

**LOCAL LAW NO. 1 OF 2022**

**A LOCAL LAW AMENDING CHAPTER 81 OF  
THE CODE OF THE VILLAGE OF CELORON, NEW YORK**

BE IT ENACTED by the Board of Trustees of the Village of Celoron, New York, pursuant to the authority and provisions of §10 of the Municipal Home Rule Law and §7-725a of the New York State Village Law, as follows:

- 1. Purpose and Intent.** Amend Chapter 81, Construction Codes, Uniform, of the Code of the Village of Celoron, New York to provide 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 the Village of Celoron, New York.
  
- 2. Amendment.** The following sections of the Code of the Village of Celoron, New York are hereby amended as follows:
  - Section 81-13, Recordkeeping is hereby renumbered Section 81-15
  - Section 81-14, Program review and reporting is hereby renumbered Section 81-16
  - Section 81-16, Fees is hereby renumbered Section 81-18
  - Section 81-17, Intermunicipal agreements is hereby renumbered Section 81-19
  
- 3. Amendment.** Section 81-15, Penalties for offenses is hereby renumber Section 81-17 and amended to read as follows:

**§81-17 Violations**

- A. Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. An Order to Remedy 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 chapter;
  - (4) Specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; and
  - (5) Shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_\_ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (3) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (3) days of the date of such Order to Remedy; and/or to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to

Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

- B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
  - C. Penalties. In addition to those penalties prescribed by state law:
    - (1) Any person who violates any provision of this chapter or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be punishable by a fine of not more than \$300 per day of violation; and
    - (2) Any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to pay a civil penalty of not more than \$300 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Village.
  - D. Injunctive relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, order to remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. 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 chapter, or any stop-work order, order to remedy or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Board of Trustees of this Village.
  - E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or 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 § 81-6, Stop-work orders, of this chapter, in any other section of this chapter, 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 § 81-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.
4. **Amendment.** Section 81-2 Definitions is hereby amended to add the following:

**ASSEMBLY AREA**

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

**CODES**

The Uniform Code and Energy Code.

**FCNYS**

The 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

**FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION**

An inspection performed to determine compliance with the applicable provision of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

**HAZARDOUS PRODUCTION MATERIALS**

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

**MOBILE FOOD PREPARATION VEHICLES**

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

**ORDER TO REMEDY**

An order issued by the Code Enforcement Officer pursuant to § 81-15A of this chapter.

**PMCNYS**

The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

**RCNYS**

The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

**REPAIR**

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

**SUGARHOUSE**

A building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

5. **Amendment.** Section 81-3.A.(6) is hereby amended to read: To issue orders pursuant to Subsection A of §81-17, Violations, of this chapter;
6. **Amendment.** Section 81-3.B. is hereby amended to add thereto: The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
7. **Amendment.** Section 81-3.D. is hereby amended to replace State Fire Administrator with Department of State.
8. **Amendment.** Section 81-4.D.(1) is hereby amended to read as follows: A description of the location, nature, extent, and scope of the proposed work;

**9. Amendment.** Section 81-4.D.(5) is hereby amended to read as follows:

- (a) Describe the location, nature, extent, and scope of the proposed work;
- (b) Are prepared by a New-York-State licensed and registered architect and in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number;
- (c) Show that the proposed work will conform to the applicable provisions of the Codes;
- (d) Include a written statement indicating compliance with;
- (e) Show the location, construction, size, and character of all portions of the means of egress;
- (f) Show a representation of the building thermal envelope;
- (g) Show structural information including, but not limited to, braced wall designs, the size, selection, and relative locations of structural members, design loads, and other pertinent structural information;
- (h) Show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building;
- (i) Where applicable, include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations.

**10. Amendment.** Section 81-4.E. is hereby amended to read as follows:

E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection **D(5)** of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. 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.

**11. Amendment.** Section 81-5.B.(5) is hereby amended to read as follows:

- (5) Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;

**12. Amendment.** Section 81-5.B.(9)(10)(11) are hereby amended to read as follows:

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

**13. Amendment.** Section 81-5.C. is hereby renumbered Section 81-5.D.

**14. Amendment.** Section 81-5.C. is hereby amended to read as follows:

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

**15. Amendment.** Section 81-5.D. is hereby renumbered Section 81-5.E.

**16. Amendment.** Section 81-5.D. is hereby amended to read as follows:

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

**17. Amendment.** Section 81-6.D. is hereby amended to read as follows:

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the stop work order.

**18. Amendment.** Section 81-6.E. is hereby amended to read as follows:

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection 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 § 81- 17, Violations, of this chapter 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.

**19. Amendment.** Section 81-7.B. is hereby amended to add the following:

- (3) A written statement of the results of tests performed to show compliance with the Energy Code, and

(4) Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

**20. Amendment.** Section 81-7.C.(3) is hereby amended to read as follows:

(3) The name (if any), address and tax map number of the property;

**21. Amendment.** Section 81-7.D.(2)(3) are hereby amended to read as follows:

(2) That any fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational; and

(3) That all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a temporary certificate of occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A temporary certificate shall be effective for a period of time not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate of occupancy. During the specified period of effectiveness of the temporary certificate of occupancy, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

**22. Amendment.** Section 81-7.E. is hereby amended to read as follows:

E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate of occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

**23. Amendment.** Section 81-7-F. is hereby amended to read as follows:

F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 98-1, Fees, of this Code must be paid at the time of submission of an application for a certificate of occupancy/certificate of compliance or for temporary certificate of occupancy.

**24. Amendment.** Section 81-10.A. Is hereby amended to read as follows:

A. Operation permits required. Operating permits shall be required for conducting process or activity or for operating any type of building, structure, or facility listed below:

(1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) Buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(a) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(b) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders;

(c) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop ripening facility or conducting a fruit-ripening process using ethylene gas;

(d) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in building, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(e) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane

Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent;

(f) Chapter 31, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high piled storage;

(g) Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating attire rebuilding plant;

(h) Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(i) Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;

(j) Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, sell, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;

(k) Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(l) Section 308, “Open Flames.” Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(m) Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Local Law No. 4 of 2013, as now in effect or as hereafter amended from time to time.

(3) Hazardous processes and activities, including but not limited to, waste handling;

(4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) Energy Storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in Section R327.5 of the RCNYS.

(6) Outdoor events where the planned attendance exceeds 1,000 persons;

(7) Facilities that store, handle or use hazardous production materials;

(8) Parking garages as defined in § 81-13.A of this chapter;

(9) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village.

(10) Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Trustees of this Village.

**25. Amendment.** Section 81-10.C. is hereby amended to read as follows:

C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village

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

**26. Amendment.** Section 81-10.E. is hereby amended to read as follows:

E. Duration of operating permits. Operating permits shall be issued for a specified period or time consistent with local conditions, but in no event to exceed as follows:

- (1) 180 days for tents, special event structures, and other membrane structures;
- (2) 60 days for alternative activities at a sugarhouse;
- (3) 3 years for the activities, structures, and operations determined per §81- 10.A(10)
- (4) 1 year for all other activities, structures, and operations identified in §81-10.A of this chapter.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

**27. Amendment.** Section 81-10.G. is hereby amended to replace the word chapter with Code.

**28. Amendment.** Section 81-11.A.(2) is hereby amended to read as follows:

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; a shall be performed at least once every 12 months.

**29. Amendment.** Section 81-11.A.(3) is hereby amended to read as follows:

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

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

**30. Amendment.** Section 81-11.C. is hereby amended to read as follows:

C. OFPC inspections. Nothing in this section or in any other provision of this chapter 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 or other authorized entity under Executive Law § 156-e and Education Law § 807-b. Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to Sections 807-a and 807-b of the Education Law and/or Section 156-3 of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an inspector provided that:



- (1) The Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR Section 1203.2(e);
- (2) The Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) Such inspections are performed no less frequently than one a year;
- (4) A true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) Upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by § 81-17.

**31. Amendment.** Section 81-11.D. is hereby amended to replace the word chapter with Code.

**32. Amendment.** Section 81-12.B. is hereby amended to read as follows:

B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 81-17, Violations, of this chapter;

**33. Amendment.** A new Section 81-13, Condition Assessments of Parking Garages, is hereby added to read as follows:

#### § 81-13 Condition Assessments of Parking Garages

A. Definitions.

In this subsection, the following terms shall have the meanings indicated:

##### CONDITION ASSESSMENT

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.

##### DETERIORATION

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.

##### PARKING GARAGE

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:

- (a) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
- (b) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
- (c) A townhouse unit with attached parking exclusively for such unit.

##### PROFESSIONAL ENGINEER

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.

##### RESPONSIBLE PROFESSIONAL ENGINEER

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.

#### UNSAFE CONDITION

Includes the conditions identified as “unsafe” in Section 304.1.1, Section 305.1.1, and Section 306.1.1 of the PMCNYS.

#### UNSAFE STRUCTURE

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 Requirement

The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in § 81-13.C, periodic condition assessments as described in § 81-13.D, and such additional condition assessments as maybe required in §81-13.E. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Village, in accordance with the requirements of § 81-13.F. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

#### C. Initial Condition Assessment.

Each parking garage shall undergo an initial condition assessment as follows:

- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
- (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
  - (a) If originally constructed prior to January 1, 1984, then prior to October 1, 2019;
  - (b) If originally constructed between January 1, 1984 and December 31, 2022, then prior to October 1, 2020; and
  - (c) If originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
- (3) Any parking garage constructed prior to the effective date of the enactment of this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment six months after the effective date of the enactment of § 81-13.

#### 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 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 § 81-13.C, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
- (2) If the Village becomes aware of any new or increased deterioration which, in the judgment of the Village, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should

be performed before the date by which the next periodic condition assessment would be required under § 81-13.C, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Village to be appropriate.

- F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Village within thirty (30) days. Such condition assessment report shall be sealed and signed by the responsible Professional engineer, and shall include:
- (1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
  - (2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
  - (3) An evaluation and description of the unsafe conditions;
  - (4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
  - (5) An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
  - (6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
  - (7) The responsible professional engineer's recommendation regarding preventative maintenance;
  - (8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
  - (9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- G. Review Condition Assessment Reports. The Village shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Village shall, by Order to Remedy or such other means of enforcement as the Village may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to § 81-13.F.(2)(3). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Village to take any other enforcement actions, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- H. The Village shall retain all condition assessment reports for the life of the parking garage. Upon

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

- I. This section shall not limit or impair the right or the obligation of the Village:
  - (1) To perform such construction inspections as are required by § 81-5, Construction Inspections;
  - (2) To perform such periodic fire safety and property maintenance inspections as are required by § 81-11, Fire Safety and Property Maintenance Inspections; and/or
  - (3) To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Village by means other than a condition assessment or a report of a condition assessment.

**34. Amendment.** A new Section 81-14, Climatic and Geographic Design Criteria, is hereby added to read as follows:

**§ 81-14 Climatic and Geographic Design Criteria**

- A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed with this Village as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to the following:
  - (1) Design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
  - (2) Heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
  - (3) Flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
    - (a) The accompanying Flood Insurance Rate Map (FIRM);
    - (b) Flood Boundary and Floodway Map (FBFM); and
    - (c) Related supporting data along with any revisions thereto.
- B. The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to § 81-14.A, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

**35. Amendment.** Section 81-15.A.(8) (formerly Section 81-13.A.(8)) is hereby amended to read: All condition assessment reports received:

**36. Amendment.** Section 81-15.A.(9) is hereby amended to add the word and

**37. Amendment.** Section 81-15.A. is hereby amended to add the following:

(10) All other features and activities specified in or contemplated by § 81-4 through § 81-14, inclusive, of this chapter

**38. Amendment.** Section 81-16.A. (formerly Section 81-14.A.) is hereby amended to read as follows:

- A. The Code Enforcement Officer shall monthly submit to the Board of Trustees of this Village a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 81-15, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

**39. Amendment.** Section 81-16.C. (formerly Section 81-14.C.) is hereby amended to read as follows:

- 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, true and complete copies of the records and related materials this Village is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code and/or Energy as may be requested by the Department of State.

**40. Conflicting Statutes.** All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed.

**41. Severability.** Should any clause, sentence, paragraph, subdivision, section or other part of this local law be adjudicated by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.

**42. Effective Date.** This local law shall become effective immediately upon filing with the New York State Secretary of State.