

# Minutes

**To:** Code Review Committee Members  
Village Clerk

**Date:** 28 October, 2013

**Re:** **meeting of 09/23/13**

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Village hall, 6 pm

Members present: Appleby, Donovan, Fox, Kristansen, CEO Zarnstorff, Trustee Hannan

Guests: Village Attorney David F. Mayer

Minutes of 03/25/13 tabled once again. Will bring copies for next meeting.

Minutes of 08/26/13 reviewed. Member Donovan moved, member Fox seconded, all in favor to approve.

CEO Zarnstorff mentioned an article in the Daily Record about safety inspections for CofOs on rentals being challenged further at the State Court of Appeals. Attorney Mayer stated that the challenge will likely fail, so we should proceed as we are. CEO ZARNSTORFF said that, if we do go to one year inspections, he would like to propose procedures that phase them in over a three year period. Also, the Trustees are once again considering hiring additional help for the building inspectors' office. Trustee Hannan stated that the switch to annual inspections is necessary and should be completed as soon as possible.

Discussion re: Chapter 36 Article III, section 36-27. What was paragraph B, concerning informal compliance orders has been deleted by Attorney Mayer, but CEO Zarnstorff requests that it be reinstated because he uses them frequently. In 36-27-F, Attorney Mayer has standardized the fine at \$350 per week that a violation continues, rather than \$350 per day. He has also removed the parts about additional fines and imprisonment.

In section 36-1-K (1) – (3) 'State Fire Administrator' should be changed to 'Secretary of State.'

In section 36-4-F, CEO Zarnstorff proposes changing 'renewals' to 'and subsequent annual applications...'

In section 36-4-G, change wording to "At such time as the rental registration application is filed and the Code Enforcement Officer verifies the information contained therein, *if* the Code Enforcement Officer finds a discrepancy in the classification *or occupancy* of the property...":

Chair Appleby had to join the Trustees at their workshop at 7:15 to discuss chapter 34. Minutes completed by Scott Zarnstorff.

In section 36-5-B, Village Attorney Mayer says we need to add that a CofO expires on transfer of title. After discussion it was decided to remove the section.

Discussion re: annual inspections of residential rentals. General consensus of committee members is that the village is likely to be challenged in court. It was suggested that one alternative would be to do inspections upon tenant turn-over. This would work only if land lords reported tenant turn-overs. It was felt that we should inspect at least the high risk student apartments yearly, and CEO Zarnstorff is in favor of doing this in the fall because that is a good opportunity for him to get a head count, and a good opportunity to educate students about keeping the smoke alarms armed and not to use space heaters, etc.

Village Attorney Mayer mentioned that the City of Rochester rental inspections are done on a staged approach according to level of risk. One and two families are done once every five years. And triples and multiple apartment buildings are done every three years (aa). Village Attorney Mayer will provide, for our information, the frequencies of City of Rochester rental inspections and CofO renewals. It was generally agreed that the village stands less of a chance of being sued if we have a code that is similar the Rochester's.

Meeting adjourned 7:30 pm.

Next meeting 28 October

Minutes submitted by Art Appleby