

REGULAR MEETING

November 28, 2006

The Board of Supervisors convened under the Rules of Regular session with thirteen members present. Mr. O'Neill was absent.

Presentations and Petitioners:

- Walter Gable, Seneca County Historian - Remarks regarding the Final Report for the Grant Research Project, "The Underground Railroad, Abolitionism and African American Life in Seneca County, 1820 - 1880".

- Seneca County Historian Award - Recipient Judith Wellman.

**RESOLUTION NAMING JUDITH WELLMAN RECIPIENT OF THE SENECA COUNTY HISTORIAN'S AWARD AND OF SAME**

RESOLUTION NO. 286-06, moved by Mr. Shipley, seconded by Mr. Same and adopted by 719 ayes (Shipley, Same, Reynolds, Barto, Smith, Dresser, Kaiser, Lafler, Anglim, Amidon, Teichner, Mooney, Trickler), and 31 absentees (O'Neill).

WHEREAS, Seneca County has a rich history that includes the birth of the women's rights movement, significant abolitionist activity, religion reform, and temperance; and

WHEREAS, there is growing desire to enhance the awareness of Seneca County's rich heritage; and

WHEREAS, the Board of Supervisors established by resolution the Seneca County Historian's Award for persons who are, in the opinion of the historian, instrumental in the advancement of the study and awareness of Seneca County History; and

WHEREAS, Dr. Judith Wellman has devoted much of her professional career to the advancement of the history of Upstate New York, including specifically that of Seneca County; and

WHEREAS, Dr. Wellman's efforts have included the writing of the book The Road to Seneca Falls which can be recognized as the definitive historical study of the various developments leading up to the holding of the first women's rights convention in Seneca Falls on July 19-20, 1848; and

WHEREAS, Dr. Wellman has continued to do much consultation and research for the Women's Rights National Historical Park, adding much

to our historical knowledge of the role of people and places in the holding of the first women's rights convention; and

WHEREAS, Dr. Wellman is currently overseeing a project called "The Roads from Seneca Falls," funded by the U.S. Office of Education, to develop website that teachers, students and the general public can go to and access easily quality information, including documents and lesson plans, on all aspects of the women's rights movement and the entire span of women's history; and

WHEREAS, Dr. Wellman is currently completing her year-long role as lead consultant for the research project "The Underground Railroad, Abolitionism, and African American Life in Seneca County," funded by a Preserve New York Grant of the New York State Council on the Arts and the Preservation League of New York State, a project that is adding tremendously to our knowledge of the role that many Seneca County residents, played in the abolitionist efforts prior to the Civil War; and

WHEREAS, throughout her professional career, Dr. Wellman has made extensive use of the resources available through the Seneca County Historian's Office, working closely with the various Seneca County Historians including Betty Auten, Howard Van Kirk, and Walter Gable;

NOW THEREFORE BE IT RESOLVED, that with great gratitude for her tremendous contributions to the advancement of Seneca County history, the Board of Supervisors hereby endorses the Seneca County Historian's Office granting the "Seneca County Historian's Award" to Dr. Judith Wellman for the advancement of Seneca County History upon completion of her overseeing of the research project "The Underground Railroad, Abolitionism, and African American Life in Seneca County."

- MaryAnn Scott and Vincent Scalise, Clough Harbour - Update on Canalway Trail Study

- Jonathan Strohl, Director, Seneca County Community Counseling Services - Remarks regarding the NYS Office of Mental Health School-Based Mental Health Services

- Charles Schillaci, Commissioner, Seneca County Human Services - Youth Advocate Program (YAP)

Reports of Standing Committees:

The following committee reports, a copy filed with the Office of the Clerk of The Board of Supervisors, were given by the respective Chairman of said committee.

Public Works, Planning, Development, Agriculture & Tourism, Supervisors Mooney, Chairman.

Native American Affairs Committee, Supervisor Dresser, Chairman.

Government Operations, Personnel, and Technology Committee, Supervisor Kaiser, Chairman.

Public Safety & Jail Construction Committee, Supervisor Anglim, Chairman.

Supervisor Barto, Chairman of the Finance, Assessment & Insurance Committee informed the Board that bids would be advertised for the demolition of the old jail. He also said a 2007 budget workshop would be scheduled for the following week.

Chairman's Remarks:

Chairman Shipley's remarks focused on the Tentative Budget for 2007, stating that significant changes could be made to the draft budget to further reduce the tax burden to county residents.

County Attorney's Remarks:

Mr. Getman said he received a copy of the Draft EIS for the Proposed Fee-to-Trust Transfer from the Oneida Indian Nation of New York to the Bureau of Indian Affairs of 17,370 Acres of Land in Oneida and Madison Counties, New York. He said this was a precursor to the Final EIS, and is part of the process for a public hearing and a 45-day public comment period. A Final EIS will then be prepared. A copy of the entire Scope was posted on the website [www.oniedanationtrust.net](http://www.oniedanationtrust.net).

Communications:

The following communications were received and filed:

264. A copy of the Seneca County Tentative Budget 2007, dated November 15, 2006.

265. From NYS Emergency Management Office, information regarding the Pre-Disaster Mitigation (PDM) FY 2007 Competitive Grant Program.

266. From the Town of Seneca Falls, a copy of an adopted resolution entitled, Resolution in Support of Seneca County Local Law

No. 1 of 2006 Establishing residency and Proximity Restrictions for Sex Offenders.

267. From Carrole Corrigan and David W. Schultz, participants in the Seneca White Deer Safari held on October 29, 2006, a letter supporting the preservation of the white deer population at the former Army depot, and the creation of a conservation park.

268. From Seneca County Board of Health, a copy of November 15, 2006 meeting minutes.

269. From Seneca County Soil & Water Conservation District, a copy of October 23, 2006 meeting minutes.

270. From Seneca County Water Quality Committee, a copy of October 3, 2006 meeting minutes.

The following communications were received and referred to the committee indicated:

271. From Rensselaer County Legislature, a copy of adopted resolution entitled, Resolution Urging the Federal Government to Change the Threshold on the Tax placed on Social Security Income. Referred to the oversight committee for Finance and Government Operations.

Approval of Minutes:

The minutes from Seneca County Board of Supervisors meeting on October 24, 2006 were approved as printed.

RESOLUTIONS AND MOTIONS:

**RESOLUTION REQUESTING NEW YORK STATE TRANSPORTATION TO EVALUATE  
TRAFFIC SAFETY ON SECTION OF ROUTE 96 WITHIN ONE HALF MILE OF EACH  
DIRECTION OF NEW LAW ENFORCEMENT CENTER  
AND REQUEST SPEED REDUCTION AND NO PASSING ZONE**

RESOLUTION NO. 287-06, moved by Mr. Anglim, seconded by Mrs. Amidon and adopted by 719 ayes (Anglim, Amidon, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Teichner, Mooney, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, presently, for at least a half mile to the north and south of the entrance of the new Seneca County Law Enforcement Center, Route 96 has a speed limit of 55 MPH with passing permitted in both

directions (a north-bound no passing zone starts right at the facility entrance in the Town of Romulus); and

WHEREAS, once fully occupied, the new facility will generate a substantial amount of traffic; and

WHEREAS, the Seneca County Board of Supervisors is concerned about the possibility of vehicle accidents at the entrance due to the high speed of traffic on the road and the fact that passing is permitted; now therefore be

RESOLVED, that the Seneca County Board of Supervisors respectfully requests that the New York State Department of Transportation evaluate traffic safety on this section of Route 96 in the Town of Romulus in anticipation of the occupancy of the Seneca County Law Enforcement Center; more specifically, that Route 96 be posted for a reduced speed limit and that the pavement is marked for no passing in both directions for about a half mile north and south of the facility entrance.

**RESOLUTION AUTHORIZING PURCHASE OF JANITORIAL EQUIPMENT AND SUPPLIES  
FOR NEW LAW ENFORCEMENT CENTER**

RESOLUTION NO. 288-06, moved by Mr. Anglim, seconded by Mr. Kaiser and adopted by 719 ayes (Anglim, Kaiser, Reynolds, Barto, Smith, Dresser, Same, Lafler, Amidon, Teichner, Mooney, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, due to the upcoming relocation of the Sheriff's Department and Jail to the new law enforcement center, it is necessary to purchase janitorial equipment and supplies for the facility; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize the purchase of Janitorial equipment in the amount of \$20,227.00 and janitorial supplies in the amount of \$18,046 to be paid from the Jail Capital Project furniture, furnishings and equipment.

**SUPERVISORS ABOLISH (1) COURT ATTENDANT POSITION AND CREATE (1) COURT  
SECURITY OFFICER POSITION AT THE SHERIFF'S DEPARTMENT FOR THE NYS  
OFFICE OF COURT ADMINISTRATION**

RESOLUTION NO. 289-06, moved by Mr. Kaiser, seconded by Mr. Lafler and adopted by 659 ayes (Kaiser, Lafler, Reynolds, Barto, Smith, Dresser,

Same, Anglim, Amidon, Teichner, Mooney, Shipley), 60 nays (Trickler), and 31 absentees (O'Neill).

WHEREAS, the Unified Court System has been fostering a new policy of phasing out the title of Court Attendant and replacing the position with Court Security Officer; and

WHEREAS, the Court Security Officer will have training as a Peace Officer; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby abolish one Court Attendant position and replace it by creating one Court Security Officer position; and be it

FURTHER RESOLVED, the Board of Supervisors establishes the starting rate of said position at \$12.36 per hour.

**SUPERVISORS CREATE (3) PART-TIME CLEANER POSITIONS AT THE NEW JAIL**  
RESOLUTION NO. 290-06, moved by Mr. Kaiser, seconded by Mr. Smith and adopted by 719 ayes (Kaiser, Smith, Reynolds, Barto, Dresser, Same, Lafler, Anglim, Amidon, Teichner, Mooney, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, the new correctional facility will be in need of (3) part-time Cleaners to work 20 hours per week; now therefore be it

RESOLVED, the Seneca County Board of Supervisors create (3) part-time Cleaner positions at an hourly rate of \$7.924 per hour as stated in the CSEA Union contract with an effective date to be determined.

**SUPERVISORS CREATE (8) PART-TIME CORRECTION OFFICER POSITIONS FOR THE NEW LAW ENFORCEMENT CENTER**  
RESOLUTION NO. 291-06, moved by Mr. Kaiser, seconded by Mr. Smith and adopted by 719 ayes (Kaiser, Smith, Reynolds, Barto, Dresser, Same, Lafler, Anglim, Amidon, Teichner, Mooney, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, the New York State Commission of Corrections has mandated in the staffing plan for the new law enforcement center 8 part-time Correction Officers for transport of inmates and other part-time duties as required; now therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby create (8) part-time Correction Officer positions at an hourly rate of

\$12.36 per hour to be effective after January 1, 2007 and to provide necessary time required for completion of training.

After the adoption of this resolution, Mr. Same wanted it noted that the need to create eight part-time Correction Officer positions for transportation purposes was because of where the new jail facility was located.

**PROCLAMATION - IT'S A WONDERFUL LIFE WEEK IN SENECA COUNTY**

RESOLUTION NO. 292-06, moved by Mr. Kaiser, seconded by Mrs. Teichner and adopted by 719 ayes (Kaiser, Teichner, Reynolds, Barto, Smith, Dresser, Same, Lafler, Anglim, Amidon, Mooney, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, "It's A Wonderful Life Festival" is held the 2nd full weekend in December each year; and

WHEREAS, many people, in and out of Seneca County, have expressed their belief that Bedford Falls, the fictional hometown of the classic Christmas film "It's a Wonderful Life" is modeled on Seneca Falls, New York; and

WHEREAS, the people of Seneca Falls believe in the magic that Frank Capra created when he directed "It's a Wonderful Life"; and

WHEREAS, the Village of Seneca Falls sets forth a proclamation each year naming Seneca Falls "Bedford Falls" for the second weekend in December; and

WHEREAS, Karolyn Grimes, who was cast in the movie as ZuZu Bailey, appears at the Festival each year; and

WHEREAS, the committee of "It's A Wonderful Life" commits itself, each year, to the re-creation of this Festival for the enjoyment of all who attend; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby support, in spirit, the "It's A Wonderful Life Festival" and does hereby name the week prior to the second full weekend in December as, "IT'S A WONDERFUL LIFE WEEK" in Seneca County.

**SUPERVISORS ACCEPT WATER QUALITY GAP ANALYSIS STUDY**

RESOLUTION NO. 293-06, moved by Mr. Mooney, seconded by Mr. Trickler and adopted by 719 ayes (Mooney, Trickler, Reynolds, Barto, Smith,

Dresser, Kaiser, Same, Lafler, Anglim, Amidon, Teichner, Shipley), and 31 absentees (O'Neill).

WHEREAS, the Seneca County Water Quality Committee received funding to contract with the Genesee Finger Lakes Regional Planning Council to prepare a report on the existing regulations in each of the Seneca County local municipalities that impact water quality; and

WHEREAS, the report has been completed and made available; and

WHEREAS, this resolution has been reviewed and approved by the Public Works, Planning, Development, Agriculture and Tourism Committee on October 24, 2006; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors accepts the report on the existing regulations in each of the Seneca County local municipalities that impact water quality.

**APPOINTMENT TO THE SENECA COUNTY SOIL AND WATER CONSERVATION**

**BOARD OF DIRECTORS**

RESOLUTION NO. 294-06, moved by Mr. Mooney, seconded by Mr. Reynolds and adopted by 719 ayes (Mooney, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Anglim, Amidon, Teichner, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, this resolution has been reviewed and approved by the Public Works, Planning, Development, Agriculture and Tourism Committee on November 14, 2006; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby appoint Mr. Allan Buddle of Interlaken, New York to the Seneca County Soil and Water Conservation Board of Directors as a representative of the County Grange. This appointment will fulfill the unexpired term of Daniel Quill through December 31, 2007.

**AUTHORIZATION TO MAKE CDBG LOAN TO CLAYTON PAGE**

RESOLUTION NO. 295-06, moved by Mr. Mooney, seconded by Mrs. Amidon and adopted by 719 ayes (Mooney, Amidon, Reynolds, Barto, Smith, Dresser, Kaiser, Same, Lafler, Anglim, Teichner, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, Seneca County is eligible to apply to the New York State Governor's Office for Small Cities for Community Development Block Grants (CDBG) to make economic development loans; and

WHEREAS, a loan application for a business start-up by Clayton Page has been received and reviewed by the CDBG Loan Review Committee and found to be satisfactory; and

WHEREAS, this loan will help finance the purchase of a building at 67 Ovid Street, Seneca Falls, NY for the business and will create two full-time jobs and a half (1/2) part-time job; and

WHEREAS, this resolution has been reviewed and approved by the Public Works, Planning, Development, Agriculture and Tourism Committee on November 28, 2006; now, therefore be it

RESOLVED, that the County of Seneca lend to Clayton Page \$25,000 from the New York State Governor's Office of Small Cities CDBG funds to be repaid at terms and conditions agreeable to the State of New York and the CDBG Loan Review Committee.

**RESOLUTION AUTHORIZING PURCHASE OF THUMB ATTACHMENT FOR GRADALL  
AT HIGHWAY DEPARTMENT**

RESOLUTION NO. 296-06, moved by Mr. Mooney, seconded by Mr. Kaiser and adopted by 719 ayes (Mooney, Kaiser, Reynolds, Barto, Smith, Dresser, Same, Lafler, Anglim, Amidon, Teichner, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, the Seneca County Highway Department purchased a new gradall which will be used to pick up items such as tree stumps, logs, brush, etc which is currently done manually and has the potential to be a safety issue; and

WHEREAS, the cost of said thumb attachment is \$9,650 with sufficient funds available in account the 2006 Highway budget Road machinery account 40-120-5-5130-2600; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Seneca County Highway Superintendent to purchase a thumb attachment for the gradall at a cost not to exceed \$9,650 to be paid from account 40-120-5-5130-2600 Road machinery.

**THE CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO APPLY FOR  
FEDERAL COMPREHENSIVE APPROACH TO SEXUAL OFFENDER MANAGEMENT GRANT**

RESOLUTION NO. 297-06, moved by Mr. Smith, seconded by Mr. Kaiser and adopted by 719 ayes (Smith, Kaiser, Reynolds, Barto, Dresser, Same,

Lafler, Anglim, Amidon, Teichner, Mooney, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, the U.S. Department of Justice has created the Comprehensive Approaches to Sex Offender Management grant program, a competitive grant program intended to help municipalities develop and implement sexual offender management strategies; and

WHEREAS, this grant, due on December 7th, 2006, will fund the purchase of enforcement and case management equipment, personnel training, and the development of a long term sustainable sexual offender management system; and

WHEREAS, if awarded, the grant would provide \$148,560 over 2 years (\$73,689 YR1, \$74,871 YR2), and would require a local match of \$24,563 during 2007, and \$24,957 during 2008; and

WHEREAS, if awarded, these monies would replace roughly \$50,000 in monies already committed by the County toward sexual offender management, and augment the program by roughly another \$25,000 each year for two years; and

WHEREAS, this resolution has been reviewed and approved by the Mental Hygiene, Public Health, and Human Services Committee on November 28, 2006; now therefore be it

RESOLVED, that the Chairman of the Board of Supervisors be authorized and directed to submit this application for the Comprehensive Approaches to Sexual Offender Management through the U.S. Bureau of Justice Assistance.

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN AN INTER-MUNICIPAL AGREEMENT WITH YATES COUNTY ON BEHALF OF THE S2AY RURAL HEALTH NETWORK**

RESOLUTION NO. 298-06, moved by Mr. Smith, seconded by Mr. Kaiser and adopted by 719 ayes (Smith, Kaiser, Reynolds, Barto, Dresser, Same, Lafler, Anglim, Amidon, Teichner, Mooney, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, in the past, the Health Department has contracted with the University of Rochester for service of the FLOSE Program (Finger Lakes Office of Surveillance and Epidemiology); and

WHEREAS, the Finger Lakes Public Health Alliance, a regional consortium of 9 counties will be contracting with the S2AY Rural Health Network for these services for the BioTerrorism Grant period September 1, 2006 through August 31, 2007; and

WHEREAS, the scope of work will be planning on a regional basis and will provide for collaboration with the Western Regional Office of the New York State Department of Health to continue regional epidemiology and surveillance work that was started by the FLOSE project; and

WHEREAS, the cost of this agreement is \$10,000 and will be paid by the BT Grant with no county cost; now therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign this Inter-Municipal Agreement with Yates County.

#### **2007 INTEGRATED COUNTY PLAN**

RESOLUTION NO. 299-06, moved by Mr. Smith, seconded by Mr. Mooney and adopted by 719 ayes (Smith, Mooney, Reynolds, Barto, Dresser, Kaiser, Same, Lafler, Anglim, Amidon, Teichner, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, the Integrated County Plan replaces the previous County Comprehensive Plan and Consolidated Services Plan; and

WHEREAS, the Integrated County Plan will be a (3) year Child and Family Services Plan that will be effective from January 1, 2007 to December 31, 2009; and

WHEREAS, this plan is required by New York State Office of Children and Family Services; and

WHEREAS, this plan incorporates both Administrative and Strategic Components, and the PINS Diversion Services Plan; and

WHEREAS, this plan has been reviewed by the Oversight Committee for Human Services and Finance Committee and recommended for full Board approval; now therefore it be

RESOLVED, that Seneca County Board of Supervisors does hereby authorize the Chairman of the Board to sign the Child and Family Services Plan for Seneca County.

#### **BOARD OF SUPERVISORS TO AUTHORIZE TREASURER TO AMEND THE**

**2006 DIVISION OF HUMAN SERVICES BUDGET**

RESOLUTION NO. 300-06, moved by Mr. Smith, seconded by Dr. Dresser and adopted by 719 ayes (Smith, Dresser, Reynolds, Barto, Kaiser, Same, Lafler, Anglim, Amidon, Teichner, Mooney, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, the Division of Human Services requests the 2006 Budget be amended to include the purchase of new technology for the Child Protective Services Special Allocation for Improving Staff-to-Client Ratios; and

WHEREAS, the new technology purchases will include PC tablets, wireless devices for communication between the field and office and Genogram Software; and

WHEREAS, the total cost for the technology will be \$7,344.00, which in 100% State money from the Improving Staff-to-Client Ratios grant; and

WHEREAS, the following accounts will be amended as follows:

6002-2-400 - DHS Family & Children Services Technical  
Equipment Appropriation Account: + 7,344.00  
3610 - DHS Family & Children Services State-aid account:  
+ 7,344.00

WHEREAS, this request has been reviewed by the Oversight Committee for Human Services and Finance Committee and recommended for full Board approval; now, therefore it be

RESOLVED, the Board of Supervisors does hereby authorize and direct the Seneca County Treasurer to amend the 2006 Humans Services budget as indicated.

**RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SENECA OF LOCAL LAW NO. 2 OF THE YEAR 2006**

RESOLUTION NO. 301-06, moved by Mr. Smith, seconded by Mr. Trickler and adopted by 688 ayes (Trickler, Reynolds, Barto, Kaiser, Dresser, Same, Lafler, Anglim, Amidon, Teichner, Mooney, Shipley), 31 nays (Smith), and 31 absentees (O'Neill).

WHEREAS, a resolution was duly adopted by the Board of Supervisors of the County of Seneca for a Public Hearing to be held by said County on November 14, 2006 at 7:00 pm at THE SENECA COUNTY

OFFICE BUILDING, ONE DIPRONIO DRIVE, WATERLOO, NY 13165 to hear all interested parties on a proposed Local Law entitled "A LOCAL LAW TO providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in the County of Seneca"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper(s) of the County of Seneca; and

WHEREAS, said public hearing was duly held on November 14, 2006 at 7:00 pm at THE SENECA COUNTY OFFICE BUILDING, ONE DIPRONIO DRIVE, WATERLOO, NY 13165 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local law, or any part thereof; and

WHEREAS, the Board of Supervisors of the County of Seneca, after due deliberation, finds it in the best interests of the County of Seneca to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Seneca hereby adopts said Local Law No. 2 of the year 2006, as follows:

**SECTION 1. PURPOSE AND INTENT**

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

**SECTION 2. DEFINITIONS**

In this local law:

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

- b) "Certificate of Compliance" shall mean either a Certificate of Occupancy or a Certificate of Compliance issued pursuant to subdivision (b) of section 7 of this local law.
- c) "County" shall mean the County of Seneca, State of New York.
- d) "County Attorney" shall mean the attorney serving the County pursuant to Article 11 of the County Law of the State of New York, any assistant county attorney, or any attorney or attorneys which the county attorney may employ to assist in any civil action or proceeding brought by or against the county or any county officer in his official capacity.
- e) "Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law and shall, for the purposes of enforcement of this local law, include those persons appointed as "Building Inspectors" by the County.
- f) "Code Enforcement Personnel" shall include the Code
- g) "Compliance Order" shall mean an order issued by the Code Enforcement
- h) "Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.
- i) "Inspector" shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.
- j) "Operating Permit" shall mean a permit issued pursuant to section 10 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.
- k) "Permit Holder" shall mean the Person to whom a Building Permit has been issued.
- l) "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.
- m) "Public Health Director" shall mean the Director of Public Health of the County.

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

o) "Temporary Certificate" shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

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

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

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officers shall administer and enforce, under the direction of the County's Director of Public Health, all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificate 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, Certificate of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificate 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 Certificate of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Board of Supervisors of this County;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the County Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

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

(b) Each Code Enforcement Officer shall be appointed by the Public Health Director within the limits of the appropriation set by the Board

of Supervisors. Each Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Public Health Director within the limits of the appropriation set by the Board of Supervisors to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) (i) The County of Seneca hereby continues within the Public Health Department positions for Building Inspectors and other necessary support staff to act under the supervision and direction of the Director of Public Health and/or Code Enforcement officer, and to exercise any portions of the powers and duties of the Code Enforcement Officer as so directed, 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 Building 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.

(ii) In the absence of the Code Enforcement Officer, or in the case of his or her inability to act for any reason, the county's Director of Public Health shall have the power to designate a person to act on behalf of the Code Enforcement officer, within the limits of appropriation by the Board of Supervisors, and to exercise all the powers conferred upon him or her by this local law.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board of Supervisors of this County.

#### **SECTION 4. BUILDING PERMITS**

(a) Building Permits Required. Except as otherwise provided in subdivision (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 140 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.

(c) Exemption not deemed authorization to perform non-compliant work.

The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (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 an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the proposed work;

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

(3) the occupancy classification of any affected building or structure;

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

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows 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.

(6) proof that the real property is not subject to any lien for any "delinquent tax", as such term is defined in Section 1102, Article 11 of the Real Property Tax Law of the State of New York, including, but not limited to, any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of a municipal corporation or special district, plus all applicable charges, relating to any parcel which is included in the return of unpaid delinquent taxes prepared pursuant to section nine hundred thirty-six of this chapter or such other general, special, or local law as may be applicable, however, in no event, however, shall "delinquent tax" include any unpaid tax or other charge against lands owned by the state.

(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 paragraph (5) of subdivision (d) 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 (a) the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code; (b) the real property is not subject to any lien for any "delinquent tax", as such term is defined herein.

(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 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 (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer. No person shall continue to work, or allow work to be performed, upon an expired or invalid building permit.

(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 (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

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

(l) Town and Village Zoning permits. Nothing herein shall excuse an applicant for a building permit from first obtaining any and all applicable town and/or village zoning permits required for the municipality or municipalities in which the subject project is located.

**SECTION 5. CONSTRUCTION INSPECTIONS.**

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (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 made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any

applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

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

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

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) 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 or certified

mail, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department to the address listed in the application for the building permit. 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 or certified mail, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United

States Post Office Department to the address listed in the application for the building permit; 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.

(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 section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

#### **SECTION 7. Certificate of Compliance**

(a) Certificate of Compliance required. A 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 Compliance.

(b) Issuance of Certificate of Compliance. The Code Enforcement Officer shall issue a 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 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 Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Compliance:

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

(c) Contents of Certificate of Compliance. A 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 Compliance is not applicable to an entire structure, a description of that portion of the structure for which the 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 Compliance and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Compliance or for Temporary Certificate.

**SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION**

The chief of any fire department providing fire fighting services for a property within this County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any

- a) structural damage;
- b) damage to any premises or business requiring a permit under Section "10", "Operating Permits";
- c) fuel burning appliance, chimney or gas vent;
- d) incident involving a suspected environmental or public health hazard.

**SECTION 9. UNSAFE BUILDING AND STRUCTURES**

Unsafe structures and equipment in this County shall be identified and addressed in accordance with the procedures established by Local Law Number 4 of 2003, as now in effect or as hereafter amended from time to time.

**SECTION 10. OPERATING PERMITS**

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(i) 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 section 1225.1;

(ii) hazardous processes and activities as defined by the Fire Code of the State of New York, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(iii) use of pyrotechnic devices, provided, however that such devices shall only be used outside and shall in no event be allowed to be used or operated indoors;

(iv) buildings containing one or more areas of public assembly with an occupant load of fifty (50) persons or more; and

(v) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Fire Code of the State of New York;

(vi) carnivals, fairs and other special events excluding one and two family occasions.

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, and the property in question is free of liens for any "delinquent tax", as such term is defined in Section 1102, Article 11 of the Real Property Tax Law of the State of New York, including, but not limited to, any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of a municipal corporation or special district, plus all applicable charges, relating to any parcel which is included in the return of unpaid delinquent taxes prepared pursuant to section nine hundred thirty-six of this chapter or such other general, special, or local law as may be applicable, however, in no event, however, shall "delinquent tax" include any unpaid tax or other charge against lands owned by the state. 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) Inspections. The Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

Thereafter, subsequent inspections may be conducted at the time of the "Fire Safety and Property Maintenance Inspections" required under Section 11, below.

(d) 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 his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits.

(i) Operating permits shall be issued for such period of time, not to exceed one year (twelve months) in the case of any Operating Permit issued for (a) an area of public assembly, (b) buildings or structures being occupied as dormitories;

(ii) Operating permits shall be issued for such period of time, not to exceed the dates of the event in question, in the case of any Operating Permit issued for use pyrotechnic devices carnivals, fairs and other special events excluding one and two family occasions;

(iii) Operating permits shall be issued for such period of time, not to exceed three years (thirty six months) in the case of all multiple dwellings not included in paragraphs (i) or (ii) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (i) or (ii) of this subdivision;

(iv) The effective period of each Operating Permit shall be specified in the Operating Permit.

(v) 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.

(f) Revocation or suspension of Operating Permits. Notwithstanding the foregoing, if the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

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

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

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

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

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, 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 thirty-six (36) months.

(b) 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 designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code 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.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary:

(1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

(4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

**SECTION 12. COMPLAINTS**

a. 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 or 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:

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 section 15 (Violations) of this local law;

3) if appropriate, issuing a Stop Work Order;

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.

b. The County Attorney, upon the request of a Code Enforcement Officer, is empowered to assist the Code Enforcement Officer in the conduct of any investigation into any subject matter within the jurisdiction of this local law. In furtherance of such investigation, the County Attorney is empowered to issue subpoenas requiring any person to attend before him or her and be examined in reference to any matter within the scope of the investigation, and in a proper case to

produce all books, records, papers and documents material or relevant to the investigation. A subpoena issued under this section shall be regulated by the civil practice law and rules. The County Attorney may administer the oath to any witness and adjournments may be taken from time to time.

**SECTION 13. RECORD KEEPING.**

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificate of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including;
- (9) and all fees charged and collected.

(b) Subject to the provisions of the PUBLIC OFFICERS LAW, ARTICLE 6 SECTIONS 84-90, of the State of New York (commonly known as the "FREEDOM OF INFORMATION LAW"), all such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto shall be retained for at least the minimum time period so required by State law and regulation.

**SECTION 14. PROGRAM REVIEW AND REPORTING**

(a) The Code Enforcement Officer shall annually submit to Board of Supervisors of this County a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities

described in section 13 (Record Keeping) of this local law and 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 County, on a form prescribed by the Secretary of State, a report of the activities of this County 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 County is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this County in connection with administration and enforcement of the Uniform Code.

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

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by registered or certified mail, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States

Post Office Department to the address listed in the application for the building permit. 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 or certified mail, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department to the address listed in the application for the building permit; 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) Penalties for Violations.

(i) In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of 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, as defined by New York State Penal Law § 10.00 and subject

to a penalty of up to one thousand dollars (\$1000.00) fine a sentence of up to fifteen (15) days in jail, or both, for each day that a violation continues. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions as provided in this law, nor appropriate civil action to remedy or restrain the violation of any provision of this law, nor any civil action to collect any fine imposed.

(ii) In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit,

Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty 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 this County.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this County, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of 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 Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced

in the name of this County, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Supervisors of this County.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be

pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

(f) The County Attorney, upon the request of a Code Enforcement Officer, is empowered to assist the Code Enforcement Officer in the conduct of any investigation into any subject matter within the jurisdiction of this local law. In furtherance of such investigation, the County Attorney is empowered to issue subpoenas requiring any person

to attend before him or her and be examined in reference to any matter within the scope of the investigation, and in a proper case to produce all books, records, papers and documents material or relevant to the investigation. A subpoena issued under this section shall be regulated by the civil practice law and rules. The County Attorney may administer the oath to any witness and adjournments may be taken from time to time.

**SECTION 16: FEES**

(a) Subject to amendment by the Board of Supervisors in the manner set forth in section (b), below, the permit fee schedule for services provided for building code enforcement, adopted April 23, 2002, shall continue in full force and effect, and 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;

(b) At any time hereafter, an amended fee schedule may be established by resolution of the Board of Supervisors of this County. Such fee

schedule may thereafter be further 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, Certificate of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

#### **SECTION 17. INTERMUNICIPAL AGREEMENTS**

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

#### **SECTION 18. AUTHORITY OF PUBLIC HEALTH DIRECTOR**

The Public Health Director is hereby authorized to:

(a) promulgate those written policies and staff directives as are necessary to supplement and give full effect to the provisions of this local law; and

(b) exercise all other powers and functions as are necessary to carry out the duties and purposes set forth in this article.

#### **SECTION 19. NO DEFENSE**

Any activity, use of premises, land, or a building or structure or part thereof for the purposes of unlawful conduct existing at the time this local law, or any amendments thereto, becomes effective, may not be continued, and such use shall not serve to create a lawful nonconforming use, or serve as a valid defense to enforcement of this local law.

#### **SECTION 20. INCONSISTENT LOCAL LAWS REPEALED**

Upon the effective date of this local law, Local Law # 3 of the year 1990, as may be amended, as well as any other inconsistent provision of any local law, is hereby repealed in its entirety.

#### **SECTION 21. PARTIAL INVALIDITY**

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

**SECTION 22. EFFECTIVE DATE**

This local law shall take effect January 1, 2007.

AND BE IT FURTHER RESOLVED, that the Clerk of the Board be and hereby is directed to enter said Local law in the minutes of this meeting and in the Local Law Book of the County of Seneca, and to give due notice of the adoption of said local law to the Secretary of the State of New York.

Mr. Kaiser moved to Suspend the Rules of Order to introduce a resolution not previously filed. Mr. Barto seconded the motion. The motion was carried.

Mr. Kaiser moved to increase the salaries of management employees by 2% for 2007. The motion was seconded by Mr. Barto. Discussion ensued.

Dr. Dresser moved to amend the motion on the floor by inserting the words, "with the intent to study the management salaries in the coming year and make necessary adjustments". The motion was seconded by Mr. Lafler. The motion was carried by 568 ayes (Dresser, Lafler, Reynolds, Barto, Kaiser, Same, Anglim, Amidon, Teichner, Mooney), 151 nays (Smith, Trickler, Shipley), and 31 absentees (O'Neill).

**2007 SALARY INCREASE OF 2% FOR ALL MANAGEMENT EMPLOYEES**

RESOLUTION NO. 302-06, moved by Mr. Kaiser, seconded by Mr. Barto and adopted by 568 ayes (Kaiser, Barto, Reynolds, Dresser, Same, Lafler, Anglim, Amidon, Teichner, Mooney), 151 nays (Smith, Trickler, Shipley), and 31 absentees (O'Neill).

WHEREAS, the Finance, Assessment and Insurance and the Government Operations, Personnel and Technology committees have reviewed the salary increases for full-time and part-time management employees, including the members of the Board of Supervisors; now

THEREFORE BE IT RESOLVED, that the Seneca County Board of Supervisors does hereby increase the salaries of management employees

by 2% for 2007 with the intent to study the management salaries in the coming year and make necessary adjustments.

As there was no further business before the Board, Mr. Smith moved the meeting adjourned.

11. Unfinished Business
12. New Business
13. Special Order of the Day