

The Annual Meeting of the Village of Potsdam Board of Trustees was held on Monday, December 5, 2022 at 6:00 P.M., in the Civic Center Board Room, Park Street, Potsdam, New York.

PRESENT: Mayor Tischler
Trustees Warr, Tirion, Jacobs-Wilke & Lee

ALSO PRESENT: Lori S. Queor, Village Clerk/Registrar
Georgine Scott, Deputy Clerk/Registrar
Isabelle Gates-Shult, Treasurer
Greg Thompson, Administrator
Mark Murray, Police Chief
Fred Hanss, Planning Director

Mayor Tischler opened the meeting at 6:00 P.M., pointed out the exits on the North and East Walls and advised that the board room has the capacity for 109 people.

The Mayor then stated that all members were present.

The Mayor then stated that the following sets of minutes had been submitted for Board acceptance:

November 7, 2022	Public Hearing	5:50 p.m.
November 7, 2022	Regular Meeting	6:00 p.m.

Motion was made by Trustee Lee and Seconded by Trustee Jacobs-Wilke to accept the minutes as submitted. All Were in Favor – None Opposed – Motion Carried.

Mayor's comments: Happy Holiday to all for what ever holidays you celebrate. Pavilion in Ives Park should be completed tomorrow or Wednesday. Thank you to everyone that had a part in bringing this project to fruition. Covid, flu, etc. are out there so be careful and respectful of others.

Trustee's Comments:

Trustee Warr – None

Trustee Tirion – We will be discussing the trash bag issue further and will keep everyone up to speed on what is happening with them. Thank you to the Planning Director for a spot on a committee discussing climate change of the future. If anyone has anything ideas or concerns, please bring them to me.

Trustee Jacobs-Wilke – Pavilion completion has required a ton of work on Greg, the DPW crew and community volunteers so thank you to all of them. Excited to see it go up.

Trustee Lee – Empire Games are coming to Potsdam in January, get your tickets.

Administrator's Comments: The Administrator provided a written report which is on file with the Village Clerk. He then went over his report with the Board.

Public Comment:

Daniel Ben-Avraham of 8 Circle Drive spoke regarding the new stop signs at Grove and Leroy Streets. He stated he was happy they are there and they are slowing traffic down. He stated that no crosswalk has been painted there and kids are jay walking so he would like to see a crosswalk painted there. He also commented about the potential change to the trash collection stating that he urged the Village to keep the contract as it is now with the orange bags. He stated that getting rid of the bags would be a step backward and would not incentivize recycling. He stated that he would rather subsidize those that may fake stickers than to have no bags or stickers.

Trustee Warr stated that there will be more discussion before the next meeting regarding the trash bag issue. He stated that there are several issues including not being able to get the bags and the cost of the bags that they are able to get.

Susan Powers of 17 Spring Street spoke regarding the trash bag issue. She provided the Village Clerk with a written copy of her comments which is on file with the Village Clerk. She provided the board with some options.

Will Sigfried of 17 Spring Street spoke regarding the trash bag issue. He stated that he felt putting the cost in to the general taxation as opposed to it's own fund would be more fair.

Mark Lee of 20 Chestnut Street spoke regarding the trash bag issue. He stated that if we go away from the bag system we need different size totes because it will create a disincentive to recycle.

New Business:

The Mayor then appointed Steve Warr as Deputy Mayor for one (1) official year, commencing December 5, 2022 and ending December 4, 2023.

The Mayor then appointed the Village Administrator, Village Clerk and the Deputy Clerk as compliance officers for the Village of Potsdam's Policy Against Discrimination and Harassment for one (1) official year, commencing December 5, 2022 and ending December 4, 2023.

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution approving the Mayor's appointment of Elise Deno as Deputy Village Treasurer for one (1) official year commencing December 5, 2022 and ending December 4, 2023.

Ayes 5	(Mayor Tischler)	Nays 0
	(Trustee Warr, Tirion, Jacobs-Wilke & Lee)	

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution setting the business hours of the Village Offices, in the Civic Center, as 8:00a.m. to 4:00 p.m., Monday through Friday, except for official village holidays.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke & Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution designating the Daily Courier-Observer, the Watertown Daily Times and North Country This Week as the official newspapers for the Village of Potsdam, for one (1) official year, commencing December 5, 2022 and ending December 4, 2023.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke & Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution setting forth the regular meeting dates of the Village Board of Trustees for 2023:

January	3	May	15	September	5
January	17			September	18
February	6	June	20	October	2
February	21			October	16
March	6	July	17	November	6
March	20			November	20
April	3	August	21	December	4 (Annual)
April	17			December	18

Regular meetings except for May, June, July and August are scheduled to begin at 6:00 p.m. unless there is a public hearing prior to the meeting and then they will begin immediately following the public hearing. May, June, July and August meetings are scheduled to begin at 4:30 p.m. unless there is a public hearing prior to the meeting and then they will begin immediately following the public hearing. All meetings will be held in the Civic Center Board Room. Further directing the Village Clerk to post and publish the schedule in accordance with open meetings law requirements.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke & Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution designating Community Bank N. A., Key Bank of Central New York N.A., The Chase Bank and Manufacturers and Traders Trust Company as the official banks of deposit for the monies of the Village of Potsdam for one (1) official year, commencing December 5, 2022 and ending December 4, 2023.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution authorizing the Village Treasurer or the Deputy Village Treasurer to sign checks for the Village of Potsdam, at the designated banks.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Jacobs-Wilke Moved and Trustee Lee Seconded a Resolution to fix the amounts of surety bonds for Village officials and Village personnel, as follows:

Village Tax Collector	\$25,000.00
Village Treasurer	\$95,000.00
All other employees	\$10,000.00

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution authorizing payments in advance of audit of claims for certain recurring charges such as public utility charges, postage, freight and express charges.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution providing for a mileage allowance for Village officials and employees in the amount of 62.5 cents per mile for use of personal automobiles in the performance of official Village duties for 2023.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution to renew the Written Investment Policy, pursuant to Section 39 of the General Municipal Law, which authorizes the Treasurer to invest surplus funds of any Village account.

Note: The original resolution was passed in policy form on November 15, 1993.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a Resolution to renew the Written Procurement Policy, pursuant to Section 104-B of the General Municipal Law which requires the governing body to adopt a procurement policy for all goods and services which are not required by law to be publicly bid.

Note: The original resolution was passed in policy Form on December 16, 1991 and amended February 4, 2013.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution authorizing Village of Potsdam employees including but not limited to: Village Clerk/Registrar, Village Treasurer, Deputy Treasurer, Deputy Clerk/Registrar, Administrator, Code Enforcement Officer, Planning Director, Museum Director, DPW Superintendent, Recreation Director, Police Chief, Mayor, And Board of Trustees to attend training seminars held during 2023 conducted by but not limited to: NY Conference of Mayors, NYS DEC, NYS DOH, NYS OSC, & NYS DOT. Expenses Paid as follows: Registration, Food per the Village Handbook, Board and Mileage.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution approving the partial expenditures for the month of November 2022 in the amount of \$152,026.20 chargeable to the following funds:

General Fund	\$ 101,537.07
Water Fund	13,528.07
Sewer Fund	34,561.90
Hydro Fund	38.00
Recreation Fund	<u>2,361.16</u>
TOTAL	<u>\$ 152,026.20</u>

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Roemer, Wallens, Gold & Mineaux in the amount of \$2,000 for labor relations services for November 2022.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution authorizing the Mayor to sign the agreement with the Town of Potsdam for the pickleball courts.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution authorizing the Treasurer to make the following FY 22-23 budget modifications:

<u>INCREASE</u>	<u>Description</u>	<u>DECREASE</u>	<u>Description</u>	<u>Amount</u>
05-3120-464	Vehicle Maint.	05-3120-230	Police Vehicles	\$10,000.00

ROLL CALL VOTE:

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution authorizing the Village Clerk to advertise for the sale of the following surplus village owned properties:

1. Riverside Drive¹ Tax Map #64.050-5-24
2. 5 Mechanic Street² Tax Map #64.058-6-15.2

¹ R-2 Zone, non-conforming for residence construction; variance necessary

² Non-conforming size lot; variance not possible.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution to accept with regret the resignation of Lindsey Levison as dispatcher for the Potsdam Police Department effective December 1, 2022.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution approving the probationary appointment of Adam M. Light, Lisbon, NY to the position of Police Dispatcher effective 1/1/2023 at an annual salary of \$47,338 contingent upon the successful completion of a background investigation. Probationary period not to exceed 3 months.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution as follows:

LOCAL LAW #5-2022

Section 1. Purpose.

The Purpose of this Local Law is to Amend Chapter 94 Fire Prevention & Building Code of the Village of Potsdam Municipal Code.

Section 2. Amendment.

REPLACE ENTIRE CHAPTER WITH :

ARTICLE I

Administration and Enforcement

[Adopted 12-4-2006 by L.L. No. 6-20061]

§ 94-1. Purpose. This article 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 Village. This article is adopted

pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this article, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this article.

§ 94-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ASSEMBLY AREA - Shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

BUILDING PERMIT — A permit issued pursuant to § 94-4 of this article. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this article.

CERTIFICATE OF COMPLIANCE – shall mean a document issued by the Village stating that work was done in compliance with approved construction documents and the Codes.

CERTIFICATE OF OCCUPANCY – shall mean a document issued by the Village certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, approved by the Village, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

CODE ENFORCEMENT OFFICER – shall mean the Code Enforcement Officer appointed pursuant to §94-3B of this article.

CODE ENFORCEMENT PERSONNEL – shall include the Code Enforcement Officer and all Inspectors. “ Codes “ shall mean the Uniform Code and Energy Code.

ENERGY CODE – shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION – shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

HAZARDOUS PRODUCTION MATERIALS – shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of- hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

INSPECTOR – shall mean an inspector appointed pursuant to §94-3D of this article.

MOBILE FOOD PREPARATION VEHICLES – shall mean vehicles that contain cooking

equipment that produces smoke or grease – laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

OPERATING PERMIT – shall mean a permit issued pursuant to §94-10 of this article. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this article.

ORDER TO REMEDY - shall mean an order issued by the Code Enforcement Officer pursuant to §94-17A of this article.

PERMIT HOLDER – shall mean the Person to whom a Building Permit has been 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.

REPAIR – shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

STOP WORK ORDER – shall mean an order issued pursuant to §94-6 of this article.

SUGARHOUSES – shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

TEMPORARY CERTIFICATE OF OCCUPANCY – shall mean a certificate issued pursuant to §94- 7D of this article.

UNIFORM CODE – shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

VILLAGE – The Village of Potsdam.

§ 94-3. 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 article. 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, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this article;
 - (4) To issue stop-work orders;
 - (5) To review and investigate complaints;
 - (6) To issue orders pursuant to § 94-17A, Violations of this article;
 - (7) To maintain records;
 - (8) To collect fees as set by the Village Board of Trustees of this Village;
 - (9) To pursue administrative enforcement actions and proceedings;
 - (10) In consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this article, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this article, and;
 - (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this article and other local laws and resolutions previously enacted or passed and to be passed in the future.
- B. The Code Enforcement Officer shall be appointed by the Village Board of Trustees. 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 Department of State 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 Village Board of Trustees 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 article.
- D. One or more inspectors may be appointed by the Village Board of Trustees 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 article. 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.

E. The compensation for the Code Enforcement Officer and inspectors shall be fixed from time to time by the Village Board of Trustees of this Village.

§ 94-4. 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 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 Officer.

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

- (1) Construction or installation of one-story detached structures associated with one-or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;
- (2) Construction of temporary motion-picture, television and theater stage sets and scenery;
- (3) Installation of window awnings supported by an exterior wall of a one-or two-family dwelling or multiple single-family dwellings (townhouses);
- (4) Installation of partitions or movable cases less than five feet nine inches in height;
- (5) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (6) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliance;
- (7) 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
- (8) Repairs, provided that such repairs do not involve:
 - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component.
 - (b) The removal or change of any required means of egress; or the rearrangement of parts of a structure in a manner which affects egress;

(c) The enlargement, alteration, replacement or relocation of any building system; or

(d) The removal from service of all or part of a fire protection system for any period of time.

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

D. Applications for building permits. 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 by 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) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas,

floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name(if not a sole proprietor), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

- E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5) 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 the 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.
- F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code 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.
- G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be performed 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.

I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months

following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit

which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the

permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

J. 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 all work then

completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and all work

then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the

Energy Code.

K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 94-18, Fees, of this article

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.

§ 94-5. 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) Inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls.
- (10) Installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
- (11) A final inspection after all work authorized by the Building Permit has been completed.

C. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. 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, reinspected, and found satisfactory as completed.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 94-6. 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 be in writing, be dated and signed by the Code Enforcement Officer, state the reason or reasons for issuance, and if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of 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 mail / 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 mail / 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 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, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing 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 subdivision 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 §94- 17 (Violations) of this article 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.

§ 94-7. Certificates of Occupancy / Certificates of Compliance.

A. Certificates of Occupancy and 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 or Certificate of Compliance.

B. Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or 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 and Energy Code 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 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 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 Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) A written statement of structural observations and/or a final report of special inspections; and
- (2) Flood Hazard certifications;
- (3) A written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

C. Contents of Certificates of Occupancy and Certificates of Compliance. 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 Building Permit, if any;

- (3) The name (if any), address and tax map number of the property;
- (4) If the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The occupant load of the assembly areas in the structure, if any;
- (8) Any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) The signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

D. Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy 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 of Occupancy unless the Code Enforcement Officer determines that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy 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 of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, 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, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect 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 18 (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 of Occupancy.

§ 94-8. Notification regarding fire or explosion.

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

§ 94-9. Unsafe buildings and structures.

Unsafe buildings, structures and equipment and conditions of imminent danger in this Village shall be identified and addressed in accordance with the procedures established by Chapter 72 of the Village Code, as now in effect or as hereafter amended from time to time.

§ 94-10. Operating Permits.

- A. Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
- (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
 - (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - (i) Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;
 - (ii) Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (iii) Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (iv) Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

- (v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
 - (xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Section 319.2
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
- (4) buildings containing one or more assembly areas;
- (5) outdoor events where the planned attendance exceeds 1,000 persons;

- (6) facilities that store, handle or use hazardous production materials;
- (7) parking garages as defined in §94-13(A) of this article;
- (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Village Board of Trustees of this Village; and
- (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Village Board of Trustees of this Village. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (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 or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C. Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision (A) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 11 (Fire Safety and Property Maintenance Inspections) of this Article, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this Article, as applicable.
- D. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village sufficient

information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

- E. Multiple Activities. In any circumstance in which more than one activity listed in subdivision (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 their discretion, issue a single Operating Permit to apply to all such activities.
- F. Duration of Operating Permits. Operating Permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
 - (1) 30 Days for tents, special event structures, and other membrane structures;
 - (2) 60 Days for alternative activities at a sugarhouse;
 - (3) 3 years for the activities, structures, and operations determined per paragraph (9) of subdivision (A) of this section; and
 - (4) 1 year for all other activities, structures, and operations identified in subdivision (A) of this section.

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 of such application by the Code Enforcement Officer.

- G. 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.
- H. Fee. The fee specified in or determined in accordance with the provisions set forth in §94-18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

§ 94-11. Fire Safety and Property Maintenance Inspections.

A. Inspections required. Firesafety 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) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.

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

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

B. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

C. Inspections permitted. In addition to the inspections required by subdivision (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 authorized to perform fire safety and property maintenance inspections 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 or 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 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.

D. OFPC inspections. Nothing in this section or in any other provision of this article shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b. Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) The Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2) The Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) Such inspections are performed no less frequently than once a year;
- (4) A true and complete copy of the report of each inspection is provided to the Code Enforcement Officer; and
- (5) Upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by §94-17 (Violations) of this Article.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in §94-18 (Fees) of this Article must be paid prior to or at the time each inspection is performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 94-12. 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 the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (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.

§ 94-13. Condition Assessments of Parking Garages.

A. Definitions. For the purposes of this section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Village, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

C. Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to January 1, 2023.

D. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed 3 years.

E. Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c)

of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Village becomes aware of any new or increased deterioration which, in the judgment of the Village, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Village to be appropriate.

F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Village within 30 Days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
- (7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

G. Review Condition Assessment Reports. The Village shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Village shall, by Order to Remedy or such other means of enforcement as the Village may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Village to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

H. The Village shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Village with a written statement attesting to the fact that he or she has been so engaged, the Village shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Village shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the Village:

- (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;
- (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or
- (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Village by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§ 94-14. Climatic and Geographic Design Criteria.

- A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Village as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:
 - (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
 - (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
 - (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
 - (i) the accompanying Flood Insurance Rate Map (FIRM);
 - (ii) Flood Boundary and Floodway Map (FBFM); and
 - (iii) related supporting data along with any revisions thereto.
- B. The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this

section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

§ 94-15. 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 condition assessment reports received;
- (9) All fees charged and collected;
- (10) All other features activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

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.

§ 94-16. Program Review and Reporting.

A. The Code Enforcement Officer shall annually submit to the Board of Trustees of this Village 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 § 94-14, Recordkeeping, of this article and a report 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 Village, on a form prescribed by the Secretary of State, a report of the activities of this Village 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 Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§ 94-17. Violations.

A. Orders to Remedy. 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. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; 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: "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." 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 Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer 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 Officer 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 Compliance Order.

B. Appearance Tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this article, 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 article, 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 subsection shall be recoverable in an action instituted in the name of this Village.

D. Injunctive relief. An action or proceeding may be instituted in the name of this 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 article, 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 notice or order issued by the Code Enforcement Officer pursuant to any provision of this article. 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 article, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this article, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Board of Trustees of this Village.

E. 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 § 94-6, Stop-work orders, of this article, in any other section of this article, 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 § 94-6, Stop-work orders, of this article, in any other section of this article, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

§ 94-18. Fees.

A fee schedule shall be established by resolution of the Board of Trustees of this 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, operating permits, firesafety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this article.

§ 94-19. Intermunicipal Agreements.

The Village Board of Trustees of this Village may, by resolution, authorize the Mayor of this Village to enter into an agreement, in the name of this Village, with other governments to carry out the terms of this article, 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.

§ 94-20. Severability.

If any section of this article 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 article.

§ 94-21. 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.

ARTICLE II
Electrical Inspections

§ 94-22. Electrical Inspections.

A. Authorization to make inspections. The Chief Inspector and each of the duly appointed inspectors of any agency duly appointed by the Board of Trustees of this municipality are hereby authorized and deputized as agents of the municipality to make inspections and reinspections of all electrical installations hereinafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the municipality.

B. Qualifications of inspectors.

- (1) Each individual inspector shall have a minimum of five years' experience in the electrical field as an electrician or electrical contractor.
- (2) Before any person conducts an electrical inspection in the Village of Potsdam, each individual inspector shall file an executed statement with the Village Clerk and the Enforcement Official on the form prescribed by the Village Clerk, which shall set forth the following:
 - (a) The name, social security number and date of birth of each individual inspector.
 - (b) The residence and business addresses and residence and business telephone numbers for each individual inspector.
 - (c) The employer of each individual inspector and business address and telephone number for said employer.
 - (d) Affirmation by each individual inspector that he presently does not and will not engage in or have any interest, direct or indirect, with any wholesaler or retailer of electrical equipment that transacts any business in the State of New York and that the individual inspector will not engage in the work of an electrician anywhere within the State of New York, except on his own, personal residence.
 - (e) Certified proof to the Village Clerk of liability insurance and its maximum coverage that covers each individual, agency, electrical inspector and the municipality.

(f) Electrical experience.

C. Duties of inspectors.

- (1) The inspector shall make inspections and/or reinspections of electrical installations in and on properties in the municipality upon written request of the Code Enforcement Official or other person with obligation to do so, or as herein provided.
- (2) The electrical inspector is authorized to make inspections and reinspections of electrical installations, devices, appliances and equipment in and on properties within the municipality where he deems it necessary for the protection of life and property with the exception of single- and two-family dwellings. He shall inspect single- and two-family dwellings only upon request of the Code Enforcement Official or the Chief of the Fire Department.
- (3) In the event of an emergency, it is the duty of the inspector to make electrical inspections upon oral request of an official or officer of the municipality.
- (4) It shall be the duty of the inspector to furnish written reports to the proper officials of the municipality and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection.
- (5) He shall issue a certificate of compliance only when electrical installations and equipment are in conformity with the New York State Uniform Fire Prevention and Building Code and the generally accepted standards, and he shall direct that a copy of the certificate of compliance be sent to the Code Enforcement Official.
- (6) The electrical inspector shall perform his duties during normal business hours (8:00 a.m. to 4:00 p.m.) Monday through Friday, and in emergencies whenever requested by an official of the municipality, unless otherwise authorized or agreed by the Code Enforcement Official.

D. Schedule of rates. The schedule of rates charged for inspection shall be filed with the Clerk and Code Enforcement Official.

E. Exemption permits.

- (1) As used in this subsection, the following terms shall have the meanings indicated:
JOURNEYMAN ELECTRICIAN — A person who has completed an apprentice course or received equivalent training or has equivalent experience of at least five years in electrical work.
- (2) The Enforcement Official is empowered and directed to issue a permit granting exemption from the provisions of this section to each person, firm or corporation engaged in the conduct of manufacturing in or on properties in this municipality upon written application of such person, firm or corporation, hereinafter called the "applicant," setting forth that:
 - (a) The applicant is engaged in the conduct of manufacturing in this municipality.

- (b) The applicant regularly employs one or more journeyman electricians, whose principal duties are the installation, maintenance and repair of electrical machinery, appliances, equipment and wiring for electric light, heat or power, hereinafter called "electrical work," in or upon the premises used by the applicant in the conduct of manufacturing.
- (c) By reason of the amount and frequency of electrical work so performed upon the applicant's premises, compliance with the provisions of this section would impose an undue burden on the applicant's conduct of manufacturing operations.
- (3) Each permit so issued shall be for a period of one year, and such permit shall be renewed for successive one-year periods upon supplemental application by the applicant, certifying that the statements contained in the original application remain true and correct.

F. Exceptions.

- (1) The provisions of this section shall not apply to electrical installations in mines, ships, railway cars, automotive equipment or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility and located outdoors or in buildings used exclusively for that purpose.
- (2) This section shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as his or its principal business.
- (3) This section shall not apply to any building which is owned or leased in its entirety by the government of the United States or the State of New York.

G. Temporary permits. The Code Enforcement Official of this municipality may issue a temporary permit, in case of emergency, such as:

- (1) Fire;
- (2) Windstorm;
- (3) Flood;
- (4) Lightning storm;
- (5) Burnout of existing power supply;
- (6) Health reasons, but only after an inspection form has been submitted to the supplying power company from the acting inspection agency at that time.

H. Construal of provisions. This section shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall this municipality be deemed to have assumed any such liability by

reason of any inspection made pursuant to this section.

I. Prohibited acts.

- (1) It shall be a violation of this section for any person, firm or corporation to install or cause to be installed or to alter or repair electrical wiring for light, heat or power in or on properties in this municipality until an application for inspection has been filed with an agency duly appointed by the Board of Trustees of this municipality, except as set forth in § 94-22G.
- (2) It shall be a violation of this section for any person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical supply prior to the issuance of temporary certificate or a certificate of compliance by an agency duly appointed by the Board of Trustees of this municipality, except as set forth under § 94-22G.

§ 94-23. Penalties for offenses.

A. In accordance with § 382 of Article 18 of the Executive Law of the State of New York:

- (1) It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of law or ordinance, as well as any regulation or rule promulgated by the Enforcement Official in accordance with applicable laws or to fail in any manner to comply with a notice, directive or order of the Enforcement Official or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.
- (2) Any person who shall fail to comply with a written order of the Enforcement Official within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of law or any lawful order, notice, directive, permit or certificate of the Enforcement Official made thereunder shall be punishable by a fine of not more than \$500 or not more than 15 days' imprisonment. Each day any violation of any provision of this article shall constitute a separate violation.
- (3) Except as provided otherwise by law, such a violation shall not be a crime, and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person found guilty of such an offense.

B. Abatement of violations. Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises, and these remedies shall be in addition to penalties otherwise prescribed by law.

Section 3. Enactment.

This Local Law shall become effective immediately upon the notification of the filing of same with the Secretary of State.

ROLL CALL VOTE:

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution accepting with regret the retirement of Leland Cota from the Department of Public Works effective December 30, 2022. Further thanking Mr. Cota for his 34 years of service to the taxpayers of the Village of Potsdam.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution approving the partial expenditures for the month of December 2022 in the amount of \$7,228.87 chargeable to the following funds:

General Fund	\$ 2,854.99
Water Fund	1,970.27
Sewer Fund	1,744.26
Trust & Agency Fund	85.00
Recreation Fund	<u>574.35</u>
TOTAL	<u>\$ 7,228.87</u>

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Trustee Lee Moved and Trustee Jacobs-Wilke Seconded a resolution to adjourn the Annual Meeting of the Village of Potsdam Board of Trustees of December 5, 2022 at 6:43 p.m.

Ayes 5 (Mayor Tischler) Nays 0
(Trustee Warr, Tirion, Jacobs-Wilke
& Lee)

Respectfully submitted,

Lori S. Queor
Village Clerk