

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated. Use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

JUL 02 2013

MISCELLANEOUS
& STATE RECORDS

- County
- City of Caroline
- Town
- Village

Local Law No. 1 of the year 20 13

A local law A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT
(Insert Title)
OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Be it enacted by the Town Board of the
(Name of Legislative Body)

- County
- City of Caroline **as follows:**
- Town
- Village

See attached 25 pages

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 13 of the (County)(City)(Town)(Village) of Caroline was duly passed by the Town Board on June 11 20 13, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____, above.

Marlene Hawngton-Lauzon
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

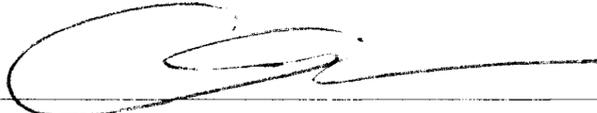
Date: June 20th 2013

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Tompkins

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature _____
Title ATTORNEY FOR THE COUNTY

County _____
City of WATKINSVILLE
~~Town~~
Village _____

Date: 6/21/13

**TOWN OF CAROLINE, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER 1 OF 2013**

**A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

History:

This Local Law hereby supersedes all and any prior rules, regulations, Ordinances and local laws of the Town of Caroline pertaining to the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Code, but does not supersede any rules, regulations, Ordinances and local laws of the Town of Caroline pertaining to zoning, site plan review, special permits, or subdivisions, or any of the same pertaining to the conduct of affairs and internal operations of the Town of Caroline, including, but not limited to the Code Enforcement Office and the Building and Electrical Inspectors, and related rules, regulations, ordinances and local laws thereof or pertaining thereto.

The Town Board of The Town of Caroline, New York, pursuant to a Resolution dated June 11, 2013, does hereby pass and update Local Law #1 of 2006, as amended and re-stated in its entirety, as follows:

ARTICLE 1. TITLE, AUTHORITY & PURPOSE:

This Local Law shall be known as the Code Administration and Enforcement Local Law, Local Law Number 1 of 2013. This Local Law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the "Uniform Code"), the State Energy Conservation Construction Code (the "Energy Code"), and all Building Codes (as defined below), each as the same now exists or as hereafter amended, updated, or restated (but not for any portion of the Town of Caroline located within any village). This Local Law is adopted pursuant to §§ 64, and 130 of the Town Law, § 10 of the Municipal Home Rule Law, General Municipal Law § 78-b, the Multiple Dwelling Law § 3, *et seq.*, the Multiple Residence Law, the Public Health Law, including Article 13 therein, and 19 NYCRR Part 1203, and the enabling legislation and implemented rules and regulations arising under or in relation to the same, and other New York State codes, rules, regulations, and administrative rules and orders pertaining to local or municipal code enforcement and the construction, maintenance, repair, demolition, removal, safety, and management of land, buildings, and structures in the Town, including the Town of Caroline Flood Plains Local Law (Local Law #3 of 1985, as amended by the Flood Damage Prevention Local Law #1 of 2011, or as otherwise amended) and the Town of Caroline Stormwater Management and Erosion and Sediment Control Local Law (Local Law #2 of 2007, as amended). Except as otherwise provided in the Building Code (as defined below), or any section or provision of this Local Law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this Local Law. It is declared to be the policy of the Town of Caroline to consider energy, fire and Building Codes (as defined below), and the said Stormwater Management and Erosion and Sediment Control Local Law and the Flood Damage Prevention Local Law, as necessary for the orderly, efficient and economical development in and of the Town of Caroline. The purpose of the rules, regulations, and standards contained in this Local Law are (1) to promote the safe, sanitary, and efficient construction of structures within the Town of Caroline; (2) to regulate development and construction of buildings, structures, and premises in a manner that will result in safe and orderly growth and development; and (3) to establish minimum standards and requirements by which buildings, structures, and premises are, *inter alia*, built, maintained, renovated,

repaired, and constructed. Pursuant to the New York State Town Law, and other provisions in the statutes and regulations of the State of New York, the Town of Caroline hereby empowers designated Town of Caroline officials to act pursuant to this Local Law.

ARTICLE 2. CONSTRUCTION & DEFINITIONS:

Sec. 201 Should any provision, clause, requirement, or term of this Local Law conflict with or be inconsistent with any provision of the New York State Town Law or the NYCRR pertaining to the subject matter hereof, mainly including 19 NYCRR Part 1203, this Local Law shall apply and shall be deemed to supersede the New York State Town Law and the NYCRR to the extent such conflicting provisions are not capable of being read in harmony and to the extent that this Local Law is more specific or restrictive, all pursuant to the powers granted to the Town of Caroline by the New York State Constitution, Article IX, and the Municipal Home Rule Law, § 10.

Sec. 202 In this Local Law, the following terms shall have the following definitions:

"Town Board" shall mean the Town Board of the Town of Caroline.

"Building Code" means those building and property codes promulgated or administered by the New York Department of State, Division of Code Enforcement & Administration ("NYSDCEA"), including but not limited to: (i) the codes commonly known as the Building Code, the Plumbing Code, the Mechanical Code, the Fuel Gas Code, the Fire Code, the Property Maintenance Code, the Energy Code, and the related regulations, codes, rules, orders, and requirements of the NYSDCEA; (ii) such codes and regulations as are contained within the New York Codes, Rules and Regulations ("NYCRR"); and (iii) such other statutes, codes, rules, regulations, and administrative and judicial rules and orders pertaining to local or municipal code enforcement and the construction, maintenance, repair, demolition, removal, safety, and management of land, buildings, and structures in the Town.

"Building Permit" shall mean a permit issued pursuant to Article 4 of this Local Law or any similar permit issued by any authority with jurisdiction, including the State of New York. The term "Building Permit" shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this Local Law.

"Certificate of Occupancy" and/or **"Certificate of Compliance"** shall mean a certificate issued pursuant to Article 7 of this Local Law, or any similar certificate issued by any authority with jurisdiction, including the State of New York.

"Code Enforcement Officer" shall mean the Zoning/Code/Fire Enforcement Officer of the Town of Caroline, or any other Person designated by the Town Board to implement or enforce any provisions of the Building Code or this Local Law.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors, including, but not limited to Building Inspectors and Electrical Inspectors and any other Person designated by the Town Board to implement or enforce any provisions of the Building Code or this Local Law.

"Compliance Order" shall mean an order issued by the Code Enforcement Officer pursuant to Article 15 of this Local Law, pursuant to the Executive Law, or pursuant to any other requirement of, or authorization within, any statute or regulation of any applicable authority with jurisdiction, including the State of New York.

"Emergency" shall mean a determination by the Enforcement Officer of a condition in a Hazardous Building that presents an imminent or immediate danger to the life, health, or safety of any Person.

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

"Flood Law" shall mean the Town of Caroline Flood Plains Local Law - Local Law #3 of 1985, as amended by the Flood Damage Prevention Local Law #1 of 2011, or as otherwise now or hereafter amended.

"Hazardous Building" shall mean any Unsafe Building that presents or poses an imminent or immediate danger of failure or collapse, or an imminent or immediate danger to the life, health, safety or welfare of any Person. A single building or Structure can be both a Hazardous Building and an Unsafe Building, and all Hazardous Buildings are and shall be deemed Unsafe Buildings.

"Inspector" shall mean an inspector appointed pursuant to, or identified in, Article 4 of this Local Law.

"Operating Permit" shall mean a permit issued pursuant to Article 10 of this Local Law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this Local Law or issued by any other authority having jurisdiction, including the State of New York.

"Owner" shall mean any Person or entity that owns or holds any interest in fee to real property as shown by the records of the County Tax Assessor, as based upon title to such property, or as has an interest in real property as based upon the records filed in or maintained by the Tompkins County Clerk's Office or any other similar office where land records are kept, stored, or recorded, including but not limited to the land and title records of the State of New York for land patents and other interests in real property or title thereto.

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

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

"Stop Work Order" shall mean an order issued pursuant to Article 6 of this Local Law.

"Stormwater Law" shall mean and refer to the Town of Caroline Stormwater

Management and Erosion and Sediment Control Local Law - Local Law #2 of 2007, as no or hereafter amended, and including any stormwater pollution prevention plans, any temporary or permanent stormwater practices, and the terms and conditions of any New York State general, stormwater, or SPDES permit(s).

"Temporary Certificate" shall mean a certificate issued pursuant to Article 7 of this Local Law.

"Town" shall mean the Town of Caroline.

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

"Unsafe Building" shall mean any building or structure which (i) is abandoned, dilapidated, derelict, structurally unsafe, or unsanitary, or (ii) constitutes a fire hazard, or (iii) is not provided with sufficient means of egress or exits in the case of a fire, or (iv) is otherwise dangerous to human life, or (v) which constitutes a hazard to safety or health by reason of inadequate maintenance, infestation, dilapidation, obsolescence or abandonment.

ARTICLE 3. CODE ENFORCEMENT OFFICER AND INSPECTORS:

Sec. 301 The Code Enforcement Officer shall administer and enforce all the provisions of the Building Code, the Uniform Code, the Energy Code and this Local Law. The Code Enforcement Officer shall have the following powers and duties:

- (1) To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Local Law;
- (4) To issue Stop Work Orders;
- (5) To review and investigate complaints;
- (6) To issue orders, determinations, findings, and other documents pursuant to, *inter*

alia, Articles 15 (“Violations”) and 16 (“Enforcement Procedures”) of this Local Law;

- (7) To maintain records;
- (8) To collect fees as set by the Town Board or the State of New York;
- (9) To pursue violations and administrative enforcement actions and proceedings;
- (10) In consultation with the Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Building Code, the Uniform Code, the Energy Code, and this Local Law, or to abate or correct conditions not in compliance with the Building Code, the Uniform Code, the Energy Code or this Local Law;
- (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Local Law or by the State of New York; and
- (12) To issue, deny, or withhold permits, certificates, or approvals whenever there is an issue of non-compliance with, or a violation of, any standards or requirements appertaining to the Stormwater Law or the Flood Law.

Sec. 302 The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Supervisor to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Local Law.

Sec. 303 One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this Local Law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

Sec. 304 The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board.

ARTICLE 4. BUILDING PERMITS:

Sec. 401 Except as otherwise provided in this Local Law, a Building Permit shall be required for any work which must conform to the Building Code, 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. If applicable, no permit shall issue until the applicant or owner has demonstrated compliance with the Stormwater Law and the Flood Law.

Sec. 402 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) Installation of swings and other playground equipment associated with a one-or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) Installation of fences which are not part of an enclosure surrounding a swimming pool;
- (5) Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (6) Construction of temporary motion picture, television, and theater stage sets and scenery;
- (7) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (8) Installation of partitions or movable cases less than 5'-9" in height;
- (9) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (11) Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (12) Repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the

enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

Sec. 403 The exemption from the requirement to obtain a building permit for work in any category set forth in § 402 shall not be deemed an authorization for work to be performed in violation of the Building Code, the Uniform Code or the Energy Code.

Sec. 404 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 Building Code, 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 Building Code and the Uniform Code;
- (5) At least 2 sets of construction documents (drawings and/ or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Building Code, the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines; and
- (6) Where required, documents or plans demonstrating compliance with the Stormwater Law and the Flood Law.

Sec. 405 Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in § 404. 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.

Sec. 406 An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Building Code, the Uniform Code, the Energy Code, and the Stormwater Law and the Flood Law. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Building Code, the Uniform Code, the Energy Code, and the Stormwater Law and the Flood Law.

Sec. 407 Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

Sec. 408 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.

Sec. 409 Building Permits shall become invalid unless the authorized work is commenced within 6 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 section may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

Sec. 410 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 Building Code, the Uniform Code, the Energy Code, or the Stormwater Law and the Flood Law, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Building Code, the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Building Code, the Uniform Code, the Energy Code, and the Stormwater Law and the Flood Law.

Sec. 411 The fee specified in or determined in accordance with the provisions set forth in Article 17 ("Fees") of this Local Law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

ARTICLE 5. CONSTRUCTION INSPECTIONS:

Sec. 501 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 § 502 is ready for inspection.

Sec. 502 The following elements of the construction process shall be inspected, where

applicable:

- (1) Work site prior to the issuance of a Building Permit;
- (2) Footing and foundation;
- (3) Preparation for concrete slab;
- (4) Framing;
- (5) Building systems, including underground and rough-in;
- (6) Fire resistant construction;
- (7) Fire resistant penetrations;
- (8) Solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance;
- (10) Any practices or installations as are required to comply with the Stormwater Law and the Flood Law; and
- (11) A final inspection after all work authorized by the Building Permit has been completed.

Sec. 503 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 Building Code, the Uniform Code, the Energy Code, or the Stormwater Law and the Flood Law. Work not in compliance with any applicable provision of the building Code, the Uniform Code, the Energy Code, or the Stormwater Law and the Flood Law shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Building Code, the Uniform Code, the Energy Code and the Stormwater Law and the Flood Law, is re-inspected, and found satisfactory as completed.

Sec. 504 The fee specified in or determined in accordance with the provisions set forth in Article 17 (“Fees”) of this Local Law must be paid prior to or at the time of each inspection performed pursuant to this Article.

ARTICLE 6. STOP WORK ORDERS:

Sec. 601 The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this Article. 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 Building Code, the Uniform Code, the Energy Code, and the Stormwater Law and the Flood Law, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit

has or has not been issued for such work;

(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.

Sec. 602 Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

Sec. 603 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 (or, as required by Article 16 (“Enforcement Procedures”), if a Failure to Maintain Property Notice is also issued). 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; provided, however, that failure to serve any Person mentioned in this section shall not affect the efficacy of the Stop Work Order.

Sec. 604 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.

Sec. 605 The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event as described in this Article, or any non-compliance with the Building Code or this Local Law, 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 Article 15 (“Violations”) or Article 16 (“Enforcement Procedures”) of this Local Law, or under any other applicable local law or State law or regulation, including, but, not limited to the Stormwater Law, the Flood Law, and the New York State Executive 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.

Sec. 606 Any Person who believes that a Stop Work Order was improperly issued, or that a Stop Work Order is being improperly maintained (or not properly withdrawn or lifted), may appeal the issuance or maintenance (or non-withdrawal or non-lifting) of a Stop Work Order to the Subdivision Review Board, which appeal shall be treated as an administrative appeal under Town Law §§ 267-a and -b. By this provision the Town of Caroline is not imbuing the Subdivision Review Board with quasi-judicial authority, but is instead providing that the said Subdivision Review Board shall apply the procedures and standards of review implicated by and set forth in such statutes in determining the timeliness of, and standards of review applicable to, any such appeal. If a Stop Work Order is issued in conjunction with a Failure to Maintain Property Notice

("FMPN" - see Article 16, "Enforcement Procedures"), then the provisions of said Article 16 shall apply and this section shall not apply. Nothing prohibits any Code Enforcement Officer, or any other Code Enforcement Personnel, from issuing both a Stop Work Order and a FMPN simultaneously, sequentially, or in any other manner as determined in the discretion of such Code Enforcement Officer (or any other Code Enforcement Personnel).

ARTICLE 7. CERTIFICATES OF OCCUPANCY & COMPLIANCE:

Sec. 701 A Certificate of Occupancy and/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 sub-classification to another. Permission to use or occupy a building or structure, or any portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy and/or Certificate of Compliance.

Sec. 702 The Code Enforcement Officer shall issue a Certificate of Occupancy and/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 Building Code, the Uniform Code, the Energy Code and: (i) if applicable, the Stormwater Law and the Flood Law; and (ii) if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Building Code, the Uniform Code, the Energy Code, and the Stormwater Law and the Flood Law. 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 Certificate of Occupancy and/ or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Building Code and 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 and/or Certificate of Compliance shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy and/or Certificate of Compliance:

- (1) A written statement of structural observations and/or a final report of special inspections; and
- (2) Flood hazard certifications.

Sec. 703 A Certificate of Occupancy and/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, address and tax map number of the property;
- (4) If the Certificate of Occupancy and/ or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which Certificate of Occupancy and/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 assembly occupant load of the structure, if any;
- (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) Any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) The signature of the Code Enforcement Officer issuing the Certificate of Occupancy and/ or Certificate of Compliance and the date of issuance.

Sec. 704 The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire-, smoke-, and CO/CO₂- detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Building Code and Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed 2 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Building Code, the Uniform Code and the Energy Code.

Sec. 705 If the Code Enforcement Officer determines that a Certificate of Occupancy and/ or Certificate of Compliance, or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, or due to any error (including, but not limited to, an error or omission committed by the Code Enforcement Officer or any Inspector), 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.

Sec. 706 The fee specified in or determined in accordance with the provisions set forth in Article 17 ("Fees") of this Local Law must be paid at the time of submission of an application for a Certificate of Occupancy and/or Certificate of Compliance, or for a Temporary Certificate.

ARTICLE 8. NOTIFICATION REGARDING FIRE OR EXPLOSION:

The chief of any fire department, company, or fire protection district (including all similar fire and protection districts) providing fire fighting services for property within the Town, and any Person owing

any building, structure or property, shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage or any fuel burning appliance, chimney, or gas vent.

ARTICLE 9. UNSAFE BUILDING AND STRUCTURES, GENERALLY:

Any building or structure, or any part thereof, that is unsafe and/or that poses an imminent danger to life and safety of the public, in the opinion of the Code Enforcement Officer, is hereby declared to be a public nuisance. The Code Enforcement Officer may order the remediation or demolition of the building or structure, or part thereof. The occupants, if any, of any such building or structure may be ordered to vacate the building or structure forthwith, and no Person shall use any premises that have been ordered vacated unless authorized to perform inspections, repairs, or to demolish and remove such building or structure, or part thereof. If the building or structure is determined or declared to be a Hazardous Building, the occupants, if any, of any such building or structure shall be ordered to vacate the building or structure forthwith, and no Person shall use any premises that have been ordered vacated unless authorized to perform inspections, repairs, or to demolish and remove such building or structure, or part thereof. In the event that the Town shall seek to recover or collect the costs of any repairs, remedial work, or demolition or other costs (not including any civil fine or criminal penalty imposed or collected), including through the enforcement or emplacement of any lien or assessment against the subject real property, then and in such event the Town and the Code Enforcement Office (and all Code Enforcement Personnel) shall follow the provisions and requirements of Article 16 ("Enforcement Procedures") of this Local Law.

ARTICLE 10. OPERATING PERMITS:

Sec. 1001 Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

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

Any Person who proposes to undertake any activity or to operate any type of building listed in this § 1001 shall be required to obtain an Operating Permit prior to commencing such activity or operation.

Sec. 1002 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 Building Code and 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.

Sec. 1003 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.

Sec. 1004 In any circumstance in which more than one activity listed in § 1001 is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

Sec. 1005 Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly, and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

Sec. 1006 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 Building Code or the Uniform Code, such Operating Permit shall be revoked or suspended.

Sec. 1007 The fee specified in or determined in accordance with the provisions set forth in Article 17 ("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.

ARTICLE 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS:

Sec. 1101 Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) Fire safety and property maintenance inspections of buildings or structure's which contain an area of public assembly shall be performed at least once every 36 months;
- (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 36 months (unless performed by the OFPC, New York State Dormitory Authority, or other authorized or qualified state agencies or qualified inspectors; in which case the Code Enforcement may inspect such buildings or structures); and

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this section, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every 36 months.

Sec. 1102 In addition to the inspections required or allowed by § 1101, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

- (1) The request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) Receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Building Code, 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 Building Code, the Uniform Code or Energy Code exist.

Provided, however, that nothing in this section shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

And further provided, that (1) the Code Enforcement Officer shall not be required to perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every 12 months; (2) the Code Enforcement Officer shall not be required to perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every 12 months; (3) the Code Enforcement Officer shall not be required to perform fire safety and property maintenance inspections of a multiple dwelling not included in §§ 1101 or 1102, above, if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding 36 months; and (4) the Code Enforcement Officer shall not be required to perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in §§ 1101 and 1102, above. The Code Enforcement Officer may, however, elect to perform such inspections in such officer's discretion or as circumstances may then warrant.

Sec. 1103 Nothing in this Article or in any other provision of this Local Law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and/or the New York State Fire Administrator ("NYSFA") under Executive Law § 156-e and Education Law § 807-b. If any property, building, structure,

dwelling, has been or is inspected by OFPC or the NYSFA, the Code Enforcement Officer may, but is not required to, decline to perform fire safety and property maintenance inspections.

Sec. 1104 The fee specified in or determined in accordance with the provisions set forth in Article 17 (“Fees”) of this Local Law must be paid prior to or at the time each inspection performed pursuant to this Article. This subdivision shall not apply to inspections performed by OFPC or the NYSFA.

ARTICLE 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 Building Code, the Uniform Code, the Energy Code, this Local Law, or any other Local Law, Ordinance, or regulation adopted for administration and enforcement of the Building Code, 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:

- (1) Performing an inspection of the conditions and/ or activities alleged to be in violation, and documenting the results of such inspection;
- (2) If a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in Article 15 (“Violations”) or Article 16 (“Enforcement Procedures”) of this Local Law;
- (3) If appropriate, issue a Stop Work Order; and/or
- (4) If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

The Code Enforcement Officer may take such other or further steps as may be authorized by any law, rule or regulation of the United States, the State of New York, the County of Tompkins, and/or the Town, or as may be authorized by and/or consistent with the Building Code, the Uniform Code and the Energy Code. The specifications of steps (a) through (d) in this section shall not be deemed or construed to limit the authority of the Code Enforcement Officer to take any other steps as may be proper, desirable, or necessary to investigate any complaint.

ARTICLE 13. RECORD KEEPING:

Sec. 1301 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, approved or denied;
- (2) All plans, specifications, and construction documents approved;

- (3) All Building Permits, Certificates of Occupancy and/ or Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) All inspections and tests performed;
- (5) All statements and reports issued;
- (6) All complaints received;
- (7) All investigations conducted;
- (8) All other features and activities specified in or contemplated by Articles 4 through 12, inclusive, of this Local Law; and
- (9) All fees charged and collected.

Sec. 1302 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.

ARTICLE 14. PROGRAM REVIEW AND REPORTING:

Sec. 1401 The Code Enforcement Officer shall annually submit to the Town Board 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 Article 13 (“Record Keeping”) of this Local Law, and a report and summary of all appeals or litigation pending or concluded.

Sec. 1402 The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the Town, on a form prescribed by the Secretary of State, a report of the activities of the Town relative to administration and enforcement of the Building Code and the Uniform Code.

Sec. 1403 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 of the Town, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Town in connection with administration and enforcement of the Building Code and Uniform Code.

Article 15: VIOLATIONS:

Sec. 1510 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 Building Code, the Uniform Code, the Energy Code, this Local Law, or the Stormwater Law and the Flood Law. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by

registered mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

Sec. 1502 The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets and civil process documents for any violation of the Building Code, the Uniform Code, the Energy Code, this Local Law, or the Stormwater Law and the Flood Law.

Sec. 1503 In addition to those penalties proscribed by State law, any Person who violates any provision of the Building Code, the Uniform Code, the Energy Code or this Local Law, or any term or condition of any Building Permit, Certificate of Occupancy and/or Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Local Law, shall be guilty of an offense or misdemeanor, as hereafter specified:

(1) For a first offense such Person shall be guilty of a violation and subject to a criminal fine of not more than \$200.00. Such fine shall be applicable for each day or part thereof during which such violation, omission, non-compliance, or neglect exists or continues;

(2) For a Second Violation: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any other violation of this Local Law shall be deemed a second violation. Any Person that commits any second violation shall be guilty of an unclassified misdemeanor and subject to a fine of not less than \$200.00 and not more than \$500.00. Such fine shall be applicable for each day or part thereof during which such violation, omission, non-compliance, or neglect exists or continues; and

(3) For Third and Subsequent Violations: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any second violation of this Local Law shall be deemed a third or subsequent violation, as applicable. Any Person who commits a third or subsequent violation of this Local Law shall be guilty of an unclassified misdemeanor and subject to a fine of not less than \$500.00 and not more than \$2,500.00 and/or a period of incarceration not to exceed 90 days. Such fine shall be applicable for each day or part thereof during which such violation, omission, non-compliance, or neglect exists or continues.

Sec. 1504 In addition to those penalties proscribed by State law, any Person who violates any provision of the Building Code, the Uniform Code, the Energy Code, this Local Law, the Stormwater Law or the Flood Law, or any term or condition of any Building Permit, Certificate of Occupancy and/or Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Local Law, shall be liable for a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town. The Town Court of the Town of Caroline shall have jurisdiction to hear and decide any such claim, and to impose any such civil penalty.

Sec. 1505 An action or proceeding may be instituted in the name of the Town in any court or tribunal of competent jurisdiction to prevent, restrain, enjoin, correct, enforce, and/or abate any

violation of, or non-conformance with, any provision or requirement of the Building Code, the Uniform Code, the Energy Code, this Local Law, or any term or condition of any Building Permit, Certificate of Occupancy and/ or 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 Local Law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Building Code, the Uniform Code, the Energy Code, this Local Law, the Stormwater Law or the Flood Law, or any Stop Work Order, Compliance Order or other order obtained under the Building Code, the Uniform Code, the Energy Code or this Local Law, an action or proceeding may be commenced in the name of the Town in the Supreme Court of the State of New York, or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure, or compelling an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board.

Sec. 1506 No remedy or penalty specified in this Article or this Local Law shall be the exclusive remedy available to address any violation described in this Local Law, and each remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Local Law or in (or as allowed or authorized by) any other applicable law, rule, order, or regulation. Any remedy or penalty specified in this Article may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Article, in Article 6 (“Stop Work Orders”) or Article 16 (“Enforcement Procedures”) of this Local Law, or in any other applicable law, rule, order, or regulation. In particular, but not by way of limitation, each remedy and penalty specified in this Article shall be in addition to, and not in substitution for or limitation of, the penalties specified in § 382 of the Executive Law, and any remedy or penalty specified in this Article may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in said § 382 or any other provision of the Executive Law or the regulations promulgated thereunder

Article 16: ENFORCEMENT PROCEDURES:

Sec. 1610 Upon receiving a complaint or upon any inspection of any property, the Code Enforcement Officer shall determine whether or not there appears to be a violation of this Local Law or of Building Code. Upon finding or making a determination that any violation exists, the Code Enforcement Officer shall give the Owner, or other occupant or Person having control of the real property in the Town of Caroline charged with the maintenance of such property, written notice of such violation or non-compliance, and such notice shall be called and labeled as a “Failure to Maintain Property Notice” (herein, the “FMPN”). Such FMPN shall contain:

- (1) A brief description of the buildings, structures or premises affected, and for this purpose a street address is sufficient;
- (2) The nature and existence of the violation;
- (3) The provisions of this Local Law or the Building Code violated;
- (4) An order that the violation be terminated or corrected;

- (5) A date by which compliance is mandated; and
- (6) A date by which the Owner (or other Person) may object to the notice, which objection(s) shall be deemed to be a request for a hearing before the Subdivision Review Board of the Town of Caroline. Such objection or request for a hearing may be filed to appeal the determination of non-compliance, the date mandated for compliance, the terms and conditions of any order for compliance, or for a variance or waiver from the requirements of this Local Law, or for any other reason.

Written notice of the FMPN shall be considered given when: (i) personally served upon the owner, and any other known occupant or Person having control of such real property in the Town of Caroline who is required to maintain the property; and (ii) after also mailing the same by regular and certified mail to the owner's address as reflected in the last completed official assessment roll; and (iii) after also mailing the same by regular and certified mail to the address of the real property so affected. The Code Enforcement may also post the affected building, structure, or premises with a copy of such FMPN.

For purposes of this section, a Stop Work Order may be issued and reviewed independently under § 606, above, or a Stop Work Order may be the subject of a FMPN. If a Stop Work Order is the subject of a FMPN, then the procedures set forth in this Article shall apply and the procedures of said § 606 shall be inapplicable.

Sec. 1620 If the owner, or other occupant or Person having control of real property in the Town of Caroline, fails to remedy the violation by the date upon which compliance is mandated and fails to request a hearing, then:

- (1) The Code Enforcement Officer shall cause a compliance and remediation plan to be presented to and approved by the Town Board, and such plan shall cause the condition to be corrected through the use of reasonably efficient and cost effective measures to keep the expenses low and reasonable in respect of the nature of the violation and the measures needed to effect compliance with the law (including any necessary remediation or demolition activities);
- (2) The Town Board shall approve, disapprove, or approve such plan with modifications, and upon the issuance of a Town Board resolution that authorizes the Code Enforcement Officer to proceed with such compliance and remediation plan, the Code Enforcement Office may abate or remedy such violation or proceed to hire or direct others to do so, including third party contractors approved and hired by the Town Board for such purposes. All rules for public works, prevailing wages, and public contracting shall apply to such work (including exemptions therefor and exceptions for emergencies and public disasters, etc.);
- (3) After the condition has been corrected and any work so completed, the Code Enforcement Officer shall file with the Town Supervisor a statement of all the direct costs of the same, together with a 30% surcharge as compensation to the Town of Caroline for administering, supervising, and handling said work in accord with the provisions of this Local Law;

(4) The Town Supervisor will thereafter and within 10 days verify the cost, prepare a verified statement (herein, the “Verified Statement”), and file the same in the Office of the Town Clerk. The Verified Statement shall itemize and clearly state the specific amount claimed due and be delivered by: (i) personally served upon the owner, and any other known occupant or Person having control of such real property in the Town of Caroline who is required to maintain the property; and (ii) after also mailing the same by regular and certified mail to the owner’s address as reflected in the last completed official assessment roll; and (iii) after also mailing the same by regular and certified mail to the address of the real property so affected;

(5) Any Person aggrieved by the filing of a Verified Statement may file a written objection thereto and request a hearing by the Town Board to challenge the validity of the Verified Statement or to determine the actual or reasonable costs of compliance or remediation incurred by the Town of Caroline as listed in the Verified Statement. Such objection must be filed within 30 days of service and mailing of Verified Statement, or the date of the filing of the Verified Statement by the Town Supervisor, whichever is later;

(6) The Town shall thereafter schedule a hearing upon the objection and serve a notice of hearing specifying the time, date, location, and body before and to which evidence and testimony may be presented at such time and place. The notice of hearing shall be served by: (i) personally served upon the owner, and any other known occupant or Person having control of such real property in the Town of Caroline who is required to maintain the property; and (ii) after also mailing the same by regular and certified mail to the owner’s address as reflected in the last completed official assessment roll; and (iii) after also mailing the same by regular and certified mail to the address of the real property so affected;

(7) Absent any objection or request for a hearing, the cost of abatement and administrative and other costs to the Town, as detailed in the Verified Statement, shall be assessed against the property as a tax lien and levied on the ensuing year’s real property tax bill if the sum therein stated as due is not paid within 30 days of the date of service of the Verified Statement; and

(8) If the Town Board rules that the amount of the Verified Statement shall be adjusted downward, then only the so-adjusted costs of abatement and administrative costs shall be assessed against the property as a tax lien and levied on the next ensuing year’s real property tax bill if not paid within 30 days of the date of the determination of the Town Board. If the Town Board invalidates the Verified Statement, or makes such other determination as to preclude the validity or enforceability of the Verified Statement, then the Town of Caroline shall not seek to enforce the Verified Statement by collection or assessment, and instead may take such actions as are allowed by law to compel compliance with this Local Law and the Building Code, including, but not limited to, the pursuit of civil or criminal violation proceedings and actions as authorized in Article 15 (“Violations”) of this Local Law, by re-issuance of a FNPM, if applicable, or by seeking any allowed legal or equitable relief, including an injunction to compel compliance with this Local Law or the Building Code. The Town Board shall not have the authority to increase the amount claimed due or owing upon any Verified Statement until and unless a

new or amended Verified Statement is generated in accord with the substantive and procedural requirements of this Local Law.

Sec. 1630 If an objection or request for a hearing upon the FNPM is filed within the date by which the Owner, or other occupant or Person having control of real property in the Town of Caroline, may object to the notice or request a hearing, then the Owner, or other occupant or Person having control of real property in the Town of Caroline charged with the maintenance of the property, shall be served with a written notice (as afore-described) of the time and place that the hearing before the Subdivision Review Board of the Town of Caroline will take place. This hearing before the Subdivision Review Board of the Town of Caroline shall be held not less than 30 days, nor more than 60 days, after the objection or request for a hearing is filed, and the determination of the Subdivision Review Board of the Town of Caroline shall be made and issued to all parties and the Owner of the subject property by: (i) personally served upon the owner, all parties, and any other known occupant or Person having control of such real property in the Town of Caroline who is required to maintain the property; and (ii) after also mailing the same by regular and certified mail to the owner's and each party's address as reflected in the last completed official assessment roll (or, as to any party if not an Owner, to such party's last known address); and (iii) after also mailing the same by regular and certified mail to the address of the real property so affected.

Sec. 1640 If, upon the completion of the appeal to the Subdivision Review Board of the Town of Caroline, the Subdivision Review Board of the Town of Caroline denies the appeal or sets conditions of a variance or waiver, and the Owner, or other occupant or Person having control of real property in the Town of Caroline charged with the maintenance of the property, fails, neglects, or refuses to terminate or correct the violation, or fails to abide by the conditions of the variance or waiver set by the Subdivision Review Board of the Town of Caroline within 30 days of the decision being filed with the Town Clerk, then the Code Enforcement Officer shall cause the condition to be corrected through the use of reasonably efficient and cost effective measures to keep the expenses low and reasonable in respect of the nature of the violation and the measures needed to effect compliance with the law (including any necessary remediation or demolition activities). After the condition has been corrected, the Code Enforcement Officer shall then file with the Town Supervisor of the Town of Caroline a statement of all the direct costs of the same, together with a 30% surcharge as compensation to the Town of Caroline for administering, supervising and handling said work in accord with the provisions of the Building Code and This Local Law, as referenced in § 1630(4), above, and the procedures of § 1620(4) though (7) shall be followed and all actions and procedures therein authorized may be duly undertaken.

ARTICLE 17. FEES:

Any fee schedule established by any prior Resolution of the Town Board shall apply to this Local Law, and the Town Board may, from time-to-time, change the fee schedule by Resolution. The fees set forth in, or determined in accordance with such fee schedule(s) or amended fee schedule(s), shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy and/or Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this Local Law.

ARTICLE 18 WAIVERS AND VARIANCES; PROCEDURES:

Sec. 1810 The Subdivision Review Board of the Town of Caroline may grant variances and waivers from the application and requirements of this Local Law upon compliance (including by any Person requesting such waiver or variance) with the following procedures and conditions:

- (1) Any variance or waiver shall be prospective in its application and shall not relieve any Person from any penalties or enforcement remedies for violating this Local Law by conditions that existed prior to the granting of the variance or waiver;
- (2) An application for a variance or waiver shall be submitted to the Code Enforcement Officer in a form substantially indicating the name and Owner of the real property, the nature of the condition for which a variance or waiver is sought, and the reasons for which a variance or waiver is sought;
- (3) The applicant shall pay the Town the same fee as set from time to time by Town Board resolution for appeals to the Subdivision Review Board of the Town of Caroline for Applications of Variance;
- (4) The Subdivision Review Board of the Town of Caroline shall hold a public hearing on the application and shall publish legal notice of said public hearing at least five days prior to its date. The Subdivision Review Board of the Town of Caroline shall also give at least 5 days' written notice by regular mail to all owners and all landowners owning property adjoining the property for which a variance is sought, each to be sent to such landowner's official address(es) as are on file for real property tax bills at the County Assessment Office. The Subdivision Review Board of the Town of Caroline shall also post a notice of the variance hearing upon, adjacent, or near to the property, building, or structure that is the subject of such hearing, if reasonably possible. Defacement, alteration, obscuring, or removing any such notice shall be deemed a violation of this Local Law punishable per Article 15 ("Violations") of this Local Law;
- (5) The Subdivision Review Board of the Town of Caroline may grant a variance or waiver if it determines that the benefit to the applicant, if the variance or waiver is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board may consider, among other matters:
 - (i) Whether a change will create a detriment to nearby properties by the granting of the variance or waiver;
 - (ii) Whether the benefits sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance or waiver;
 - (iii) Whether the requested variance or waiver is substantial;
 - (iv) Whether the requested variance or waiver will have an adverse effect or impact on the physical or environmental conditions in the neighborhood;

- (v) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Subdivision Review Board of the Town of Caroline but shall not necessarily preclude the granting of the variance or waiver;
 - (vi) Whether the Compliance Order, FMPN, or other order to comply or abate any violation or nuisance can or will substantially interfere with the use or enjoyment of the real property;
 - (vii) Whether constitutional rights in property are impaired;
 - (viii) Whether the compliance order, FMPN, Verified Statement, or collection of any amounts due under a Verified Statement, or other resulting costs of compliance, etc., will effect a taking, or *de facto* or administrative taking, of land or rights therein;
 - (ix) Whether granting the waiver would be keeping with the intent and spirit of this Local Law and is in the best interests of the community; and/or
 - (x) Whether there are special circumstances involved in the particular case, and such circumstances are recited in the minutes and findings of the Subdivision Review Board of the Town of Caroline and mitigate in favor of or against such variance or waiver, or the partial or conditional grant or denial of an application for the same;
- (6) The Subdivision Review Board of the Town of Caroline, if it chooses to grant the variance or waiver, shall grant the minimum degree of variance or the minimum waiver as it shall deem necessary and adequate based upon its findings, and as will at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community;
- (7) The Subdivision Review Board of the Town of Caroline shall, in the granting or partial granting of such variance or waiver, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and may partially grant or deny any request for a variance or waiver. Any grant of any waiver or variance may be granted for a limited period of time; and
- (8) All procedures relating to applications for, hearings upon, determinations upon, and all other related procedural matters pertaining to variances or waivers shall be in accordance with the procedures outlined for area variances in Town Law Article 16, except to the extent expressly provided otherwise herein or superseded hereby. By this provision the Town of Caroline is not imbuing the Subdivision Review Board with quasi-judicial authority, but is instead providing that the said Subdivision Review Board shall apply the procedures and standards of review implicated by and set forth in such statutes in determining the timeliness of, and standards of review applicable to, any such appeal.

Sec. 1820 The Town Board may by resolution or local law impose additional procedural review or appeal requirements as may be necessary to implement and enforce this Local Law or to provide for and protect the due process and related rights of any Person.

Sec. 1830 The actions and determinations of the Town of Caroline, the Subdivision Review Board, the Town Board, and the Code Enforcement Officer, as referenced in this Local Law, shall be deemed “final determinations” for purposes of Article 78 of the New York Civil Practice Laws and Rules (“CPLR”). Notwithstanding this, standing under said Article 78 of the CPLR shall only be appropriate after the exhaustion of any administrative reviews and/or appeals as provided for in this Local Law.

ARTICLE 19. PARTIAL INVALIDITY:

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE 20. LIMITATION OF LIABILITY AND INDEMNITY:

The Town shall not be liable or responsible for any injury to Persons or damage to property due to the Town's actions, or failures to act, under or pursuant to this Local Law, unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town. This provision shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

ARTICLE 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 § 27 of the Municipal Home Rule Law.