

Ch. 56

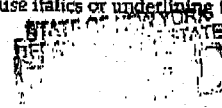
2-5-2007

Local Law Filing

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MAY 02 2007

STATE RECORDS

County  
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Village

of Washingtonville

Local Law No. 1 of the year 2007

A local law titled "Administration and Enforcement of the New York State Uniform  
(Insert Title)  
Fire Prevention and Building Code"

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

County  
City  
Town  
Village

of Washingtonville

Section 1. Chapter 56, titled "Building Construction and Fire Prevention" of the Code of the Village of Washingtonville is hereby repealed in its entirety and adopted to read as follows:

§56-1. 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 Village. 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.

§56-2. Definitions.

Building Permit - 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.

Certificate of Occupancy / Certificate of Compliance - a certificate issued pursuant to subdivision (b) of section 7 of this local law.

Code Enforcement Officer- the Code Enforcement Officer/ Building Inspector appointed pursuant to subdivision (b) of section 3 of this local law.

Code Enforcement Officer Personnel- shall include the Code Enforcement Officer and all Inspectors.

Compliance Order -an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

Energy Code- the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

Inspector- an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

Operating Permit- 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.

Permit Holder- the Person to whom a Building Permit has been issued.

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

Stop Work Order- an order issued pursuant to section 6 of this local law.

Temporary Certificate- a certificate issued pursuant to subdivision (d) of section 7 of this local law.

Uniform Code- the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§56-3. Code Enforcement Officer and Inspectors.

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates

(2)

and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, 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 Village Board of Trustees of the Village of Washingtonville;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with the Village 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) The Code Enforcement Officer shall be appointed by the Village Board of Trustees. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

- (c) In the event that the Code Enforcement Officer is unable to serve as such for any

reason, an individual shall be appointed by the Village Board of Trustees to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

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

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

#### §56-4. 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, the Energy Code and this local law, 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 or where a building permit is required, no site preparation work, excavation or filling shall commence prior to issuance of a building permit or other required approvals. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) **Exemptions.** No Building Permit shall be required for work in any of the following categories:

- (1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (2) 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;
- (3) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (4) construction of temporary motion picture, television and theater stage sets and scenery;
- (5) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

- (6) installation of partitions or movable cases less than 5'-9" in height;
- (7) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (8) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (9) 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
- (10) 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, the Energy Code or this local law.

(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, the Energy Code or this local law. 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 3 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, the Energy Code and this local law; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(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, one set shall be retained for the plan review and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and this local law.

(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 Building Inspector of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Building Inspector determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon written application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the

Uniform Code, the Energy Code or this local law, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code and this local law, 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.

#### §56-5. 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, 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 reasons the work fails to comply with the Uniform Code, the Energy Code or this local law. The Permit Holder must contact the office of the Code Enforcement Officer to receive the inspection results. Work not in compliance with any applicable provision of the Uniform Code, the Energy Code or this local law, shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code or this local law, reinspected, and found satisfactory as completed.

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

§56-6. 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, the Energy Code or this local law, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

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

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(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.

§56-7. Certificates of Occupancy / Certificate of Compliance.

(a) Certificates of Occupancy / Certificate of Compliance required. A Certificate of Occupancy / Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy/ Certificate of Compliance.

(b) Issuance of Certificates of Occupancy/ Certificate of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code, the Energy Code and local laws, if applicable, and/or that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code, the Energy Code and local laws. 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 / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

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

(c) Contents of Certificates of Occupancy/ Certificate of Compliance. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy 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 / Certificate of Compliance and the date of issuance.

Any other information and certification required by the Code Enforcement Officer

(d) **Temporary Certificate.** The Code Enforcement Officer may 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, (3) that all required means of egress from the building or structure have been provided; and (4) that all site plan work is completed to the Village's satisfaction or at the Village's sole discretion, a bond is posted to secure completion of the work. 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 Building Inspector 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, the Energy Code and this local law.

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

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

#### §56-8. Notification Regarding Fire or Explosion.

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

#### §56-9. Unsafe Building and Structures.

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the procedures set forth in Chapter 60 of the Village Code, as now in effect or as hereafter amended from time to time.

#### 56-10. 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 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
- (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) use of pyrotechnic devices in assembly occupancies;
- (4) buildings and temporary structures, such as a tent, containing one or more areas of public assembly with an occupant load of 100 persons or more;
5. buildings containing devices that produce grease laden vapors and required fire suppression systems; and
- (6) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Village Board of Trustees.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) 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.

- (1) The Code Enforcement Officer shall conduct periodic inspection for compliance with the provisions of the Uniform Fire Prevention and Building Code. Such inspections may be made at any reasonable time.
- (2) If entrance to make an inspection is refused or cannot be obtained, the Code Enforcement Officer may apply for a warrant to make an inspection to any court of competent jurisdiction.

- (3) In case of an emergency, property may be inspected at any time without a warrant and without permission.
- (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. Operating permits shall be issued for such period of time, not to exceed one year, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.
- (f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code or this local law, 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.

§56-11. 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 twelve (12) months, not to exceed twenty-four (24) 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, the Energy Code, or this local law 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, the Energy Code, or this local law 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.
- (4) application for a warrant by the Code Enforcement Officer to make an inspection to any court of competent jurisdiction if entrance to make an inspection is refused or cannot be obtained.
- (5) determination of the Code Enforcement Officer that there exists an emergency, property may be inspected at any time without a warrant and without permission.

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

- (1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
- (2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
- (3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and
- (4) the Code Enforcement Officer shall not perform fire safety and property

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

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

#### §56-12. Fire Lane Enforcement.

(a) The Fire Inspector, Fire Police, Police Department, and Code Enforcement Officer are hereby authorized to issue parking tickets for vehicles found to be:

- (1) Parked in established fire lanes;
- (2) Blocking fire hydrants; and
- (3) Blocking fire protection equipment.

#### §56-13. Housing Maintenance.

(a) This section shall provide the method for administration and enforcement of the housing maintenance regulations contained in the New York State Uniform Fire Prevention and Building code in the village and further establishes powers, duties and responsibilities in connection therewith.

(b) Definitions.

Housing Standards - The housing maintenance provisions of the New York State Uniform Fire Prevention and Building Code.

Premises - Any dwelling unit in the village which is rented, including multiple dwellings, one-or two-family dwellings or mixed residential-business use dwellings.

(c) Registration of premises. Owners and lessors of premise of their respective agents shall, within one year after the effective date of this Article or 90 days from the date of mailing of registration forms by the Department, whichever occurs first, file with the Department, on the registration forms provided by the Department, the following information:

- (1) The names and addresses of the owner and lessor and of their respective agents, upon whom violation orders may be served.

- (2) A description of the property, by street and number or otherwise, as will enable the Department to locate the same.
- (3) Such other appropriate information as may be requested, including but not limited to use of premises, available facilities, number of units and number and size of rooms, together with a schematic diagram showing the typical floor layout of the units and rooms with appropriate designations and identifications.
- (d) Duties of electrical inspector.
  - (1) It shall be the duty of the electrical inspector to report to the Code Enforcement Officer and/or the Fire Inspector, who are the enforcement officers for this Chapter, all violations of, deviations from or omissions of the electrical provisions of the New York State Uniform Fire Prevention and Building Code of this Chapter. The electrical inspector shall make inspections and reinspections of electrical installations in and on properties in the village upon written request of the owner or lessees of the property.
  - (2) It shall be the duty of the electrical inspector to furnish written reports to the Code Enforcement Officer and the owners and/or lessees of property where defective electrical installations and equipment are found upon inspection.
  - (3) The electrical inspector shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with the New York State Uniform Fire Prevention and Building Code or this chapter, and shall direct that a copy of the certificate of compliance be sent to the Code Enforcement Officer.
- (e) 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.
- (f) No waiver or assumption of liability. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein nor shall the village or the electrical inspector be deemed to have assumed any such liability by reason of any inspection made pursuant to this chapter.
- (g) Inspection prior to start of work; certificates of compliance. It shall be a violation of this chapter for any person to occupy any premises where electrical work has been performed, including but not limited to connection of electrical wiring to any source of electrical energy supply, prior to an inspection and issuance of a certificate by a licensed and qualified electrical inspector.

§56-14. Truss and Lightweight Construction.

- (a) Application. The provisions of this section shall apply to all buildings or structures of

truss and/or lightweight construction, as determined by the Code Enforcement Officer, and to the owner and occupant of all such buildings or structures, except as follows:

- (1) Detached one-family and two-family residential buildings with truss or lightweight construction that are not part of a planned real estate development or subdivision shall be exempt from the requirements of this section.
  - (2) The requirement to affix the identifying emblem to each building shall not apply to residential buildings with truss or lightweight construction that are part of a planned real estate development or subdivision if an identifying emblem is affixed at each entrance to the development or subdivision and can be readily seen by all emergency and enforcement personnel. This identifying emblem at development or subdivision entrances, if determined necessary by the Code Enforcement Officer, will be affixed by the village.
  - (3) Any building used in whole or in part for nonresidential purposes shall not be exempt from the requirements of this chapter.
  - (4) The Code Enforcement Officer shall determine whether any particular building is exempt from the requirement to affix the identifying emblem to the building pursuant to Subsections A, B or C above.
- (b) Definitions.

Building - A structure wholly or partially enclosed within exterior walls or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

Structure - An assembly of materials, forming a construction made of component structural parts for occupancy or use, including the buildings.

Truss and Lightweight Construction- Structural components assembled from wood members, metal connector plates or other metal fasteners; wooden I-beams; or any single-plane framework of individual structural members, made of wood or steel, connected at their ends to form a series of triangles to span a distance greater than would be possible with any of the individual members on its own.

- (c) Requirements.
- (1) Unless exempted by §56-14(a), the owner and occupant of a building of truss or lightweight construction is required to permanently affix an identifying emblem, in a design prescribed by the village, to the front of the building. The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be affixed and maintained by the owner and/or occupant of the building. The identifying emblem will be supplied by the village at no charge to the owner or occupant.
  - (2) The Code Enforcement Officer is authorized to inspect and identify any building



to determine whether the building contains truss or lightweight construction and to require the owner and occupant of such building to permanently affix identifying emblem to the front of the building. The Code Enforcement Officer shall provide written notice of said requirement to the owner and/or occupant. The owner and/or occupant shall be required to properly affix the identifying emblem within 15 days after the mailing date of such written notice.

- (3) If the identifying emblem is damaged, defaced or removed for any reason, then the owner or occupant shall promptly obtain a replacement emblem from the village and shall affix said replacement emblem in the manner prescribed herein. In addition, the owner and/or occupant is required to properly affix the replacement emblem within 10 days after receipt of written notice from the Code Enforcement Officer. The owner or occupant shall pay to the village the cost of said replacement emblem. The cost of a replacement identifying emblem, if unpaid, shall be a lien on the real property and shall be assessed against such property, together with nine-percent interest per annum, and shall be levied and collected in the same manner as a real property tax. The Board of Trustees may waive the charge for a replacement emblem for buildings owned and used by not-for-profit corporations or other charitable organizations.

(d) Identifying emblem. The identifying emblem required to be affixed to a building will be of a bright and reflective color or made of reflective material. The shape of the emblem will be an isosceles triangle, and the size will be approximately 12 inches by six inches. The following letters, of a size and color to make them conspicuous, will be printed on the emblem:

- (1) "F" to signify a floor with truss or lightweight construction;
- (2) "R" to signify a roof with truss or lightweight construction; or
- (3) "F/R" to signify both a floor and roof with truss or lightweight construction.

The provisions of this subsection (d) may be amended from time to time by resolution of the Board of Trustees.

- (g) Correction of violation by village.
- (1) Compliance with this section is required in the interest of the public safety, health and welfare. Notwithstanding any other provision herein, if a property owner fails to correct a violation after written notice, the village and its agents shall have the right to enter upon the property and perform the work necessary to correct the violation. The property owner shall be responsible and liable for all costs incurred by the village in connection therewith. The village shall bill the property owner for said costs by mailing the bill to the owner's last known address as shown on the real property tax records of the village. If the property owner does not pay said costs within 30 days after the mailing date of the bill, then the amount of said costs shall be a lien on the owner's real property and shall be assessed against such property, together with 9% annum, and shall be levied and collected in the

same manner as a real property tax.

- (2) The provisions of Subsection (1) above may be applied in addition to the penalty provisions in §56-19.

#### §56-15. Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

#### §56-16. Fees.

A fee schedule shall be established by resolution of the Village Board of Trustees. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, electrical inspections, and other actions of the Building Inspector described in or contemplated by this local law.

#### §56-17. Record Keeping.

- (a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
  - (1) all applications received, reviewed and approved or denied;
  - (2) all plans, specifications and construction documents approved;
  - (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and
- (9) all fees charged and collected.
- (b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

§56-18. Program Review and Reporting.

(a) The Code Enforcement Officer shall annually submit to the Village Board of Trustees a written report and summary of all business conducted by the Building Inspector and the Inspectors, including a report and summary of transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

§56-19. Violations.

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officers deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder,

architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; 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, the Energy Code or this local law.

(c) Criminal Penalties. Unless otherwise specifically provided, the violation of this local law 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 provisions of this local law, shall be deemed an offense against such law, punishable by a fine not to exceed \$250 for each day or part thereof during which such violation continues or imprisonment of not more than 15 days, or both such fine and imprisonment.

(d) Civil Penalties. In addition to and not in lieu of those penalties proscribed by State law, the violation of any provision of the Uniform Code, the Energy Code or this local law, 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 Building Inspector pursuant to any provision of this local law, shall be liable to a civil penalty of not less than \$50 nor more than \$250 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 Village.

(e) 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 local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this 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 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.

(f) 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.

§56-20. Intermunicipal Agreements.

The Village Board of Trustees may, by resolution, authorize the Board of Trustees of this Village to enter into an agreement, in the name of this Village, 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.

§56-21. No Special Duty.

This chapter is intended to help protect the general welfare of the Village of Washingtonville. Accordingly, this chapter, and any act or omission pursuant thereto, does not create, and shall not be construed to create, any special duty or obligation of the village, its officers, employees or agents to any person.

§56-22. 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.

§56-23. Severability.

If any word, phrase, part or provision of this article shall be declared invalid by a court of competent jurisdiction, the same shall be severed and separated from the remainder of this article, and said remainder shall continue in full force and effect.

Section 2. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 07 of the ~~(County)~~(City)(Town)(Village) of Washingtonville was duly passed by the Board of Trustees on February 5, 2007, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*



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

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

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was (approved)(not approved)(repassed after disapproval by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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

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

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

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

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

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

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

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

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

Christine Shenkman  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

Christine Shenkman, Village Clerk

Date: 04-01-07

(Seal)

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

STATE OF NEW YORK  
COUNTY OF ORANGE

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

JACOBOWITZ AND GUBITS, LLP

J. Benjamin Garley  
Signature: J. Benjamin Garley

Attorneys for the Town

County \_\_\_\_\_  
City \_\_\_\_\_  
Town \_\_\_\_\_  
Village \_\_\_\_\_  
of Washingtonville

Date: March 23, 2007



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
41 STATE STREET  
ALBANY, NY 12231-0001

ELIOT SPITZER  
GOVERNOR

May 16, 2007

LORRAINE A. CORTÉS-VÁZQUEZ  
SECRETARY OF STATE

Village of Washingtonville  
29 West Main Street  
Washingtonville NY 10992

**RE: Village of Washingtonville, Local Law No. 1, 2007, filed on May 2, 2007**

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us/corp/misc.html](http://www.dos.state.ny.us/corp/misc.html).

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records and Law Bureau  
(518) 474-2755

Codes  
474-4073  
Admin Env  
Unifor Fire  
Prevention  
# 1, 2007

