

A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW D – 2021, GRANTING UPDATING OPERATIONS AND AUTHORITY OF THE SENECA COUNTY CODE ENFORCEMENT UNIT 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 REPEALING ALL PRIOR LOCAL LAWS RELATED THERETO

WHEREAS, Local Law 2 of 2006 established the Seneca County Code Enforcement Office as the responsible county entity for 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, said local law has subsequently been amended by Local Laws 1-2008; 1-2010; and 4-2017; and

WHEREAS, changes in the NY State Uniform Fire Prevention and Building Code, State Energy Code Conservation Construction Code, as well as other New York laws and regulations require substantial changes to the local authority of the Seneca County Code Enforcement Office; and

WHEREAS, this resolution and local law has been reviewed and approved by the Public Works Standing Committee on March 23, 2021; now, therefore be it

RESOLVED, that proposed Local Law D of 2021 titled, “A Local Law Granting Updating Operations and Authority of the Seneca County Code Enforcement Unit 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 Repealing all prior Local Laws related thereto”, is hereby introduced before the Board of Supervisors of the County of Seneca to read substantially as set forth herein, and be it further

RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the County Board; and be it further

RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the Seneca County Office Building, Supervisors Meeting Room, 3rd floor, 1 DiPronio Drive, Waterloo, NY at or about 6:00 P.M., on May 11, 2021; and, be it further

RESOLVED, that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspapers of the County at least five (5) days prior thereto.

SENECA COUNTY PROPOSED LOCAL LAW D of 2021

A LOCAL LAW GRANTING UPDATING OPERATIONS AND AUTHORITY OF THE SENECA COUNTY CODE ENFORCEMENT UNIT 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 REPEALING ALL PRIOR LOCAL LAWS RELATED THERETO.

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 evidence of satisfactory compliance with rules or regulations related to work performed not directly related to occupancy of a building or structure.
- c) "Certificate of Occupancy" shall mean evidence of satisfactory compliance with rules and a regulation related to the actual use or occupancy of a building or structure, and generally includes capacity or limits of use.
- d) "Contractor" shall mean any person, firm or corporation who owns, operates, maintains, controls, transacts or conducts a business or who undertakes or advertises a service or offers to undertake or agrees to perform any services which would otherwise require a permit as in section 4 of this local law, whether for fee, remuneration, "favor", or as part of a barter agreement. This definition may, under certain circumstances include an individual employee, agent or subcontractor of a contractor.
- e) "County" shall mean the County of Seneca, State of New York.
- f) "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.
- g) "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.
- h) "Code Enforcement Personnel" shall include the Code Enforcement Officer and all Building Inspectors.
- i) "Compliance Order" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 16 of this local law.
- j) "Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.
- k) "Flood Plain Management" shall enforce the state flood plain regulations to ensure that the communities are complying with the minimum NFIP standards.
- l) "Inspector" shall mean an inspector appointed pursuant to subdivision (e) of section 3 of this local law.
- m) "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.
- n) "Permit Holder" shall mean the Person to whom a Building Permit has been issued.
- o) "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.

- p) "Stop Work Order" shall mean an order issued pursuant to section 6 of this local law.
- q) "Temporary Certificate" shall mean a certificate issued in relation to a permit or other matter to allow for limited use or pursuant to subdivision (e) of section 7 of this local law.
- r) "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 is hereby created. The Code Enforcement Officers shall administer and enforce, under the direction of the County Manager, all the provisions of the Uniform Code, to include Flood Plain Management, 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) They shall be appointed by the County Manager, as set forth in 3(a) above, a "Head Code Enforcement Officer" who shall act as the Department Head and be responsible for all administrative and management duties for the Department.
- c) Each Code Enforcement Officer shall be appointed by the County Manager, as set forth in 3(a) above, 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 Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- d) In the event that a Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the County Manager, as set forth in 3(a) above 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.

- e) (i) The County of Seneca hereby continues within the Office of Code Enforcement positions for Building Inspectors and other necessary support staff to act under the supervision and direction of the Head 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 Department of State pursuant to the Executive Law and the regulations promulgated thereunder. (ii) In the absence of the Head Code Enforcement Officer, or in the case of his or her inability to act for any reason, the County Manager, as set forth in 3(a) above 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.
- f) 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.
 - 2) It shall be presumed that any person performing any work otherwise requiring a building permit shall have knowledge that a permit was issued prior to commencing any such work. Any person in any capacity engaging in work as set forth herein without a duly issued Building Permit from the Code Enforcement Officer shall be considered in violation of this local law and subject to possible penalties as set forth hereinafter.
- (b) Exemptions. No Building Permit shall be required for work in any of the following categories:
 - (1) Construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet;
 - (2) installation of swings and other playground equipment associated with alone- 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 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.
 - (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 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, if work has commenced, the permit can be renewed for no more than three times at half the original 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. A Seneca County Building Permit WILL NOT BE ISSUED without proof of a valid zoning or land use permit issued by the appropriate Town and/or Village authority.

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, re-inspected, 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,
 - (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. In addition, the Stop Work Order may be posted or attached at the job site.

- (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 OCCUPANCY/CERTIFICATES OF COMPLIANCE /RENEWABLE CERTIFICATE OF OCCUPANCY (Multiple Dwelling Units (MDU))

- (a) Certificate of Occupancy/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 sub-classification 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 Occupancy/Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy/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 sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy/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 Occupancy/Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/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 Occupancy/Compliance. A Certificate of Occupancy/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/Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of

- Occupancy/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/Compliance and the date of issuance.

(d) RENEWABLE CERTIFICATE OF OCCUPANCY (MDU)

Pursuant to Multiple Dwelling Units Law, any multiple dwelling containing three (3) or more housing units is required to maintain compliance with a Fire Safety Inspection, every three (3) years. A Renewable Certificate of Occupancy (MDU) will be issued upon completion of a satisfactory inspection.

(e) 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.

(f) 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.

(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 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 firefighting 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) fuel burning appliance, chimney or gas vent;

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 No. 3 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:
- (1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1), 5003.1.1(2), 5003.1.1(3), 5003.1.1(4) of the 2020 edition of the Fire Code of New York State (a publication currently incorporated by reference in 19 NYCRR Part 1225);
 - (2) 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;
 - (3) 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;
 - (4) Buildings containing one or more areas of public assembly with an occupant load of fifty (50) persons or more;
 - (5) Parking garages as defined in subdivision (a) of section 13 of this local law; and
 - (6) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Seneca County Board of Supervisors
 - (7) 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 ("OF PC") 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, Flood Plain Management, 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.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES

(a) Definitions. For the purposes of this section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (i) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) A townhouse unit with attached parking exclusively for such unit;
- (4) The term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) The term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) The term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the 2015 edition of the International Property Maintenance Code (a publication currently incorporated by reference in 19 NYCRR Part 1226); and
- (7) The term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

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

the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

- (c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
 - (1) New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure,
 - (2) Existing parking garages shall undergo an initial condition assessment as follows:
 - (i) If originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) If originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) If originally constructed between January 1, 2003 and the effective date of the rule adding this subdivision to 19 NYCRR section 1203.3, then prior to October 1, 2021.
- (d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed [specify interval not to exceed three (3) years].
- (e) Additional Condition Assessments.
 - (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, Seneca County shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
 - (2) If Seneca County becomes aware of any new or increased deterioration which, in the judgment of Seneca County, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, Seneca County shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by Seneca County to be appropriate.
- (f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to Seneca County within 3 months. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
 - (1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
 - (2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
 - (3) An evaluation and description of the unsafe conditions;
 - (4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

- (5) An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (7) The responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.
- (g) Review Condition Assessment Reports. Seneca County shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, Seneca County shall, by Order to Remedy or such other means of enforcement as Seneca County may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of Seneca County to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- (h) Seneca County shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides Seneca County with a written statement attesting to the fact that he or she has been so engaged, Seneca County shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. Seneca County shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- (1) This section shall not limit or impair the right or the obligation of Seneca County;
 - (2) To perform such construction inspections as are required by section 5 of this local law;
 - (3) To perform such periodic fire safety and property maintenance inspections as are required by section 11 of this local law; and/or
 - (4) To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of Seneca County by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. 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 Occupancy/Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted;
 - (8) All condition assessment reports received;
 - (9) All other features and activities specified in or contemplated by sections 4 through 13, inclusive, of this local law, including; and
- (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 15. 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 Department of Building Standards, of the Office of 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 Upon receipt by the Code Enforcement Officer of the status of the other municipalities in the County, a copy of each municipal report and the county report will be provided to the County Manager, or to the Clerk of the Board of Supervisors, as directed by the Board of Supervisors.
- (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 16: VIOLATIONS

The Code Enforcement Officer is the primary investigative and compliance officer for this local law. To provide tools for enforcement and compliance, either or both of these actions may be taken, understanding that their use does not prohibit other methods of enforcement or obtaining sanctions.

- a) Compliance Orders/Violation Notice: 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, Flood Plain Management, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue

a Violation Notice. The Notice shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violated the Uniform Code, Flood Plain Management, 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 Notice, 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 Notice, 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. Notwithstanding the above provision, the Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code. When deemed necessary, the Code Enforcement Officer shall issue an Appearance Ticket, as set forth below, direct the alleged violator to appear before the Town or Village Justice Court in the Town or Village where the violation is alleged to have occurred. Said Violation Notice and Appearance Ticket, or a copy thereof, is to be served upon the alleged violator 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 last address known to the Code Enforcement Officer.

c) Penalties for Violations.

(i) In addition to those penalties proscribed by the State Law, any Person who violates any provision of the Uniform Code, Flood Plain Management, 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.

(iii) 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.

(d) 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. In addition, the Code Enforcement Officer, in conjunction with the County Attorney, may compromise and settle any violation by way of a civil settlement or consent order.

SECTION 17. LEGAL SUPPORT

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 18 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, remains in effect at the time of the adoption of this local law, 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, or as otherwise provided for in this local law and schedule of fees;
- (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 19. 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 20. 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 21. INCONSISTENT LOCAL LAWS REPEALED

Upon the effective date of this local law, any other inconsistent provision of any local law, is hereby repealed in its entirety, to specifically include Local Laws 2-2006; 1-2008; 1-2010; and 4-2017;

SECTION 22. 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 23. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.