resolution adopted by the Board of Trustees and contained in the Village of Brockport Fee Schedule, which fee(s) shall be equivalent to those required for the initial issuance of certificates of occupancy. Payment of fee(s) shall be at the time of filing of a certificate of occupancy initial and renewal application as stated in the Schedule of Fees, and any assessed re-inspection fees shall thereafter be paid prior to issuance of initial and renewed certificate(s) of occupancy. Fee(s) shall be determined, assessed, administered and enforced by the Code Enforcement Officer of the Village of Brockport.
- C. Liability for damages. This section shall not be construed to hold the Village of Brockport responsible for any damages to persons or property by reason of inspections made pursuant to an application for a renewed certificate of occupancy, or the failure to make inspections pursuant to an application for a renewed certificate of occupancy, or the issuance of or the failure to issue a renewed certificate of occupancy.

§ 36-7. Conditional certificates of occupancy.

- A. The Code Enforcement Officer shall be permitted to issue a conditional certificate of occupancy allowing the temporary occupancy of a building or structure, or portion(s) thereof, prior to the completion of all the work which is the subject of a building permit. However, in no event shall the Code Enforcement Officer issue a conditional certificate of occupancy unless the Code Enforcement Officer determines:
 - (1) That the subject building or structure is in compliance with Chapter 58 of the Code, or otherwise that applications for any necessary approvals have been filed with the Village;
 - (2) That the subject building or structure, or designated portion(s) thereof, may be occupied safely;
 - (3) That any required fire, smoke-detection and/or fire-protection equipment has been installed and is operational;
 - (4) That any required means of ingress and egress from the subject building or structure have been provided.
- B. If a conditional certificate of occupancy is issued, it shall state the specific work remaining to be done in connection with the building permit issued for the subject building or structure in order to bring the subject building or structure into full compliance with all applicable provisions of the Uniform Code, Energy Code, and/or local law(s), as well as the date by which the indicated work is required to be completed, as determined by the Code Enforcement Officer, but which in no event shall exceed six months from the issuance date of the conditional certificate of occupancy.
- C. Liability for damages. This section shall not be construed to hold the Village of Brockport responsible for any damages to persons or property by reason of inspections made or the failure to make inspections pursuant to the issuance of a conditional certificate of occupancy, or the issuance of or the failure to issue a conditional certificate of occupancy.

§ 36-8. Certificate of occupancy/certificate of compliance issuance and filing.

- A. Assuming all required conditions are satisfied in connection with the building permit issued for the subject building or structure, and otherwise that there is no existing violation of any applicable laws, ordinances or rules, a certificate of occupancy or certificate of compliance shall be issued within 10 days after written application thereof, or in the alternative a conditional certificate of occupancy if authorized pursuant to § 36-7 of this chapter.
- B. A record of all certificates of occupancy, certificates of compliance, and conditional certificates of occupancy, and their status, shall be kept in the office of the Code Enforcement Officer, and copies shall be furnished upon request to any owner, co-owner, tenant or mortgagee of the subject building or structure upon filing of an approved request under FOIL with payment of the prescribed fee.
- C. Change of use or occupancy. No change of use or occupancy shall be made to a building or structure if it would result in any change in classification under the Uniform Code, this chapter, Chapter 58 of the Code, or any other applicable law, ordinance or rule, unless it is found by the Code Enforcement Officer to comply therewith, and the subject building or

structure shall not be occupied until a new certificate of occupancy, as applicable, is issued.

§ 36-9. Responsible parties.

A. The owner of a property is the party deemed responsible for compliance with the legal requirements of this chapter. Owners are persons with record title of property by conveyance deed, gift, devise, court order, or otherwise (including, but not limited to, by unrecorded instruments of conveyance or transfer, installment lease purchase option agreements, installment land contracts, and wrap-around contracts with deed transfer upon fulfillment of conditions stated), or any other person in actual possession of or otherwise having charge, care or control of the property including but not limited to as executor, administrator, trustee, guardian, heir or distributee, and/or their guests(s) or agent(s). A "person" is defined, for purposes of this section, to include living persons or entities with the jural identity of a person, i.e., corporations, partnerships, LLCs, etc.

§ 36-10. Inspections.

A. The Code Enforcement Officer (or his authorized inspector) shall be responsible to make or cause to be made property inspection(s) to determine the conditions of dwellings, buildings, multiple dwellings, dwelling units, rooming houses, boardinghouses, rooming units and premises in order to safeguard the safety, health and welfare of the public under the provisions of this code. For that purpose, the Code Enforcement Officer (or his authorized inspector) is authorized to enter any dwelling, building, dwelling unit, multiple dwelling, rooming house or premises at any reasonable time for the purpose of performing his duties under this chapter. The owner, operator or occupant of every dwelling, building, multiple dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the Code Enforcement Officer free access thereto and to all parts of the premises on which it is located at all reasonable times for the purpose of performing his duties under this chapter. Should an owner (and/or agent, employee, authorized representative, or operator) decline consent to inspection(s) believed to be necessary by the Code Enforcement Officer (or his authorized inspector) for proper enforcement of this provision, the Code Enforcement Officer (or his authorized inspector) shall be authorized to apply for a search warrant (pursuant to § 36-110(A)(2) of this chapter and such other legal requirements as may apply) to permit such inspection(s).

- (1) Access by owner or operator. Every occupant of a dwelling unit or rooming unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling unit, rooming unit or its premises at all reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.
- (2) Application for search warrant. If, in the opinion of the Code Enforcement Officer (or his authorized inspector), he has been unreasonably or unlawfully refused entry into the premises and/or property for purposes of conducting necessary property inspection(s), he shall apply forthwith for a search warrant, said application to be brought before a Town Justice of the Town of Sweden Justice Court or any other court of competent jurisdiction. Upon issuance of any such search warrant by the Town of Sweden Justice Court and/or other court of competent jurisdiction, the Code

How does this compare to Rochester code?

This was the subject of law suit settled

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in October 2013; Cappon v. Carballada

(the city won)

City warrant law for inspections very much like ours

Enforcement Officer (or his authorized inspector) shall conduct the inspection pursuant to the provisions of Criminal Procedure Law §§690 et seq.

- (3) Coordination of enforcement. Property inspections and the issuing of orders in connection therewith pursuant to the provisions of this chapter shall be the exclusive responsibility of the Code Enforcement Officer. Wherever, in the opinion of the Code Enforcement Officer, it is necessary or desirable to have inspections of any condition by any other department of the Village, the Code Enforcement Officer shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be unnecessarily subjected to multiple inspections or conflicting orders. No order shall be issued by the Code Enforcement Officer for the correction of any violation under this chapter before first determining the concurrence of any other involved department of the Village.

- B. Administrative liability. Except as may otherwise be provided by statute, local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of the Housing and Buildings Code shall render himself personally liable for any resulting damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. No person who institutes or assists in the prosecution of a criminal proceeding under this chapter shall be liable for any resulting damage unless he/she acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any Mayor, Trustee(s) of the Village of Brockport, officer, agent or employee of the municipality as a result of any act required or permitted in the discharge of his/her duties under this chapter shall be defended by the legal representative of the municipality at no cost to the Mayor, Trustee(s) of the Village of Brockport, officer, agent or employee of the municipality, until the final determination of the proceedings therein.

§ 36-11. Construction inspections.

- A. Work where a building permit has been issued shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer (or his authorized inspector). The permit holder shall notify the Code Enforcement Officer (or his authorized inspector) when any element of work described in Subsection B of this section is completed and ready for inspection. Should an owner (and/or agent, employee, authorized representative, or operator) decline consent to inspection(s) believed to be necessary by the Code Enforcement Officer (or his authorized inspector) for proper enforcement of this provision, the Code Enforcement Officer (or his authorized inspector as the case may be) shall be authorized to apply for an administrative search warrant [pursuant to § 36-10(A)(2) of this chapter and such other legal requirements as may apply] to permit such inspection(s).
- B. Elements of work to be inspected. In connection with the issuance of a building permit, the following elements of work shall be subject to inspection by the Code Enforcement Officer (or his authorized inspector), without limitation, and as deemed necessary by the Code Enforcement Officer:
 - (1) Pre-construction worksite.
 - (2) Footing and foundation.

- (3) Sanitary/storm laterals and water services.
 - (4) Structural framing assemblies.
 - (5) Building systems, including underground and rough-in.
 - (6) Fire-resistant construction.
 - (7) Fire-resistant penetrations.
 - (8) Electrical rough-in.
 - (9) Fire-suppression and fire alarm systems installations and tests.
 - (10) Solid-fuel-burning heating appliances, gas appliances, chimneys, flues or gas vents.
 - (11) Energy Code compliance.
 - (12) Final inspection after all work authorized by the building permit has been completed.
- C. Construction inspection results. Upon inspection, the holder of the building permit, or an authorized agent, shall be notified of the work or portion of work which has been satisfactorily completed, or otherwise notified regarding any non-compliant work under the Uniform Code, Energy Code or local law(s). Any designated non-compliant work shall remain fully exposed and accessible until such time as found to be satisfactorily completed by the Code Enforcement Officer (or his authorized inspector), after re-inspection.
- D. Liability for damages. This section shall not be construed to hold the Village of Brockport responsible for any damages to persons or property by reason of construction inspections made pursuant to an application for a building permit, certificate of occupancy or certificate of compliance or the failure to make construction inspections pursuant to an application for a building permit, certificate of occupancy, certificate of compliance or the issuance of or the failure to issue a building permit, certificate of occupancy, or certificate of compliance as a result of making construction inspections.

§ 36-12. Fire safety and property maintenance inspections.

- A. Inspections required. The Code Enforcement Officer (or his authorized inspector) shall perform firesafety and property maintenance inspections of buildings and structures at the following intervals:
- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly that contains one or more areas of public assembly with an occupant load of 100 persons or more, shall be performed at least once annually as provided by § 36-3 of this chapter.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as health-care, private schools and day cares, shall be performed at least once annually.
 - (3) Fire safety and property maintenance inspections of all residential rental one- and two-family dwellings, multiple dwellings, boardinghouses, furnished-room houses, rooming houses, tourist homes, apartment houses, group homes or any other type of

residential rental property, shall be performed at least once annually.

- (4) Fire safety and property maintenance inspections of all non-residential buildings and structures not included in subsections (A)(1) and (A)(2) above, shall be performed at least once every three years.
- B. Inspections permitted. In addition to the inspections required by this section, fire safety and property maintenance inspections of any building or structure may also be performed by the Code Enforcement Officer (or his authorized inspector) at any time upon:
- (1) The request and/or consent of the owner of the building or structure to be inspected or an authorized agent of such owner;
 - (2) Receipt by the Code Enforcement Officer of a complaint statement alleging the existence of conditions or activities with respect to a building or structure which fail to comply with the Uniform Code, Energy Code or local laws; or
 - (3) Receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, which gives rise to a cause to believe that there exist conditions or activities with respect to a building or structure which fail to comply with the Uniform Code, Energy Code or local laws; provided, however, that nothing in this subsection 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. Should an owner (and/or agent, employee, authorized representative, or operator) decline consent to inspection(s) believed to be necessary by the Code Enforcement Officer (or his authorized inspector) for proper enforcement of this provision, the Code Enforcement Officer (or his authorized inspector, as the case may be) shall be authorized to apply for a search warrant [pursuant to § 36-10(A)(2) of this chapter and such other legal requirements as may apply] to permit such inspection(s).
- C. Liability for damages. This section shall not be construed to hold the Village of Brockport responsible for any damages to persons or property by reason of fire safety and property maintenance inspections or the failure to make or to cause to made any such fire safety and property maintenance inspections.

§ 36-13. Complaints.

- A. The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, Energy Code, local law(s), or any other rule, regulation or ordinance. The process for responding to a complaint shall include the following steps as the Code Enforcement Officer, at his discretion, may deem to be appropriate:
- (1) Performing an inspection of the conditions and/or activities alleged to be in violation and documenting the results of such inspection. Should an owner (and/or agent, employee, authorized representative, or operator) decline consent to inspection(s) believed to be necessary by the Code Enforcement Officer (or his authorized inspector) for proper enforcement of this provision, the Code Enforcement Officer (or

his authorized inspector, as the case may be) shall be authorized to apply for a search warrant [pursuant to § 36-11(A)(2) of this chapter and such other legal requirements as may apply] to permit such inspection(s).

- (2) If a violation is found to exist, providing the owner of the affected property, and any other person(s) who may be responsible for the violation, with notice of the violation and an opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described by this chapter.
- (3) If appropriate, issuing a stop-work order, pursuant to § 36-14 of this chapter, and/or issuing a red tag/placard, pursuant to § 36-15 of this chapter.
- (4) If a violation which was found to exist is subsequently indicated to have been abated or corrected, performing a confirmatory inspection to ensure the remediation of the violation and, if remediation is confirmed, preparing and filing a final written report reflecting the remediation of the violation.

§ 36-14. Stop-work orders.

- A. Authority to issue. The Code Enforcement Officer (or his authorized inspector) is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer (or his authorized inspector) shall issue a stop-work order to halt:
 - (1) Any work that is determined by the Code Enforcement Officer (or his authorized inspector) to be contrary to any applicable provision of the Uniform Code, Energy Code or local laws, without regard to whether or not any building permit or approval was issued, or required to be issued, for the work to be completed;
 - (2) Any work that is determined by the Code Enforcement Officer (or his authorized inspector) to be conducted in a dangerous or unsafe manner, without regard to whether or not any building permit or approval was issued, or required to be issued, for the work to be completed; or
 - (3) Any work that is being performed without a building permit or approval, if a building permit or approval is required, or any work that is being performed under a building permit or approval which has become invalid, has expired, or has been suspended or revoked.
- B. Content of stop-work orders. Stop-work orders shall:
 - (1) Be in writing;
 - (2) Be dated and signed by the Code Enforcement Officer (or his authorized inspector);
 - (3) State the reason(s) for issuance; and
 - (4) If applicable, state the condition(s) which must be satisfied before work will be permitted to resume.
- C. Service of stop-work orders. The Code Enforcement Officer (or his authorized inspector) shall cause a copy of the stop-work order to be served on the owner of the affected property and, if different, also to be served on the holder of the building permit or approval, which is

to be served personally or by registered mail/certified mail. The Code Enforcement Officer (or his authorized inspector) shall be permitted, but not required, to cause a copy of the stop-work order to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in the work affected by the stop-work order, which may be served in any manner. Provided, however, that the failure to effect any service the stop-work order shall in no event affect the validity thereof. In all cases, the Code Enforcement Officer (or his authorized inspector) shall also cause a copy of the stop-work order to be affixed to the noncompliant building or other structure, equipment or land.

- D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder, if different, and any other person performing, taking part in or assisting in the work being performed, 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 the events described in subsection (A) of this section, and in no event shall limit the ability and authority of the Code Enforcement Officer (or his authorized inspector) to pursue any other remedy or penalty pursuant to this chapter or under any other applicable state or local law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 36-15. Structures unfit for human habitation (red tag/placard).

A. Whenever the Code Enforcement Officer (or his authorized inspector) finds that any building, dwelling, multiple dwelling, dwelling unit, or any other structure or premises is potentially unsafe and/or constitutes a potential hazard to the safety, health or welfare of the occupants or to the public because it is significantly in disrepair, damaged, or unsanitary, or because it lacks necessary sanitary facilities or equipment, or otherwise because it fails to comply with the minimum provisions of this chapter, the Uniform Code, or any other applicable state or local law, but has not yet reached such state of disrepair as to be condemned as an unsafe building pursuant to the provisions of Article II of this chapter, the Code Enforcement Officer (or his authorized inspector) may declare such building, dwelling, multiple dwelling, dwelling unit, structure or premises as unfit for human habitation and thus order it to be vacated by all occupants thereof pending the completion of appropriate remediation.

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B. Any building, dwelling, multiple dwelling, dwelling unit, or other structure or premises which is declared as unfit for human habitation shall be posted with a red tag/placard by the Code Enforcement Officer (or his authorized inspector). The red tag/placard shall include the following:

- (1) The name of the Village.
- (2) The name of the Code Enforcement Officer (or his authorized inspector) issuing the red tag/placard.
- (3) The section of this chapter under which the red tag/placard is issued.
- (4) If not directed by the Code Enforcement Officer (or his authorized inspector) to be vacated immediately, the date by which the dwelling, building, multiple dwelling or

structure, or premises must be vacated.

- (5) Unless all entry is forbidden by the Code Enforcement Officer (or his authorized inspector) an order that the building, dwelling, multiple dwelling, dwelling unit, or other structure or premises must not be occupied until the red tag/placard is removed from the subject property by the Code Enforcement Officer (or his authorized inspector).

~~Unless all entry is forbidden by the Code Enforcement Officer (or his authorized inspector). An order that the building, dwelling, multiple dwelling, dwelling unit, or other structure or premises must not be occupied remain vacant until the red tag/placard is removed from the subject property by the Code Enforcement Officer (or his authorized inspector).~~

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- (6) The date that the red tag/placard is posted.

- (7) A statement that it constitutes a violation of law under this chapter for any such red tag/placard to be defaced or removed.

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~~except by authority of the Code Enforcement Officer (or his authorized inspector).~~

- C. Notice to owner. Whenever the Code Enforcement Officer (or his authorized inspector) has declared a building, dwelling, multiple dwelling, dwelling unit, or other structure or premises as unfit for human habitation, the Code Enforcement Officer shall provide separate notice of such declaration to the owner thereof. Such notice shall:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement of the reason or reasons why it is being issued.
- (4) State the required remedies to correct the deficient property conditions.
- (5) If not already vacant, state that all occupants in the property must vacate immediately, or by the date as otherwise directed, pending the completion of appropriate remediation.

- D. Service of notice to owner. Notice of the declaration of any structure as unfit for human habitation, shall be served upon the property owner in the same manner as provided in § 36-27(D) of this chapter. When the existing property conditions require the removal or demolition of the building, the Code Enforcement Officer (or his authorized inspector) shall have authority for emergency measures as provided in Article II of this chapter pertaining to unsafe buildings.

- E. Removal of red tag/placard. No person shall deface or remove any such red tag/placard from any building, dwelling, multiple dwelling, dwelling unit, or other structure or premises which has been declared as unfit for human habitation.

~~except by authority from the Code Enforcement Officer (or his authorized inspector).~~

- F. Vacating of structure declared as unfit for human habitation. Any building, dwelling, multiple dwelling, dwelling unit, or other structure or premises which has been declared as

unfit for human habitation by the Code Enforcement Officer (or his authorized inspector) shall be vacated immediately, or alternatively by such other date as directed by the Code Enforcement Officer (or his authorized inspector). If not required to be vacated immediately, it shall be unlawful for any person to occupy, and/or for any owner or operator to permit to be occupied, any building, dwelling, multiple dwelling, dwelling unit, or other structure or premises which has been declared as unfit for human habitation, after the vacate date set forth in the red tag/placard.

~~G. The Voiding of a existing Certificate of Occupancy / Certificate of Compliance shall occur whenever such conditions have resulted in the declaring the premises or structure as unfit for human habitation.~~

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G.H. Occupancy of building. No building, dwelling, multiple dwelling, dwelling unit, or other structure or premises which has been declared as unfit for human habitation shall again be used for human habitation until approval is secured from the Code Enforcement Officer (or his authorized inspector). The Code Enforcement Officer (or his authorized inspector) shall remove such red tag/placard only when the indicated defect(s) have been eliminated, or as otherwise may be required by any judicial proceedings.

ARTICLE II

Unsafe Buildings

§ 36-16. Unsafe buildings.

- A. The purpose of this article is to promote, protect and preserve the safety, health, welfare and property of residents and owners of property within the Village of Brockport, by providing an ordinance for the removal or repair of unsafe buildings therein that, from any cause, may now be or shall hereafter become dangerous, unsafe or a public nuisance or fire hazard.
- B. Unsafe buildings; repair or demolition and removal. The owner of any building or structure, with owner as defined in § 36-9 of this chapter, shall at all times maintain and keep the same in good repair, and in a healthy, safe, secure and usable condition. If a building or structure, or any portion thereof, is in such state of disrepair as to constitute an unsafe building, as defined in subsection (C) below, it shall be placed into good repair and made safe, healthy, secure and usable by the owner thereof, or otherwise be demolished and removed.
- C. Unsafe buildings; definition. An unsafe building is any structure or edifice or portion thereof where:
 - (1) The walls are in poor structural condition, the floors are overloaded or there are other major structural defects, including significant exterior deterioration; or
 - (2) There is a lack of safeguards against fire or the structure is so poorly maintained as to constitute a fire hazard; or
 - (3) It is open and/or unsecured at the doorways, windows or walls, making

- unauthorized access and entry to be readily available; or
- (4) It is or may become a place of rodent infestation; or
 - (5) There is debris, rubble or parts of buildings or structures left after demolition, reconstruction, fire or other casualty or occurrence; or
 - (6) There are substantial and significant violations of the Uniform Code or any other state or local code, which violations constitute an endangerment to the health, safety and general welfare of the public; or
 - (7) There presents any other danger to the health, safety and general welfare of the public.

§ 36-17. Investigation and report.

When, in the opinion of the Code Enforcement Officer, any building or structure is determined to be dangerous or unsafe to the health, safety and general welfare of the public as an unsafe building, pursuant to this article, the Code Enforcement Officer shall make a formal inspection thereof and report his findings and recommendations in writing to the Village Board with regard to the repair or demolition and removal of said building or structure.

§ 36-18. Order to repair or demolish and remove; hearing to be scheduled.

The Village Board shall thereupon consider said written report from the Code Enforcement Officer, and if it finds that said building or structure is dangerous and unsafe to the public, it shall, by resolution, order the repair of said building or structure if it can be safely repaired, and if not, then its demolition and removal, and shall further order that a hearing be held before the Village Board at a time and place therein specified and on at least 10 days' notice to the owner of said building or structure and owner of the land upon which said building or structure is situated, with owner as defined in § 36-9 of this chapter, as well any tenant or occupant of said building or structure or of the land upon which it is situated, or any other identified persons having an interest therein, to determine whether said order to repair or remove shall be affirmed or modified or vacated, and in the event of affirmance or modification, to assess all costs and expenses incurred by the Village of Brockport in connection with the repair or removal of such building or structure, pursuant to § 36-23 below, against the land upon which it is situated.,

§ 36-19. Contents of notice to repair or demolish; alternatively repair or demolition by the Village.

A. Contents of notice to repair or demolish to include as follows:

- (1) The name of the owner of the building or structure, and if different the name of the owner of the land upon which said building or structure is situated, as appears from the tax and/or deed records; and
- (2) A brief description of the subject premises and its location; and

(3) A description of the building or structure, and a statement identifying the particulars in which it is an unsafe building; and

(4) An order requiring the building or structure to be made safe and secure or otherwise to demolished and removed; and

(5) The time and place of the hearing to be held before the Village Board, at which hearing the owner, occupant or other interested person shall have the right to contest the order and findings of the Village Board.

- B. The securing or removal of said unsafe building or structure should commence within a specified number of days of the service of the notice to repair or demolish and shall be completed within a specified number of days thereafter.
- C. In the event that the owner, occupant or other interested person fails to contest such order and fails to comply with the same, the Village Board will order the repair or the demolition and removal of such unsafe building or structure by the Village, and the Village will assess all costs and expenses incurred in such repair or demolition and removal against the land upon which such building or structure is located.
- D. In any case where an unsafe building under this article is made safe and secure by the boarding up thereof, the material used shall be approved in advance, and further shall be painted, as near as practicable, the same color as the building.

§ 36-20. Service and filing of notice to repair or demolish.

- A. A copy of said notice to repair or demolish shall be personally served upon the owner, as defined in § 36-9 of this chapter, or some one of the owner's executors, legal representatives, agents, lessees or other person or entity having a vested or contingent interest in the premises as shown from the tax and/or deed records or from the records of the Monroe County Clerk's Office.
- B. If no such person can be reasonably found for personal service, then a copy of said notice to repair or demolish shall be mailed to such person by registered mail addressed to his/her last known address and by personally serving a copy of said notice to repair or demolish upon any person occupying said premises, if any, and by also securely and visibly posting a copy of said notice to repair or demolish upon said building.
- C. A copy of said notice to repair or demolish shall be filed in the Monroe County Clerk's Office, which shall be filed in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules (CPLR) and shall have the same effect as a notice of pendency as therein provided. A notice to repair or demolish which is so filed shall be effective for a period of one year from the date of filing, subject to being vacated upon order of a judge or justice of a court of record, or upon the written consent of the Village Attorney of the Village of Brockport. Upon the presentation and filing of a

certified copy of such order or such consent, the Monroe County Clerk's Office shall mark such notice to repair or demolish and any record or docket thereof as cancelled of record.

§ 36-21. Hearing.

A. The Village Board shall conduct the public hearing at the time and place specified in the notice to repair or demolish. It may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Village Board shall determine by resolution to revoke the order to repair or remove, modify said order to repair or remove, or continue and affirm said order to repair or remove, and in the event of modification or affirmance, direct the owner or other interested person(s) to complete the necessary work within the time specified in the order to repair or remove or such other time as shall be determined by the Village Board.

§ 36-22. Failure to comply.

In the event of the refusal, failure or neglect of the owner or other interested person(s) so notified to comply with said order to repair or remove within the specified time, and after the public hearing, the Village Board shall order that such building be made safe and secure or demolished and removed, either by employees of the Village or by independent contractors. The Village reserves the right to proceed with competitive bidding for an award of a contract for repair or demolition after its determination of the potential cost and taking into consideration whether emergency action is required.

§ 36-23. Assessment of costs and expenses.

All costs and expenses incurred by the Village in connection with the proceedings set forth in this article, including the actual costs for making safe and securing or demolishing and removing the unsafe building, and also including any attorney fees incurred for the enforcement of this article, shall be assessed against the land on which the unsafe building was or is located, and shall be included in the tax levy and collected against said parcel of land, or alternatively may be collected in the same manner as provided in General Municipal Law § 78-b.

§ 36-24. Emergency situations.

Where it reasonably appears that there is a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building is immediately repaired and secured or demolished and removed, the Village Board may by resolution authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building, and with the assessment of all attendant costs and expenses pursuant to § 36-23 of this chapter.

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§ 36-25. Application for court order.

The Village Board, in its discretion, may elect to apply to the Supreme Court of the State of New York for an order directing that an unsafe building be repaired and secured or demolished and removed.

ARTICLE III

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Administration

§ 36-26. Enforcement.

Except as otherwise authorized, the Code Enforcement Officer of the Village of Brockport, and his authorized inspector(s), -is/are the official(s) charged with enforcing the provisions of this chapter by notice, ticketing, etc., or by such other enforcement procedures, means and methods as set forth in the chapter or otherwise permitted by law.

§ 36-27. Notice of violation; compliance orders; appearance tickets; penalties for offenses.

~~A. A. Notice of violation. When the Village of Brockport determines any that activity is not being carried out in accordance with the requirements of the Uniform Code, Energy Code, or this chapter, or any other chapter of this Code, the Code Enforcement Officer (or his authorized inspector) shall be authorized to issue a written notice of violation(s) to the owner, as defined in § 36-9 of this chapter or to any combination of property managers or agents, builder, architect, tenant(s), contractor, subcontractor, construction superintendent, or their agents, or any other person taking part on or about a building structure, premises or property, and/or the owner's agent and/or any occupant(s) of the subject property.~~

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~~B. Informal compliance orders. The Code Enforcement Officer (or authorized inspector) are authorized to order, either in writing or by any other means, the remedying of any condition or activity found to exist in, on or about any building, structure, premises or property in violation(s) of the Uniform Code, the Energy Code, or this chapter or local law(s). Upon finding that any such condition or activity exists, the Code Enforcement Officer can issue an informal order either in writing or verbally.~~

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~~B. Informal compliance orders. The Code Enforcement Officer (or his authorized inspector) 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(s) of the Uniform Code, the Energy Code, or this chapter or local law(s). Upon finding that any such condition or~~

~~activity exists, the Code Enforcement Officer can issue an informal (voluntary compliance) order either in writing or verbally.~~

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~~B.C. Compliance order/order to remedy. The Code Enforcement Officer (or his authorized inspector) is further authorized to order, in writing, the remedying of any condition or activity found to exist to exist in, on or about any building, structure, or premises in violation of the Uniform Code, Energy Code, or or this chapter chapter or local law(s). Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order/order to remedy. The compliance order/order to remedy shall:~~

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- ~~(1) Be in writing.~~
- ~~(2) Be dated and signed by the Code Enforcement Officer (or his authorized inspector).~~
- ~~(3) Specify the condition or activity that violates the Uniform Code, the Energy Code, or or this chapter or local law(s).~~
- ~~(4) Specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter or local law(s) which is/are violated by the specified condition or activity.~~
- ~~(5) Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance.~~
- ~~(6) Direct that compliance be achieved within the specified period of time and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.~~

~~D. The Code Enforcement Officer (or his authorized inspector) shall cause the compliance order/order to remedy to be mailed to the property owner identified in filings with and records of the Village of Brockport (or as indicated in the real property records of the Monroe County Clerk) and/or to the property owner as defined in § 36-9 of this chapter pursuant to this chapter, by registered and/or certified mail, and/or a copy thereof may be personally served on the owner of the affected property, personally, as indicated below. The Code Enforcement Officer shall be permitted, but not required, to cause a copy of the compliance order/order to remedy, or a copy thereof, to be mailed served on any property manager or agent, builder, architect, tenant(s), contractor, subcontractor, construction superintendent, or their agents, or any other person taking part on or about a building, structure, premises or property or assisting in work or use being performed or occurring at the affected property, and/or involved in the its use of the affected property; also personally or by registered and/or certified mail, and/or by personal service thereof; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.~~

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~~E. Appearance tickets. The Code Enforcement Officer (or his authorized inspector), under the provisions of the Codes Office, is authorized to issue appearance tickets for any violation(s) of the Uniform Code, Energy Code, or or this chapter. The Code Enforcement Officer (or authorized inspector) can issue appearance tickets foregoing 36-27 B & C pursuant to Chapter 59, Section 59.1.~~

~~or local law(s). The Code Enforcement Officer (or his authorized inspector) can issue appearance tickets foregoing § 36-18B and C, as per the authorization of Chapter 59, § 59-4.~~

F. Fines: Civil penalties. Upon conviction for a violation of the Uniform Code, Energy Code, or this chapter, any such person, partnership, entity or corporation shall be punished by a fine of not more than \$350 for each offense. Each week that any such violation continues to occur shall constitute a separate and distinct offense. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or ~~this chapter, a local law,~~ or any term or condition of any building permit, certificate of occupancy/certificate of compliance, conditional certificate of occupancy, ~~conditional certificate of occupancy,~~ residential rental registration, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, ~~any other chapter of this Code, or local law(s)~~ shall in addition be subject to liability ~~be~~ to a civil penalty of not more than \$350 for each ~~weekday~~ or part thereof during which such violation continues. ~~Each day on which any violation of any of the provisions of this chapter occurs shall constitute one offense, and each successive day of violation shall constitute a separate and distinct offense. Upon conviction of any such violation, such person, partnership, or entity and corporation shall be punished by a fine of not more than \$350 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or entity or and corporation convicted of violating any of the provisions of this chapter, and/or local law(s) shall be required to bear the expense of such compliance. Any person who violates the provisions of this chapter and or local law(s) shall be subject to a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or local law(s) shall be deemed misdemeanors; and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village of Brockport.~~

Comment [XC1]: Is the intent for a fine to be \$350/week in all cases, or is the fine schedule to be as set out in bold below, which becomes more punitive as additional offenses occur? Is this fine structure supposed to replace the maximum fine set forth in Executive Law 382(2), which is up to \$1,000/per day?

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G. Injunctive relief. An action or proceeding may be instituted in the name of the Village of Brockport, 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, Energy Code, or this chapter ~~or any other chapter of this Code, or local law(s),~~ or any term or condition of any building permit, certificate of occupancy/certificate of compliance, conditional certificate of occupancy/certificate of compliance, stop-work order, operating permit, residential rental registration, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by

way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, Energy Code, ~~or this chapter, or any other chapter of this Code, or local law(s)~~, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code, ~~or this chapter or local law(s)~~, an action or proceeding may be commenced in the name of the Village of Brockport, 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 subsection shall be commenced without the appropriate authorization from the Board of Trustees of the Village of Brockport.

H. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedies 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 ~~§ 36-15 14 (Stop-work orders) or 36-16 15 (Structures unfit for human habitation)~~ of this chapter or any other chapter of this Code, or local law, in any other section of the local law(s), or in any other state or local law, as applicable. 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 ~~§ 36-15 14 (Stop-work orders) or § 36-16 15 (Structures unfit for human habitation)~~ of this chapter, or local law, in any other section of local law(s), 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 § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

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§ 36-28. Notification regarding fire or explosion.

The Fire Chief and/or his designee of the ~~Village of Brockport Fire Department~~, providing fire-fighting services for property within the Village of Brockport, shall promptly notify the Code Enforcement Officer (or his authorized inspector) of any fire or explosion involving any structural damage or fires involving any fuel-burning appliance, chimney or gas vent and/or with any issues involving the structural integrity of a building of any kind. In addition, any issues with a fire or gas detection alarm system or device or with any fire suppression system that has become inoperative or has been taken out of service must be brought to the Code Enforcement Officer's attention.

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§ 36-29. Recordkeeping.

The ~~Code Enforcement Officer~~ Village of Brockport shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:

- A. All applications received, reviewed and approved or denied.
- B. All plans, specifications and construction documents approved.
- C. All building permits, certificates of occupancy/certificates of compliance, conditional certificates of occupancy/certificates of compliance, stop-work orders, and operating permits issued.
- D. All inspections and tests performed.
- E. All statements and reports issued.
- F. All complaints received.
- G. All investigations conducted.
- H. All other features and activities specified in or contemplated by §§ 36-2 through 36-8, and 36-~~12~~ 10 through 36-16, inclusive, of this chapter; and all such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

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§ 36-30. Program review and reporting.

- A. The Code Enforcement Officer shall annually submit to the Board of Trustees of the Village of Brockport a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 36-~~23~~ 29 (Recordkeeping) of this chapter.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Village of Brockport, on a form prescribed by the Secretary of State, a report of the activities of the Village of Brockport relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village of Brockport is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Village of Brockport in connection with administration and enforcement of the Uniform Code.

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§ 36-31. Intermunicipal agreements.

The Board of Trustees of this Village of Brockport may, by resolution, authorize the codes official of any municipality within New York State enter into an agreement, in the name of the Village of Brockport, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of NYCRR, or any other applicable law(s).

§ 36-32. Validity.

- A. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code, which shall continue in full force and effect; and to this end, the provisions of this code are hereby declared to be severable.
- B. Saving clause. This code shall not affect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.
- C. Unconstitutionality or invalidity in part. Should any section, paragraph, sentence, clause or phrase in this code be declared unconstitutional or invalid for any reason, the remainder of the code shall not be affected thereby and shall remain in full force and effect; and to this end, the provisions of this code are declared to be severable.

§ 36-33. When effective.

This chapter shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.²

². Editor's Note: This local law was filed with the Secretary of State on 10-27-2008.