Chapter 52

CONSTRUCTION CODES, UNIFORM

[HISTORY: Adopted by the Town Board of the Town of Canadice 12-11-2006 by L.L. No. 1-2006. Amendments noted where applicable.]

GENERAL REFERENCES

Code Enforcement Officer — See Ch. 16, Art. I.
Building permits — See Ch. 55.
Unsafe buildings — See Ch. 58.
Land use — See Ch. 77.

§ 52-1. Title.

This chapter of the Town Code shall be known as "Chapter 52" and shall be entitled "Construction Codes, Uniform." It may also be known as the "Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code and the Canadice Town Code."

§ 52-2. Administrative terms defined.

Definitions of administrative terms are hereby created to read as follows:

CODE ENFORCEMENT OFFICER — The official appointed by the Town Board pursuant to § 52-4 of the Canadice Town Code.

CODE ENFORCEMENT PERSONNEL — The official(s) appointed by the Town Board pursuant to § 52-4 of the Canadice Town Code and shall include the Code Enforcement Officer and all Assistant Code Enforcement Officers.

ENERGY CODE — The New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

§ 52-3. Definitions.

The following terms used in Chapter 52 are hereby defined as follows:

BUILDING PERMIT — A permit issued pursuant to the provisions of Chapter 52, § 52-5 of the Town Code. The term "building permit" shall also include a building permit, which is renewed, amended or extended pursuant to any provisions of Chapter 52 of the Town Code.

CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE — A certificate issued pursuant to Chapter 52, § 52-8, of the Town Code.

COMPLIANCE ORDER — An order issued by the Code Enforcement Officer or personnel pursuant to Chapter 52, § 52-16, of the Town Code.

OPERATING PERMIT — A permit issued pursuant to Chapter 52, § 52-11, of the Town

Code. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of the Town Code.

PERMIT HOLDER — The person or his or her designated agent to whom a building permit has been issued.

PERSON — An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER — An order issued pursuant to Chapter 52, § 52-7, of the Town Code.

TEMPORARY CERTIFICATE — A certificate issued pursuant to Chapter 52, § 52-8, of the Town Code.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 52-4. Code Enforcement Officer; assistants.

A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer (CEO) shall administer and enforce all provisions of the State Uniform Code, the State Energy Code and this local law. The CEO shall have the following powers and duties:

(1) To receive, review and approve or disapprove applications for building permits, certificates of compliance, certificates of occupancy, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications; and

(2) Upon approval of such applications, to issue building permits, Certificates of Compliance, Certificates of Occupancy, temporary certificates and operating permits, and to include in building permits, Certificates of Occupancy, Certificates of Compliance, temporary certificates and operating permits such terms and conditions as the CEO may determine to be appropriate; and

(3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy or certificates of compliance, temporary certificates and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) To issue stop-work orders;

(5) To review and investigate complaints;

(6) To issue orders pursuant to § 52-13A, Compliance orders, of this chapter;

(7) To maintain records;

(8) To insure fees are collected as set by the Town Board;

(9) To pursue administrative enforcement actions and proceedings;

(10) In consultation with the Town Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and the codes of the Town of Canadice, or to abate or correct conditions not in compliance with these Codes and this chapter;

(11) To exercise all other powers and fulfill all other duties conferred upon the CEO by this chapter;

(12) To issue appearance tickets.

B. The CEO shall be appointed by the Town Board. The CEO shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced training and continued education and training to maintain certification as the State of New York shall require for code enforcement personnel, and the CEO shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the CEO is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting CEO shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the CEO by this chapter.

D. One or more Assistant Code Enforcement Officers may be appointed by the Town Board to act under the supervision and direction of the CEO and to assist the CEO in the exercise of the powers and fulfillment of the duties conferred upon the CEO by this chapter. Each Assistant CEO 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 Assistant CEO shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

E. The compensation for the CEO and Assistant CEOs shall be fixed from time to time by the Town Board.

§ 52-5. 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 which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the CEO.

B. Exemptions. No building permit shall be required for work in any of the following categories:

(1) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(2) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools do not require the use of electricity for filtration purposes and are designed for a water depth of less than 24 inches and are installed entirely above ground;

(3) Construction of landscaping retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(4) Construction of temporary motion-picture, television and theater stage sets and scenery;

(5) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(6) Installation of partitions or movable cases less than five feet nine inches in height;

(7) Painting, wallpapering, tiling, carpeting, or other similar finish work;

(8) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(9) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(10) Repairs, provided that such repairs do not involve:

(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 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.

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 CEO. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the CEO deems sufficient to permit a determination by the CEO that the intended work

complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) A description of the proposed work;

(2) Proof of ownership of the premises where the work is to be performed;

(3) The Tax Map number and the street address of the premises where the work is to be performed;

(4) The occupancy classification of any affected building or structure;

(5) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(6) At least two sets of construction documents (drawings and/or specifications) which:

(a) Define the scope of the proposed work;

(b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(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 and the Energy Code; and

(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 on-site wastewater treatment system, the location of the intended work and the distances between the buildings and structures and the lot lines; and

(f) Provide proof of compliance with New York State Workers Compensation Law.

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 Subsection D(6) above in this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the CEO in writing or by stamp. One set of the accepted construction documents shall be retained by the CEO, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the CEO and CEO assistants. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not begin until and unless a building permit is issued.

F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements

of the Uniform Code, the Energy Code and the Town Code. The CEO shall issue a building permit only if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and the Town Code.

G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the CEO of any change occurring during the course of the work. The building permit shall contain such a directive. If the CEO determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

I. Time limits. Building permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be replaced upon application by the permit holder, payment of the applicable fee, and approval of the new application by the CEO.

J. Revocation or suspension of building permits. If the CEO 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 violated the Uniform Code, the Energy Code, or the Town Code, the CEO shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that:

(1) All work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code and the Town Code; and

(2) All work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code and the Town Code.

K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 52-17, Fees, of this chapter must be paid at the time of issuance of a building permit, for an amended building permit, or for renewal of a building permit.

§ 52-6. Construction inspections.

A. Work to remain accessible and exposed. All work shall remain accessible and exposed until inspected and accepted by the CEO. The permit holder shall notify the CEO when any element of work described in Subsection C below is ready for inspection. Said notification shall be no less than 24 hours in advance of a scheduled inspection.

B. Inspection and reinspections. When the permit holder or his or her designee has notified the CEO of any element of work described in Subsection C below that is ready for inspection and the CEO finds that the element of work is not ready for inspection, another inspection must be rescheduled with the CEO. Anytime after the first failed

inspection of any of the elements listed in Subsection C below occurs, then a reinspection fee may be charged for each subsequent failed inspection before either a certificate of occupancy or a certificate of compliance is issued by the CEO. The fees for reinspection shall be established by the Town Board in the Town's Fee Schedule and may be amended from time to time.

C. Elements of work to be inspected. The following elements of the construction process, including but not limited to the following, shall be inspected, where applicable:

(1) Work site prior to the issuance of a building permit;

(2) Footing and foundation, including drainage requirements;

(3) Preparation for concrete slab;

(4) Framing;

(5) Building systems, including underground and rough-in;

(6) Fire-resistant construction;

(7) Fire-resistant penetrations;

(8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;

(9) Energy Code compliance;

(10) Town Code compliance; and

(11) A final inspection within 10 business days after all work authorized by the Building Department has been completed.

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code, the Energy Code, or the Town Code. Work not in compliance with any applicable provisions of the Uniform Code, the Energy Code, or the Town Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code, or the Town Code, reinspected and found satisfactory as completed.

E. Fee. The fee specified in or determined to be in accordance with the provisions set forth in § 52-17 of this chapter must be paid prior to or at the time of each inspection performed.

§ 52-7. Stop-work orders.

A. Authority to issue. The CEO is authorized to issue stop-work orders pursuant to this section. The CEO may issue a stop-work order to halt:

(1) Any work that is determined by the CEO to be contrary to any applicable provision of the Uniform Code, the Energy Code, or the Town Code without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been

issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the CEO, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work order. A stop-work order shall:

(1) Be in writing on forms prescribed by the CEO;

(2) Be dated and signed by the CEO;

(3) State the reason or reasons for issuance; and

(4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The CEO shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally, or by registered mail. The CEO shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any person taking part or assisting in work affected by the stop-work order personally or by registered mail; provided, however, that failure to serve any person mentioned in this section shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 52-16, Enforcement; penalties for offenses, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 52-8. Certificates of occupancy/certificates of compliance.

A. Certificates of occupancy/certificates of compliance. 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, which are

converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.

B. Issuance of certificates of occupancy/certificates of compliance. The CEO shall issue a certificate of occupancy/certificate of compliance if the work which was the subject of the building permit issued was completed in accordance with all applicable provisions of the Uniform Code, the Energy Code and the Town Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code, the Energy Code and the Town Code. The CEO or an Assistant CEO shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code, the Energy Code and the Town Code, by such person or persons as may be designated by or otherwise acceptable to the CEO, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to the CEO prior to the issuance of the certificate of occupancy/certificate of compliance:

(1) A written statement of structural observation and/or a final report of special inspections; and

(2) Flood hazard certifications.

C. Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:

(1) The building permit number, if any;

(2) The date of issuance of the building permit, if any;

(3) The name, address and Tax Map number of the property;

(4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;

(5) The use and occupancy classification of the structure;

(6) The type of construction of the structure;

(7) The assembly occupant load of the structure, if any;

(8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) Any special conditions imposed in connection with the issuance of the building permit; and

(10) The signature of the CEO issuing the certificate of occupancy/certificate of compliance and the date of issuance.

D. Temporary certificate.

(1) The CEO shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the CEO issue a temporary certificate unless the CEO determines:

(a) That the building or structure, or the portion thereof covered by the temporary certificate may be occupied safely;

(b) That any fire- and smoke-detecting or fire protection equipment which has been installed is operational; and

(c) That all required means of egress from the building or structure have been provided.

(2) The CEO may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the CEO and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, the Energy Code and the Town Code.

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

F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 52-17 of this chapter must be paid at the time of issuance of a certificate of occupancy/ certificate of compliance, or for a temporary certificate of occupancy.

§ 52-9. Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property located within the Town of Canadice shall promptly notify the CEO of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent, and fire or suppression safety equipment.

§ 52-10. Unsafe buildings and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 4 of 2006, and more commonly known as "Chapter 58, Buildings, Unsafe of the Code of the Town of Canadice," as now in effect or as hereinafter amended from time to time.

§ 52-11. Operating permits.

A. Operating permits required. Any person who proposes to undertake any activity or to operate any type of building listed in this subsection shall be required to obtain an operating permit prior to commencing such activity or operation. operating permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1 (2), 2703.1.1 (3) or 2703.1.1 (4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR, Section 1225.1;

(2) Hazardous 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;

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

(5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board.

B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the CEO. Such application shall include information as the CEO deems sufficient to permit a determination by the CEO that quantities, materials, and activities conform to the requirements of the Uniform Code. If the CEO determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the CEO, at the expense of the applicant.

C. Inspections. The CEO or Assistant CEO shall inspect the subject premises prior to the issuance of an operating permit.

D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A above herein is to be conducted at a location, the CEO may require a separate operating permit for each such activity, or the CEO may, in his or her discretion, issue a single operating permit to apply to all such activities.

E. Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the CEO to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the CEO, payment of the applicable fee, and approval of such application by the CEO.

F. Revocation or suspension of operating permits. If the CEO determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or

suspended.

G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 52-17 of this chapter must be paid at the time of issuance of the operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 52-12. Firesafety and property maintenance.

A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the CEO or an Assistant CEO at the following intervals:

(1) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months;

(2) Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months;

(3) Firesafety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2) above herein, and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) of this section, shall be performed at least once every 36 months.

B. Inspections permitted. In addition to the inspections required by Subsection A above herein, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the CEO at any time upon the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the CEO of a written statement alleging that conditions or activities failing to comply with the Uniform Code, the Energy Code or the Town Code exist; or receipt by the CEO of any other information reasonably believed by the CEO to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code, the Energy Code or the Town Code exist; provided further, however, that nothing in this section shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (OFPC) and the New York State Fire Administrator under Executive Law, § 156-e and Education Law, § 807-b, notwithstanding any other provision of this section to the contrary.

D. Upon completing a fire prevention and safety inspection, the Town of Canadice Code Enforcement Officer shall serve, by regular, first class mail, a written invoice for the inspection fee upon the owner of the property inspected and, if the property is not owner-occupied, upon the occupant or any person having the control of any such property. If the owner does not occupy the subject property, the owner shall be so served at the current address on file in the Town of Canadice Tax Collector's Office.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 52-17 of this chapter must be paid prior to issuance of the fire and safety inspection report. This section shall not apply to inspections performed by OFPC. In the event the Town Clerk does not receive full payment of the inspection fee within 30 days of the date such invoice is mailed, the inspection fee or balance thereof, plus a service charge of 50% of the unpaid balance may be added to cover the cost of supervision and administration by the CEO and Town Supervisor. Said fee shall be charged and assessed against the owner, tenant or occupant of the property that was the subject to the inspection. The inspection fee and service charge, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

§ 52-13. Complaints.

The CEO shall review and investigate formal complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code, the Energy Code or the Town Code. The process for responding to a complaint shall include such of the following steps as the CEO may deem to be appropriate:

A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 52-16 of this chapter;

C. If appropriate, issuing a stop-work order; and

D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 52-14. Recordkeeping.

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement personnel, including records of:

(1) All applications received, reviewed and approved or denied;

(2) All plans, specifications and construction documents approved;

(3) All building permits, certificates of occupancy/certificates of compliance, temporary certificates, stop-work orders and operating permits issued;

(4) All inspections and tests performed;

(5) All statements and reports issued;

(6) All complaints received;

(7) All investigations conducted;

(8) All other features and activities specified in or contemplated by §§ 52-5 through 52-13 inclusive of this chapter; and

(9) All fees charged and collected.

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 52-15. Program review and reporting.

A. The CEO shall annually submit to the Town Board a written report and summary of all business conducted by the CEO, including a report and summary of all transactions and activities described in § 52-14, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

B. The CEO shall annually submit to the Secretary of State, on behalf of the Town of Canadice, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code and the Energy Code.

C. The CEO 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 Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of activities of this Town in connection with administration and enforcement of the Uniform Code and the Energy Code.

§ 52-16. Enforcement; penalties for offenses.

A. Compliance orders.

(1) The CEO is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, the Town Code or this chapter. Upon finding that any such condition or activity exists, the CEO shall issue a compliance order. The compliance order shall:

(a) Be in writing;

(b) Be dated and signed by the CEO;

(c) Specify the condition or activity that violates the Uniform Code, the Energy Code, or the Town Code;

(d) Specify the provision or provisions of the Uniform Code, the Energy Code

or the Town Code which is/are violated by the specific condition or activity;

(e) Specify the period of time which the CEO deems to be reasonably necessary for achieving compliance;

(f) Direct that compliance be achieved within the specified period of time; and

(g) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

(2) The CEO shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail and regular mail. The CEO shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Appearance tickets. The CEO and Assistant CEOs are authorized to issue appearance tickets for any violation of the Uniform Code, the Energy Code or the Town Code.

C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or the Town Code, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the CEO pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than $250 for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in an action instituted in the name of the Town of Canadice.

D. Criminal fines or imprisonment.

(1) Any person who shall violate any provisions of this chapter or of any stop-work order issued hereunder, shall be guilty of an offense punishable by a fine not to exceed $250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

(2) In addition to the above penalty, the Town may institute an action to prevent, restrain, correct or abate any such violation or enforce any provision of this chapter.

E. Injunctive relief. An action or proceeding may be instituted in the name of the Town of Canadice, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of or to enforce any provision of the Uniform Code, the Energy Code or the Town Code, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order or other order obtained under the Uniform Code, the Energy Code or the Town Code. An action or proceeding may be commenced in the name of

the Town of Canadice, 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 Town Board.

F. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty 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 § 52-7, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 52-7, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 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 § 381 of the Executive Law.

§ 52-17. Fees.

A fee schedule shall be established by resolution of the Town Board. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, reinspections of construction, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, fire, safety and property maintenance inspections, and other actions of the CEO described in or contemplated by this chapter.

§ 52-18. Intermunicipal agreements.

The Town Board may, by resolution, authorize the Town Supervisor to enter into an agreement, in the name of the Town of Canadice, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, the Town Code or any other applicable law.