

§ 56-1. Title.

This chapter shall be known and may be cited as the “New York State Uniform Fire Prevention and Building Code Administration and Enforcement Law of the Village of Sodus.”

§ 56-2. Purpose and intent.

This chapter shall provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) in the Village of Sodus. This chapter is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this chapter, state law, or within the Uniform Code, all premises, regardless of use, are subject to the provisions which follow.

§ 56-3. Adoption of state standards.

The Village of Sodus hereby adopts the Uniform Fire Prevention and Building Code (henceforth referred to as the “Uniform Code”) and all subsequent amendments thereto.

§ 56-4. Severability.

If any section of this chapter 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 thereof.

§ 56-5. Department of Building and Zoning.

There is established the department known as the “Department of Building and Zoning” (hereinafter referred to as the “Department”). The purposes of this Department is for the administration and enforcement of the provisions of all laws, codes, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures and appurtenances located in the Village of Sodus.

§ 56-6. Personnel. Code Enforcement Officer; duties and powers.

A. The office of Code Enforcement Officer is hereby created and shall be administered by an appointee of the Village Board. The Code Enforcement Official shall possess background experience related to building construction or fire prevention and shall, within the time constraints proscribed by law, obtain such training as the State of New York shall require for code enforcement officials.

B. In the absence of the Code Enforcement Officer, or in the case of his inability to act for any reason, the Mayor shall have the power, with the consent of the Village Board, to designate a person to act in behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this chapter.

C. Assistant Code Enforcement Officers. The Board of Trustees may appoint one (1) or more Assistant Code Enforcement Officers as the need may appear. Assistant Code Enforcement

Officer shall be duly certified as a code enforcement officer by the Secretary of State of the State of New York.

D. Other employees. The Board of Trustees may appoint such other employees as may be deemed necessary to carry out the functions of the Department.

E. Fire Marshal. The Board of Trustees may at any time by resolution establish the position of Fire Marshal, which shall be filled by appointment by the Board of Trustees. The Fire Marshal shall administer and enforce all laws, codes, ordinances, rules, regulations applicable to fire prevention and fire safety. The Fire Marshal shall report directly to the Code Enforcement Officer and shall be under the latter's direction and supervision. To qualify for employment, the Fire Marshal shall be duly certified as a code enforcement officer by the Secretary of State of the State of New York at the time of hire or engagement, or become certified within such time and upon such conditions as prescribed in Title 19, Part 443, of the New York Code of Rules and Regulations.

F. The compensation for the Code Enforcement Officer, assistants, and all other employees of the Department shall be fixed and adjusted as needed by the Village Board.

G. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code and the provisions of this chapter, including receiving building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Village Board and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Village Board. The Code Enforcement Officer is authorized to pursue administrative actions and, in consultation with the Village Attorney, legal action as necessary to abate conditions not in compliance with the New York State Uniform Fire Prevention and Building Code, this chapter, or other laws, rules or regulations of the Village of Sodus or of the State of New York.

§ 56-7. Municipal cooperation.

To effectuate implementation of the Uniform Code, The Village Board may, by resolution pursuant to Article 5-G of the General Municipal Law, may contract with any municipality for services on an as-needed basis in the administration and enforcement of the Uniform Code.

§ 56-8. Record and reports of the Code Enforcement Officer.

The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him, including all applications received; plans approved; permits and certificates issued; fees charges and collected; inspection reports, rules and regulations promulgated by the village relating to his/her functions; and notices and orders issued. All such reports shall be public information open to public inspection during those periods established therefor by the Code Enforcement Officer. The Code

Enforcement Officer reports as the Board of Trustees requires and shall report to the Board of Trustees all problems that arise in the administration of this chapter.

§ 56-9. Cooperation of other officers.

The requirements of this chapter are in addition to and not in lieu of Chapter 125, Zoning, of the Code of the Village of Sodus. The Code Enforcement Officer may coordinate the administration and enforcement of this chapter and Chapter 125, Zoning, in terms of deployment of personnel, combined application and certification forms, joint processing of applications and inspections, parallel enforcement actions and such other measures as shall be mutually beneficial to the Code Enforcement Officer.

§ 56-10. Promulgation of rules and regulations.

The Board of Trustees may, by resolution, adopt such further procedural/ administrative rules and regulations as the Board deems reasonable to carry out the provisions of this chapter. The Code Enforcement Officer may make recommendations to the Board of Trustees to adopt, amend or repeal such rules and regulations as they may relate to efficient administration and enforcement of the provisions of the Uniform Code. Such rules and regulations shall not conflict with the Uniform Code, this chapter or any other provisions of law.

§ 56-11. Appeals to Regional Board of Review.

- A. Where practical difficulties or unnecessary hardship result from enforcement of the strict letter of any provision of the Uniform Code, applications for variances consistent with the spirit of the Code may be made to the Regional Board of Review in accordance with part 450 Title 19 of the New York Code of Rules and Regulations entitled "Uniform Code: Board of Review," as promulgated by the New York Department of State.
- B. Whenever it is claimed that the Code Enforcement Officer misconstrued the Uniform Code in approving or disapproving any application or granting or refusing to grant any permit or certificate of occupancy, the person affected may appeal from the decision of the Code Enforcement Officer to the Regional Board of Review in accordance with Part 450 of Title 19 of the New York Code of Rules and Regulation entitled "Uniform Code: Board of Review," as promulgated by the New York Department of State.
- C. The Code Enforcement Officer shall maintain a copy of said Part 450 of the New York Code of Rules and Regulations for public inspection and shall obtain and retain a copy of all decisions rendered by the Board of Review pertaining to matters affecting the Village of Sodus.

§ 56-12. Variance by Zoning Board of Appeals.

Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this chapter that is not also required by the Uniform Code, applications for variances consistent with the spirit of this chapter may be made to the Board of Appeals of the Village of Sodus.

§ 56-13. Time limitations for appeals.

An appeal taken pursuant to this chapter from the action of the Code Enforcement Officer in approving or disapproving any application or granting or refusing to grant any permit or certificate of occupancy or compliance must be instituted within sixty (60) days after such action by the Code Enforcement Officer. If the action involves the issuance of a permit pursuant to this chapter, the sixty-day limitation shall commence upon issuance of the permit or the posting thereof as required by § 56-19C, whichever is later.

§ 56-14. Building permit.

A. Permits required.

(1) Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Officer.

(2) No permit shall be required for:

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

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

[1] The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;

[2] The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

[3] The enlargement, alteration, replacement or relocation of any building system such as electrical, plumbing, heating and ventilation;

[4] The removal from service of all or part of a fire protection system for a period of time.

[5] The removal of one or more full sheets worth of dry wall, 4 foot by 8 foot in gross area.

B. Application for a permit.

(1) An application for a building permit shall request sufficient information to permit a determination that the intended work is in accord with the requirements of the Uniform Code and shall require submission of the following information and documentation:

(a) A description of the proposed work;

(b) The tax map number and the street address;

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

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

(e) At least two sets of construction documents (drawing and/or specifications) that define the scope of the proposed work.

(2) Construction documents shall not be accepted as part of an application for a building permit unless such documents:

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

(b) Indicate with sufficient clarity and detail the nature and extent of the work proposed;

(c) Substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code.

(d) Where applicable, include a site plan that shows any existing and proposed 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 structures and the lot lines.

(3) Applications for a building permit or for an amendment thereto shall be examined to ascertain whether the proposed construction is in substantial conformance with the requirements of the Uniform Code.

(a) The Code Enforcement Officer shall stamp, sign and date all accepted construction documents. One set of accepted construction documents shall be retained by the Code Enforcement Officer. One set shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Officer.

(4) The building permit shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application and shall include the directive that the Code Enforcement Officer shall be notified immediately in the event of changes occurring during construction.

(5) Building permits shall expire six months from the date of issuance unless any amount of work has commenced. In the event of construction Permits shall become invalid within 12 months following the date of issuance. Building permits may be renewed one time, within 30 days of the 12 month expiration point, provided that the work has commenced in such a manner as to be ongoing and upon payment of the appropriate

fee. The original scope of the work for the building permit shall not be added to the estimate for the building permit but all future work added to the building permit shall accumulate in both, added to the original estimate, and to potential additional charges as deemed appropriate. If a permit expires before completion of a structure the original estimate shall be carried over to any new permits that are opened until a time of which the original scope of work has been completed.

(6) Building permits which are issued in error because of incorrect, inaccurate or incomplete information, or when the work for which such permit was issued violates the Uniform Code, shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the code.

(7) Building permits shall be visibly displayed at the work site and are to remain visible until the project has been completed.

§ 56-15. Fees.

A fee schedule shall be established, and changed as needed, by resolution of the Village Board. Such fees may be charged for the issuance of permits, permit renewals, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, operating permits and for fire safety inspections.

§ 56-16. Stop-work orders.

The Code Enforcement Officer is authorized to issue stop-work orders to halt work that is determined to be contrary to provisions of the Uniform Code, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit. A stop-work order shall state the reason for its issuance and the conditions which must be satisfied before work will be permitted to resume.

§ 56-17. Construction inspections.

A. Permitted work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. It shall be the responsibility of the owner, applicant, or his agent to notify the Code Enforcement Officer when construction work is ready for inspection. If entrance to make an inspection is refused or cannot be obtained, the Village Board, after being notified by the inspector of the situation, may apply for an order to make inspection to any court of competent jurisdiction.

B. The following elements of the construction process shall be inspected as determined by the Code Enforcement Officer to be applicable:

(1) Work site prior to the issuance of a 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) Blower Door test;

(10) Energy code compliance;

(11) A final inspection after all work authorized by the building permit has been completed; and

(12) Any other applicable inspections which may be deemed required by the Uniform Code.

C. 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. Construction work not in compliance with code provisions shall be required to remain exposed until it has been brought into compliance with the code, been re-inspected, and been found satisfactory as completed.

§ 56-18. Entry upon premises; warrant.

- A. Where permits are required, the Code Enforcement Officer may at all reasonable hours enter any building or premises within the Village of Sodus for the purpose of making required inspections.
- B. The Code Enforcement Officer may at any reasonable hour enter any building, with the exception of a single or two-family dwelling, for the purpose of making any inspection or investigation to ensure compliance with the provisions of this chapter and the Uniform Code.
- C. Should entrance to make an inspection be refused or permission to enter be found unobtainable, application may be made for a warrant to make such inspection to any court of competent jurisdiction.

§ 56-19. Certificate of occupancy; certificate of compliance; temporary certificate.

A. No building erected subject to the New York State Uniform Fire Prevention and Building Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued.

B. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used after the completion

of the alteration or work unless a certificate of occupancy or a certificate of compliance has been issued.

C. No charge shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued.

D. A certificate of occupancy or a certificate of compliance shall be preceded by an inspection of the building, structure or work. Where applicable, the Code Enforcement Officer may require a written statement of structural observations and/or a final report of special inspections, prepared in accordance with the provisions of the Uniform Code, to be received prior to the issuance of the certificate.

E. A certificate of occupancy or certificate of compliance shall contain the following information:

- (1) The building permit number, if any;
- (2) The date of issuance of the permit, if any;
- (3) The name, address and tax map number of the property;
- (4) If the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate 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 official issuing the certificate and the date of issuance.

F. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended.

- (1) A temporary certificate shall not be issued unless:
 - (a) The structure or portions thereof may be occupied safely;
 - (b) Any fire- and smoke-detecting or fire-protection equipment which has been installed is operational; and

(c) All required means of egress from the structure have been provided.

(2) A temporary certificate shall list the items which remain uncompleted. The Code Enforcement Official may place special conditions on temporary certificates as necessary to insure safety and to protect the interest of the Village.

(3) The effectiveness of a temporary certificate shall be limited to a specified period of time as determined by the Code Enforcement Officer, but in no event longer than six months, during which the permit holder shall undertake to bring the structure into full compliance with applicable provisions of the Uniform Code.

(4) A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed.

G. A certificate of occupancy or certificate of compliance issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within a time period specified by the Code Enforcement Officer.

§ 56-20. Fire prevention and property maintenance inspections.

A. Fire prevention and property maintenance inspections.

(1) Fire safety inspections of buildings or structures having areas of public assembly shall be performed at least once in every 12 months.

(2) Fire safety inspections of buildings or structures being occupied as dormitories shall be performed at least once in every 12 months.

(3) Fire safety inspections of common areas of all other buildings, uses and occupancies (except one- or two-family dwellings) shall be inspected at least once in every 36 months.

(4) An inspection of a building or dwelling unit may also be performed at any other time upon:

(a) The request of the owner, authorized agent, or tenant.

(b) Receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exist; or

(c) Other reasonable and reliable information that such a violation exists.

B. All such inspections shall be performed by the Code Enforcement Officer or his duly authorized deputies.

§ 56-21. Operating permits.

A. The Code Enforcement Officer shall issue operating permits, for the purposes of this chapter a certificate of occupancy or a fire inspection certificate of compliance shall constitute an operating permit, 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 the Tables of the Uniform Code of New York State;

(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) 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 the Village Board by resolution.

B. Parties who propose to undertake the types of activities or operate the types of buildings listed in Subsection A of this section shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall be provided by the Code Enforcement Officer and shall contain sufficient information to permit a determination that quantities, materials, and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required as determined by the Code Enforcement Officer.

C. An inspection of the premises shall be conducted prior to the issuance of an operating permit.

D. A single operating permit may apply to more than one hazardous activity as determined by the Code Enforcement Officer.

E. Operating permits for areas of public assembly shall be limited to one year. Operating permits for all other occupancies as noted in Subsection A shall be for not more than three years or shall coincide with the schedule of inspections as required by § 56-20 of this chapter.

F. Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

§ 56-22. Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property within the Village of Sodus shall notify the Code Enforcement Official of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent, or any fire the origin of which has been traced to the electrical system of any building or structure.

§ 56-23. Complaints.

Bona fide complaints which assert that conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for administration and enforcement of the Uniform Code shall be investigated by the Code Enforcement Officer. The process for responding to such complaints shall include:

A. Provisions for inspection of the conditions and/or activities alleged to be in violation of the code or this chapter;

B. Written notification to any offending party and the property owner of any such violation, with a period of time as determined by the Code Enforcement Officer to cause any such violations to be corrected;

C. Written notification to the Village Board that a complaint has been received and a violation notice has been issued;

D. Upon abatement of a violation, an inspection shall be performed by the Code Enforcement Officer to ensure that the violation has been corrected, and a final written report shall be filed with the complaint.

§ 56-24. Penalties for offenses.

A. Upon determination that a violation of the Uniform Code or this chapter exists in, on, or about any building or premises, the Code Enforcement Officer shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail.

B. In addition to those penalties proscribed by state law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this chapter, or the terms or conditions of any certificate of occupancy issued by the Code Enforcement Officer, 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 Subsection B shall be recoverable in an action instituted in the name of the Village Board on its own initiative or at the request of the Code Enforcement Officer.

C. Alternatively or in addition to an action to recover the civil penalties provided by Subsection b, the Village Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the terms or conditions of any certificate of occupancy issued by the Code Enforcement Officer.

§ 56-25. Unsafe buildings and structures. The Village of Sodus has made provisions for the restoration, demolition or removal of unsafe buildings by way of The New York State Property Maintenance Code. If

at any point the Property Maintenance Code fails to cover a situation it shall be the responsibility of the Code Enforcement Officer, to the best of their abilities, to remedy the situation on behalf of the Village of Sodus. Information pertaining to such buildings can be found in § 59.

§ 56-26. Village not to be liable.

This chapter shall not be construed to hold any Code Enforcement Officer or Assistant Code Enforcement Officer or the Village of Sodus responsible for any damages to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect, as required by this chapter or any permit issued thereunder, nor shall they be liable for any damage to person or property by reason of the Code Enforcement Officer's and/or his/hers assistant's exercising their discretion as provided in this chapter.