

**SECTION 1. PURPOSE AND INTENT**

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other State law, or other sections of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

**SECTION 2. DEFINITIONS**

"Building Permit" shall mean a permit issued pursuant to section 4 of this local law. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Certificate of Occupancy"/"Certificate of Compliance" shall mean a certificate issued pursuant to section 7 of this local law.

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to section 3 of this local law.

"Code Enforcement Personnel" shall include the Code Enforcement Office and all Inspectors.

"Compliance Order" shall mean an order issued by the Code Enforcement Officer pursuant to section 15 of this local law.

"Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

"Inspector" shall mean an inspector appointed pursuant to section 4 of this local law.

"Operating Permit" shall mean a permit issued pursuant to section 10 of this local law.

The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Permit Holder" shall mean the Person to whom a Building Permit is issued.

"Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"Stop Work Order" shall mean an order issued pursuant to section 6 of this local law.

"Temporary Certificate" shall mean a certificate issued pursuant to section 7 of this local law.

"Town" shall mean the Town of Candor.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

### **SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS**

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

1. To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
2. Upon approval of such applications, to issue Building Permits, Certificates of Occupancy/Certificates of Compliance, 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 Code Enforcement Officer may determine to be appropriate;
3. To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety 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 section 15 (Violations) of this local law;
7. To maintain records;
8. To collect fees as set by the Town Board of this Town;
9. To pursue administrative enforcement actions and proceedings;
10. In consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code

and this local law, or to abate and correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

11. To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

- B. The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Officer 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 Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- D. One or more Inspectors may be appointed by the Town Board 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 local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- E. The compensation for the Code Enforcement Officer and Inspectors shall be listed in the Fee Schedule set by the Town Board of the Town of Candor.

#### **SECTION 4. 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 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 Code Enforcement Officer.

B. Permit Standards:

1. Minimum lot size will be one acre and a minimum 50 feet of road frontage with the capability of proper water and septic operation;
2. Each building or structure shall be set back at least 75 feet from the centerline of any street or road and a minimum of 10 feet from side and rear lot lines;
3. All driveway construction will conform to Town, County or State requirements, whichever is applicable;
4. Nonconforming Structures and Lots
  - a. A lawful nonconforming structure / lot existing at the date of adoption of this Local Law may be continued;
  - b. Alterations, maintenance and repairs of a nonconforming structure is allowed provided that it does not increase the manner in which the structure is nonconforming. A Building Permit shall be required for any work which must conform to the Uniform Code;
  - c. A non-conforming lot shall be deemed discontinued if a structure has been removed for twelve consecutive months

C. Exceptions. No Building Permit shall be required for work in any of the following categories:

1. Construction or installation of one story detached accessory structures provided the gross floor area does not exceed 120 square feet (11 square meters) Commercial or 200 square feet (18.58 square meters) Residential;
2. Installation of swings and other playground equipment associated with one- or two-family dwellings or multiple single-family dwellings (townhouses);
3. Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family (townhouses) where such pools are designed for a water depth of less than 24 inches and are entirely above ground;
4. Installation of fences under 7' in height which are not part of an enclosure surrounding a swimming pool;
5. Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIA liquids;
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 multiple single-family dwellings (townhouses);
8. Installation of partitions or movable cases less than 5'-9" in height;
9. Painting, wallpapering, tiling, carpeting, or other similar finish work;
10. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
11. 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
12. Repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of fire protection system for any period of time.

D. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subsection C of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

E. Applications for Building Permits. Applications 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 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 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. 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 prepared in accordance with the provisions of the Uniform Code; and
5. At least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State

registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings, structures and the lot lines.

- F. 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 paragraph (5) of subsection E of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of accepted construction documents shall be retained by the Code Enforcement Officer, 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 Code Enforcement Personnel. 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 be commenced until and unless a Building Permit is issued.
- G. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- H. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- I. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- J. Time limits. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- 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 or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

- L. Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

## **SECTION 5. CONSTRUCTION INSPECTIONS.**

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subsection B of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
1. Work site prior to the issuance of a Building Permit;
  2. Footing and foundation;
  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; and
  10. A final inspection after all work authorized by the Building Permit has been completed.
- C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until

such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

- D. Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

## **SECTION 6. STOP WORK ORDERS.**

- A. Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
1. Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy 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 Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
  3. Any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service to Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered/certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered/certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- D. Effect the 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 section 15 (Violations) of this local law 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.

## **SECTION 7. CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE**

- A. Certificate of Occupancy/Certificate 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, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy/Compliance.
- B. Issuance of Certificate of Occupancy/Certificate of Compliance. The Code Enforcement Officer shall issue Certificate of Occupancy/Certificates of Compliance if the work which was subject of the Building Permit was completed with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification of sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer 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 by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy/Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Certificate of Compliance:
1. A written statement of structural observations and/or a final report of special inspections, and
  2. Flood hazard certifications.
- C. Contents of Certificate of Occupancy/Certificate 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 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 Code Enforcement Officer issuing the Certificate of Occupancy/Certificate of Compliance and the date of issuance.
- D. Temporary Certificate. The Code Enforcement Officer 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 Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer 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 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- E. Revocation or suspension of certificates. If the Code Enforcement Officer 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 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.
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy/Certificate of Compliance or for Temporary Certificate.

## SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

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

## SECTION 9. UNSAFE BUILDINGS AND STRUCTURES

- A. Unsafe Buildings, Structures and Equipment. Any buildings, structures or equipment within the Town of Candor, which are now or should hereafter become dangerous or unsafe to the public, or shall have collapsed or be in danger of collapsing, shall be either removed, and the ground in the area of such building filled and leveled to the natural grade, or repaired to meet the standards of the New York State Uniform Fire Prevention and Building Code.

The following shall be provided:

1. An inspection and report by the Code Enforcement Officer.
2. Notice to be served on owner, agent or person in control of the structure, either personally or by registered mail addressed to the last known address, if any, of the owner or other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the County Clerk or County Register. The notice must contain a description of the premises, a statement of the particulars in which the building, structure or equipment is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service be made by registered mail, for a copy of such notice to be posted on the premises.
3. After notice has been served as provided under this section, the building, structure or equipment must be secured and made safe within 30 days unless a permit is needed. If a permit is needed, an application for removal or repair of the building or structure in question shall be submitted to the CEO within 30 days and such work shall thereafter proceed to completion within a reasonable period of time.
4. In event of neglect or refusal of person served with notice to comply with same, a survey of premises shall be made by the CEO and engineer or architect to be named by the Town Board and a practical builder, engineer or architect appointed by person notified as above and in event of refusal or neglect of person so notified to appoint such surveyor the two surveyors named by the Town Board shall make the survey and report. The report shall be presented to the Town Board at their next regular scheduled meeting and a copy of such report along with the date being presented to Town Board be mailed to the owner or agent. In the event that the Town Board determines the building, structure or equipment to be unsafe or dangerous, it may order that it shall be repaired and secured or taken down and removed.
5. A permit application to the CEO shall be made within 30 days of the Town Boards determination. If said application is not made, the Town may make the building, structure or equipment safe and secure or removed.
6. All costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing said building or

structure, shall be presented to the owner or said agent. If costs are not reimbursed to the Town within 30 days of bill receipt, it will be assessed against the land on which said buildings or structures are located.

## SECTION 10. OPERATING PERMITS

A. Operation 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 Tables 2703.1.1(1), 2703.2.2(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
2. Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
3. Use of pyrotechnic devices in assembly occupancies;
4. Building containing one or more areas of public assembly with an occupant load of 100 persons or more; and
5. Building whose use or occupancy classification may pose a substantial hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subsection A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

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 Code Enforcement Officer. Such application shall include such 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. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expenses of the applicant.

C. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect 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 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 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 Code Enforcement Officer 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 Code Enforcement Officer, payment of the applicable fee, and approval by the Code Enforcement Officer.
- F. 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, such Operating Permit shall be revoked or suspended.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

## **SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS**

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
  - 1. Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
  - 2. Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least one every twelve (12) months.
  - 3. Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subsection, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subsection, shall be performed at least once every twenty-four (24) months.
- B. Inspections permitted. In addition to the inspections required by subsection A of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

1. The request of the owner of the property to be inspected or an authorized agent of such owner;
  2. Receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code of Energy Code exist; or
  3. Receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or the Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- C. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Officer of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary:

1. The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
  2. The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
  3. The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs(1) or (2) of subsection A of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subsection A of this section; and
  4. The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subsection A of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subsection A of this section.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection

performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

## **SECTION 12. COMPLAINTS**

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, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B. If a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;
- C. If appropriate, issuing a Stop Work Order;
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

## **SECTION 13. RECORD KEEPING.**

- 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 sections 4 through 12, inclusive, of this local law, including; and

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

#### **SECTION 14. PROGRAM REVIEW AND REPORTING.**

- A. The Code Enforcement Officer shall annually submit to the Town Board of this Town 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 section 13 (Record Keeping) of this local law and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, 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.
- 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 Town is required to maintain, excerpts, summaries, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

#### **SECTION 15: VIOLATIONS**

- B. Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law 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 (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail; provided, however,



that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- C. Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- D. Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, 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 Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty. Each day such violation shall continue or be permitted to exist shall constitute a separate violation. See Fee Schedule, Penalties for Offenses, Class C, for current maximum fines. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.
- E. Injunction Relief. An action or proceeding may be instituted in the name of this Town, 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, this local law, 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 issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is on violation of any provision of the Uniform Code, the Energy Code or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Code Enforcement Officer of this Town.
- 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 section 6 (Stop Work Orders) of this local law, in any other section of this local law, or any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

## **SECTION 16. FEES**

A fee schedule shall be established by the Town Board of this Town, such fee schedule may thereafter be amended from time to time. The fees set forth in, or determined in accordance with such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

## **SECTION 17. INTERMUNICIPAL AGREEMENTS**

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

## **SECTION 18. PARTIAL INVALIDITY**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

## **SECTION 19. APPEALS**

Requests for appeals, waivers or variances concerning sections of Local Laws or decisions of the Code Enforcement Officer shall be made to the Town of Candor Board of Appeals. Appeals shall be filed with the Code Enforcement Officer or Town Clerk according to the general rules established by the Board of Appeals. No appeal of the Uniform Code or Energy Code shall be issued except pursuant to the written order of the appropriate authority of New York State. Application for variance or appeal of the Building Code and Energy Code shall be made to the Department of State, Division of Building Standards and Codes.

## **SECTION 20. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.