

**VILLAGE OF UPPER NYACK
PROPOSED LOCAL LAW 6 of 2022**

A Local Law establishing Uniform Code Enforcement within the Village of Upper Nyack.

BE IT ENACTED by the Board of Trustees of the Village of Upper Nyack (the “Village Board”) as follows:

This Local Law shall be titled and may be cited as the VILLAGE OF UPPER NYACK UNIFORM CODE ENFORCEMENT LAW

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 the Village of Upper Nyack. 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 section 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. The following terms used in this local law shall have the following meanings:

- 2.1 “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.
- 2.2 “Certificate of Occupancy” / “Certificate of Compliance” shall mean a certificate issued pursuant to section 7 of this local law.
- 2.3 “Code Enforcement Official” shall mean the Code Enforcement Official appointed pursuant to section 3.4 of this local law.
- 2.4 “Code Enforcement Personnel” shall include the Code Enforcement Official and all Inspectors.
- 2.5 “Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.
- 2.6 “Inspector” shall mean an inspector appointed pursuant to section 3.7 of this local law.
- 2.7 “Order to Remedy” shall mean an order issued by the Code Enforcement Official pursuant to section 16 of this local law.
- 2.8 “Permit Holder” shall mean the Person to whom a Building Permit has been issued.

- 2.9 “Person” Any individual human being or group of individuals, corporation, partnership, limited liability company, association, or any other entity, including State and local governments and agencies.
- 2.10 “Short Term Rental” shall have the meaning ascribed to it in the Village Zoning Law.
- 2.11 “Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.
- 2.12 “Temporary Certificate” shall mean a certificate issued pursuant to section 7.4 of this local law.
- 2.13 “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.
- 2.14 “Unsafe Building” shall mean any building or structure, or any portion thereof, that is determined by the Code Enforcement Official to be dangerous to the life, health, property or safety of any person by reason of, among other things, damage, decay, structural instability, lack of adequate means of ingress or egress, or inadequate systems to protect from or warn of fire.
- 2.15 “Village” shall mean the Village of Upper Nyack.
- 2.16 “Village Zoning Law” shall be the Zoning Law of the Village of Upper Nyack, Village of Upper Nyack Local Law #5 of 2022 as it may be from time to time amended.
- 2.17 “Zoning Inspector” shall be the official designated by the Village Board of Trustees to enforce the terms of the Village Zoning Law.

SECTION 3. CODE ENFORCEMENT OFFICIAL AND INSPECTORS.

- 3.1 The office of Code Enforcement Official, having been previously created in the Village, is hereby continued.
- 3.2 The Code Enforcement Official shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law.
- 3.3 The Code Enforcement Official shall have the following powers and duties:
- 3.3.1 To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, and Temporary Certificates, and the plans, specifications and construction documents submitted with such applications;
 - 3.3.2 Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, or Temporary Certificates, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, and Temporary

Certificates such terms and conditions as the Code Enforcement Official may determine to be appropriate;

3.3.3 To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, or Temporary Certificates, 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;

3.3.4 To refer applications to the Village of Upper Nyack Planning Board, Zoning Board of Appeals, Architectural Review Board or Board of Trustees, or any other governmental officer, board or agency as required or permitted by law;

3.3.5 To issue Stop Work Orders;

3.3.6 To review and investigate complaints;

3.3.7 To issue Orders to Remedy pursuant to section 16.1 of this local law;

3.3.8 To maintain records;

3.3.9 To collect fees as set forth in a resolution adopted by the Village Board of Trustees;

3.3.10 To pursue administrative enforcement actions and proceedings;

3.3.11 In consultation with the Village Attorney and/or legal counsel retained by the Village, 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 or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

3.3.12 To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Official by this local law or any other applicable law.

3.4 The Code Enforcement Official shall be appointed annually by the Village Board of Trustees.

3.5 The Code Enforcement Official 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 Official shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

3.6 If the Code Enforcement Official is unable to serve as such for any reason, an individual shall be appointed by the Village Board of Trustees to serve as Acting Code Enforcement Official. The Acting Code Enforcement Official shall, during the term of his or her

appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Official by this local law.

- 3.7 One or more Inspectors may be appointed by the Village Board of Trustees to act under the supervision and direction of the Code Enforcement Official and to assist the Code Enforcement Official in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Official 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 Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- 3.8 The compensation for the Code Enforcement Official and Inspectors shall be fixed from time to time by the Village Board of Trustees.
- 3.9 The Village Board of Trustees may appoint the Code Enforcement Official or any Inspector hereunder to serve as the Zoning Inspector (Village Zoning Law, Section 11.1).

SECTION 4. BUILDING PERMITS.

- 4.1 Building Permits Required. Except as otherwise provided in Subsection 4.2 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 Code Enforcement Official.
- 4.2 Exemptions. No Building Permit shall be required for work in any of the following categories:
 - 4.2.1 installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - 4.2.2 construction of retaining walls less than three (3) feet in height unless such walls support a surcharge or impound Class I, II or IIIA liquids. For the avoidance of doubt, construction of retaining walls that are three (3) feet in height or greater require a Building Permit;
 - 4.2.3 repairs and maintenance, provided that such repairs or maintenance do not involve (i) the removal or cutting away of a loadbearing 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 a fire protection system for any period of time.

4.3 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 section 4.2 shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code or this local law.

4.4 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 Official. 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 Official deems sufficient to permit a determination by the Code Enforcement Official that the intended work complies with all applicable requirements of the Uniform Code, the Energy Code and this local law. The application shall include or be accompanied by the following information and documentation:

4.4.1 a description of the proposed work;

4.4.2 a description of the proposed use of the premises;

4.4.3 the tax map number and the street address of the premises where the work is to be performed;

4.4.4 the zoning district in which the premises is located along with a bulk table demonstrating the compliance of the proposed premises with the bulk requirements of the Village Zoning Law;

4.4.5 the occupancy classification of any affected building or structure;

4.4.6 where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

4.4.7 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, the Energy Code and this local law; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

4.5 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 section 4.4.7. Construction documents which are accepted as part of the application for a Building

Permit shall be marked as accepted by the Code Enforcement Official in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Official, 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 at the time the Building Permit is issued. Work shall not be commenced until and unless a Building Permit is issued.

- 4.6 Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and this local law. The Code Enforcement Official shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and this local law and the Zoning Inspector has certified compliance with the Village's Zoning Law as required pursuant to Section 11.2.6 of the Village's Zoning Law.
- 4.7 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.
- 4.8 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 Permit Holder shall immediately notify the Code Enforcement Official of any change occurring during the work. If the Code Enforcement Official 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.
- 4.9 Time limits. Building Permits shall expire 12 months after the date of issuance. A Building Permit may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Official.
- 4.10 Revocation or suspension of Building Permits. If the Code Enforcement Official 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, the Energy Code, this local law or the Village's Zoning Law, the Code Enforcement Official may 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, this local law and the Village's Zoning Law and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code, this local law and the Village's Zoning Law.
- 4.11 Fee. The Building Permit fees shall be paid prior to the issuance of a Building Permit, or an amendment or renewal thereof. Fee amounts shall be set forth in a resolution adopted by the Village Board of Trustees.

SECTION 5. CONSTRUCTION INSPECTIONS.

- 5.1 Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Official or by an Inspector authorized by the Code Enforcement Official. The Permit Holder shall notify the Code Enforcement Official when any element of work described in subdivision 5.2 of this section is ready for inspection.
- 5.2 Elements of work to be inspected. The schedule of inspections as a part of the Building Permit process shall be provided to the Permit Holder upon the filing of the Building Permit application.
- 5.3 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, Energy Code or this local law. Work not in compliance with any applicable provision of the Uniform Code, Energy Code or this local law shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code and/or this local law, reinspected, and found satisfactory as completed.
- 5.4 Fee. Inspection fees in the amount set forth by resolution adopted by the Village Board of Trustees must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

- 6.1 Authority to issue. The Code Enforcement Official is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Official shall issue a Stop Work Order to halt:
 - 6.1.1 any work that is determined by the Code Enforcement Official to be contrary to any applicable provision of the Uniform Code, Energy Code, this local law or the Zoning Law, 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
 - 6.1.2 any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Official, 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
 - 6.1.3 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.

- 6.2 Content of Stop Work Orders. Stop Work Orders shall: (1) be in writing, (2) be dated and signed by the Code Enforcement Official, (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.
- 6.3 Service of Stop Work Orders. The Code Enforcement Official 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 Certified Mail. The Code Enforcement Official 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 Certified Mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- 6.4 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.
- 6.5 Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in section 6.1, 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 16 (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. Certificates of Occupancy / Certificates of Compliance.

- 7.1 Certificates of Occupancy / Certificates of Compliance required. A Certificate of Occupancy or 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.
- 7.2 Issuance of Certificates of Occupancy / Certificates of Compliance. The Code Enforcement Official shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code, Energy Code and this local law, and if the Zoning Inspector certifies compliance with the Village's Zoning Law as provided in section 11.2.6 of the Village's Zoning Law, and, if applicable, that 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 and Energy Code. The Code Enforcement Official or an Inspector authorized by the Code Enforcement Official shall

inspect the building, structure or work prior to the issuance of a Certificate of Occupancy or 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 Official, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Official prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

7.2.1 a written statement of structural observations and/or a final report of special inspections.

7.3 Contents of Certificates of Occupancy / Certificates of Compliance. Certificates of Occupancy / Certificates of Compliance shall contain the following information:

7.3.1 the Building Permit number, if any;

7.3.2 the name, address, zoning district designation and tax map number of the property;

7.3.3 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 it is issued;

7.3.4 the use and occupancy classification of the structure;

7.3.5 the type of construction of the structure;

7.3.6 the assembly occupant load of the structure, if any;

7.3.7 if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

7.3.8 any special conditions imposed in connection with the issuance of the Building Permit or any land use or zoning approvals issued for the premises; and

7.3.9 the signature of the Code Enforcement Official issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

7.4 Temporary Certificate. The Code Enforcement Official 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 Official issue a Temporary Certificate unless the Code Enforcement Official 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 Official 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 Official 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.

- 7.5 Revocation or suspension of certificates. If the Code Enforcement Official 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 Official within such period of time as shall be specified by the Code Enforcement Official, the Code Enforcement Official shall revoke or suspend such certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

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

SECTION 9. UNSAFE BUILDINGS AND STRUCTURES.

- 9.1 Unsafe buildings are hereby declared to be illegal and any person owning or in possession of any building or structure declared to be an unsafe building shall be in violation of this local law. The owner of any unsafe building shall repair such building or structure to a safe condition or demolish it and restore the property on which it is located to a safe condition in accordance with the requirements of this Section 9.
- 9.2 The Code Enforcement Official shall evaluate every building or structure reported to be unsafe and shall record the results of such evaluation in writing.
- 9.3 If the Code Enforcement Official determines that a building or structure qualifies as an unsafe building, the Code Enforcement Official shall serve upon the owner thereof an Order to Remedy as provided in Section 16.1 ordering that the subject building or structure be repaired to a safe condition or demolished.
- 9.4 If the Code Enforcement Official determines that there is imminent danger to life or property due to the immediate danger of failure or collapse of the subject building or structure the Order to Remedy shall also require the building, structure or portion thereof to be vacated immediately and not reoccupied until the Building or Structure has been determined to be safe for re-occupancy by the Code Enforcement Official. If the Code Enforcement Official determines that a building is an immediate hazard as described in this Section 9.4, the Code Enforcement Official shall cause a notice in a form substantially similar to the following (the "Unsafe Building Warning") to be posted in a conspicuous location at each entrance to the Building: "UNSAFE THIS BUILDING IS UNSAFE. ITS USE OR OCCUPANCY IS PROHIBITED." The Unsafe Building Warning shall remain posted until the required repairs

are made or demolition is completed as determined by the Code Enforcement Official. It shall be a violation of this local law for any person to remove an Unsafe Building Warning without the Code Enforcement Official's written permission, or for any person to enter a building or structure posted with an Unsafe Building Warning except for the purpose of making the required repairs or of demolishing the building.

9.5 If the Code Enforcement Official finds that any unsafe building presents an imminent danger to human life or health and the owner of the subject property has failed to secure the premises as directed in the Order to Remedy as set forth in Section 9.3 of this local law, the Code Enforcement Official may promptly cause the unsafe building (or the unsafe portion thereof) to be made safe or removed. Any cost incurred by the Village to remove or secure an unsafe building shall be charged to the owner of the property on which the building is located in any manner permitted by law.

SECTION 10. [section reserved for future use].

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS.

11.1 Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Official or an Inspector designated by the Code Enforcement Official at the following intervals:

11.1.1 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.

11.1.2 Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories or short-term rentals shall be performed at least once every twelve (12) months.

11.1.3 Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs 11.1.1 or 11.1.2 of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs 11.1.1 or 11.1.2 of this subdivision, shall be performed at least once every twelve (12) months.

11.2 Inspections permitted. In addition to the inspections required by subdivision (11.1 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 Official or an Inspector designated by the Code Enforcement Official 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 Official of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or (3) receipt by the Code Enforcement Official of any other information, reasonably believed by the Code Enforcement Official to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or 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.

11.3 [reserved]

11.4 Fee. A fee in an amount set forth on a fee schedule adopted by the Village Board of Trustees shall be paid prior to or at the time each inspection performed pursuant to this section.

SECTION 12. COMPLAINTS.

12.1 The Code Enforcement Official 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 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 Official may deem to be appropriate:

12.1.1 performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

12.1.2 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 section 16 (Violations) of this local law;

12.1.3 if appropriate, issuing a Stop Work Order;

12.1.4 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. [reserved for future use].

SECTION 14. RECORD KEEPING.

14.1 The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

14.1.1 all applications received, reviewed and approved or denied;

14.1.2 all plans, specifications and construction documents approved;

14.1.3 all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, or Stop Work Orders issued;

14.1.4 all inspections and tests performed;

14.1.5 all statements and reports issued;

14.1.6 all complaints received;

14.1.7 all investigations conducted;

14.1.8 all condition assessment reports received;

14.1.9 all other features and activities specified in or contemplated by sections 4 through 13, inclusive, of this local law, including; and

14.1.10 all fees charged and collected.

14.2 All such records shall be public records open for public inspection following the filing of a Freedom of Information Law request with the Village Clerk. 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 15. PROGRAM REVIEW AND REPORTING.

15.1 The Code Enforcement Official shall annually submit to the Secretary of State, on behalf of the Village, on a form prescribed by the Secretary of State, a report of the activities of the Village relative to administration and enforcement of the Uniform Code.

SECTION 16: VIOLATIONS.

16.1 Orders to Remedy.

16.1.1 The Code Enforcement Official 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.

16.1.2 An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Official; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall 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; and shall include a statement substantially similar to the following:

16.1.2.1 “The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [*specify date*], which is thirty [30] days after the date of this Order to Remedy.”

16.1.2.2 The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy: (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Official may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Official shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Official shall be permitted, but not required, to cause the Order to Remedy, 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 or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Order to Remedy.

16.2 Appearance Tickets. The Code Enforcement Official and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code, the Energy Code or this local law.

16.3 Penalties for Offense. Any person, having been served, either personally or by registered or certified mail, with an Order to Remedy any condition found to exist in, on, or about any building in violation of the Uniform Code, Energy Code or this local law who shall fail to comply with such Order within the time fixed therein, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the Uniform Code, Energy Code, this local law or any lawful order of the Code Enforcement Official shall be punishable by a fine or imprisonment as provided in New York State Executive Law §382(2) for violations of the Uniform Code or this local law and New York Energy Law §11-108 for violations of the Energy Code.

16.4 Civil Penalties. In addition to those penalties prescribed herein or 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, or other notice or order issued by the Code Enforcement Official pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Village.

16.5 Injunctive Relief. An action or proceeding may be instituted in the name of the Village, 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, Order to Remedy, or other notice or order issued by the Code Enforcement Official 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 in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy 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 the Village, in New York State 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 Village Board of Trustees.

16.6 Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy 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 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 section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law.

SECTION 17: FEES.

17.1 A fee schedule shall be established by resolution of the Board of Trustees of the Village. 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, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, fire safety and property maintenance inspections, and other actions of the Code Enforcement Official described in or contemplated by this local law.

SECTION 18. SEVERABILITY.

18. 1 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. EFFECTIVE DATE.

19.1 This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.