

NEW YORK
 STATE OF OPPORTUNITY.

Building Standards and Codes

**Code Enforcement:
 What Every Local Official Should Know**

A Division of New York Department of State

1


NEW YORK
 STATE OF OPPORTUNITY.

Building Standards and Codes


The Mission of Code Enforcement

“To establish the **minimum** requirements for providing a reasonable level of life safety and property protection in **new** and **existing** buildings, **structures and premises.**”

“Building Code Act”


To protect **Health, Safety and General Welfare**

A Division of New York Department of State


NEW YORK
 STATE OF OPPORTUNITY.

Building Standards and Codes





2


NEW YORK
 STATE OF OPPORTUNITY.


Building Standards and Codes

What are codes?

“A systematic, comprehensive collection of laws and rules.”

A Division of New York Department of State


NEW YORK
 STATE OF OPPORTUNITY.

Building Standards and Codes

3

4

Where do codes come from?

Codes restrictions do not develop in a vacuum
They generally erupt after a disaster

A Division of New York Department of State

NEW YORK STATE Building Standards and Codes

4

5

Historical Development

- MGM Grand Hotel: Las Vegas, NV
- November 21, 1980
- **85** people died
- Stouffer's Inn: Harrison, NY
- December 4, 1980
- **26** people died

A Division of New York Department of State

NEW YORK STATE Building Standards and Codes

5

6

Blue Ribbon Task Force

- Few communities with codes
- Inconsistent enforcement
- Myriad of codes across state
- State Building Construction Code
 - Fire Prevention Code
 - Local codes/national codes
 - Mix of codes
- Lack of consistency and training

A Division of New York Department of State


NEW YORK STATE Building Standards and Codes

6

7

Blue Ribbon Task Force – Recommendations

- Single document applied uniformly
- Address construction, fire prevention and building maintenance
- Provide a minimum level of safety statewide
- Article 18 NYS Executive Law, Section 371


A Division of New York Department of State  Building Standards and Codes

7

8

Blue Ribbon Task Force – Results

- Task Force report accepted by the NYS Legislature
- Chapter 707 of the Laws of 1981, signed by Governor Carey on **July 22, 1981**
- Recognized that **fire prevention** and **building codes** are closely related
- **Mandated** statewide
- **Applies** to all buildings, **private and public**
- Statewide approach to **training**
- Created the **NYS Uniform Fire Prevention and Building Code**

A Division of New York Department of State  Building Standards and Codes


8

9

Uniform Code – Hot Topics When Enacted

Initially:

- Fire safety
- Building construction
- Structural stability
- Reference standards
- Housing/Property Maintenance
- Accessibility

A Division of New York Department of State  Building Standards and Codes


9

10

Uniform Code – Evolving Priorities

More recently:


- Existing buildings
- Quality control
- Building technology
- Energy conservation
- Sustainability
- Resilience

A Division of New York Department of State  Building Standards and Codes

10

11

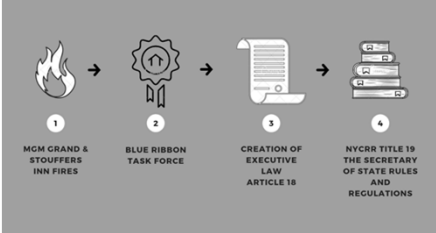
NYCRR Title 19 – The Secretary of State Rules and Regulations


A Division of New York Department of State  Building Standards and Codes

11

12

Evolution of Building Code in NYS




A Division of New York Department of State  Building Standards and Codes

12

13

What is NYCRR?

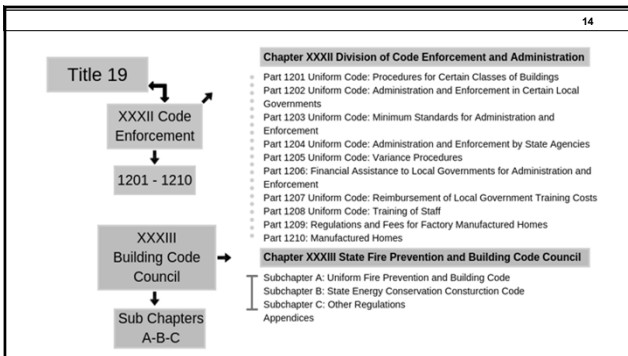
- New York Codes, Rules, and Regulations
- Primarily contains **state agency rules and regulations** adopted under the State Administrative Procedure Act (SAPA)
- The 22 titles include one for each state agency, one for miscellaneous agencies and one for the Judiciary
- **Title 19: State (Secretary of State)**



A Division of New York Department of State

NEW YORK
State of New York
Building Standards
and Codes

13



14

15

Title 19 Chapter XXXII Part 1201

- Procedures for Certain Classes of Buildings
- Executive Law Section 381 assigns responsibility for code enforcement to:
 - Villages, Towns, Cities and Counties
- This part provides exceptions to the law for certain buildings, such as:
 - Governmental Buildings
 - Manufactured Housing

A Division of New York Department of State

NEW YORK
State of New York
Building Standards
and Codes

15

16

New York State Uniform Fire Prevention and Building Code

- The minimum standard for the State of New York
 - NYC
- Municipalities may **not** have a **less** restrictive construction or fire prevention standard
- Municipalities may have **more** restrictive standards but the More Restrictive Local Standard (MRLS) requires **approval** by the **NYSFPBC Council**
- **A municipality cannot enforce a more restrictive local law until approved by the Codes Council**

A Division of New York Department of State  NEW YORK STATE DEPARTMENT OF STATE **Building Standards and Codes**


16

17

More Restrictive Local Standards

To be in compliance with § 379, the local law or ordinance must be:

1. More restrictive than the Uniform Code
2. Special conditions prevailing within the local government that make more restrictive standard reasonably necessary
3. Conform with accepted engineering and fire prevention practices and purposes of Article 18 of Executive Law

A Division of New York Department of State  NEW YORK STATE DEPARTMENT OF STATE **Building Standards and Codes**


17

18

More Restrictive Local Standards

To be in compliance with § 379, the local law or ordinance must be:

4. Submitted by Chief Executive Officer, or chairman of the legislative body of such local government, within 30 days of such enactment or adoption of local law
 - **Code Council can approve in whole or part**

A Division of New York Department of State  NEW YORK STATE DEPARTMENT OF STATE **Building Standards and Codes**


18

19

Part 1203 Minimum Standards for Administration and Enforcement

- Establishes responsibility:
 - Local governments
 - County governments
 - Other accountable agencies
- Establishes vehicle for process:
 - Local and county government must provide through **local law**
 - State agencies follow Part 1204
 - Other entities equal the minimum provisions
- **Amended January 1, 2007**

A Division of New York Department of State




19

20

Part 1203.2 Program and Administration Features

1203.2(d)

- **Every government or agency charged with enforcement of the code**
- Shall exercise its power to assure the public receives protection from fire hazards and inadequate construction



A Division of New York Department of State

20


21

Part 1203.2 Program and Administration Features

1203.2(e): Contracts and other Agreements

1. Allows local government to contract out the administration and enforcement program
 - Provider must meet the requirements of Part 434
2. *No agreement shall be made by which the public powers of a municipality are surrendered*
 - Building Permits, Certificates, Orders or Appearance Tickets must be issued by a public officer

A Division of New York Department of State



21

Part 1203.2 Program and Administration Features

1203.2(f)

- The persons, offices, departments, agencies or combinations thereof shall be clearly identified
- **Local job titles and the scope of duties**
- Examples: Building Inspector, Fire Inspector, Code Enforcement Officer, Housing Inspector, etc.
- **Contracted or Shared Services**



A Division of New York Department of State

NEW YORK
STATE
DEPARTMENT OF STATE
Building Standards
and Codes

22

Building Safety Inspectors

Building Safety Inspector

- Performs fire safety and/or property maintenance inspections of **existing** buildings and structures

Certified Building Safety Inspector

- A person who has been certified as having successfully completed the applicable basic training program and whose certification has not been revoked or become inactive

A Division of New York Department of State

NEW YORK
STATE
DEPARTMENT OF STATE
Building Standards
and Codes

23

Code Enforcement Officials

Code Enforcement Official

- Review and/or approval of plans incidental to the issuance of a permit for the construction or alteration of buildings and structures;
- Construction inspections performed during and/or upon completion of the construction or alteration of buildings and structures; and
- Any other enforcement activity that is not also a building safety inspector enforcement activity

Certified Code Enforcement Official

- A person who has been certified as having successfully completed the applicable basic training program and whose certification has not been revoked or become inactive

A Division of New York Department of State

NEW YORK
STATE
DEPARTMENT OF STATE
Building Standards
and Codes

24

25

Part 1203.3 Minimum Features

- **1203.3(a)(1)** *Building permits shall be required for any work which must conform to the Uniform Code*
- A Building Permit System
- Application
- Construction Inspections
- Final Inspection
- Certificate of Occupancy
- **Note: Zoning is a completely different process**

A Division of New York Department of State Building Standards and Codes


25

26

Building Permit Exceptions

A municipality may allow exceptions:

- Tool/storage sheds
 - 144 square feet or less
 - In 1 or 2 Family buildings and Townhouses
- Swings, Playground Equipment
 - In 1 or 2 Family buildings and Townhouses
- Swimming Pools
 - Less than 24" depth (above ground)
 - In 1 or 2 Family buildings and Townhouses
- Fences
 - When it's **not** part of a pool barrier enclosure



A Division of New York Department of State Building Standards and Codes

26

27

Building Permit Exceptions

A municipality may allow exceptions:

- Retaining Wall
 - Not part of a secondary containment system for hazardous/combustible liquids
- Temporary Stage Sets/Scenery
- Window Awnings
 - In 1 or 2 Family buildings and Townhouses
- Partitions and Moveable Cases (in offices, etc.)
 - Less than 5'-9" high

A Division of New York Department of State Building Standards and Codes

27

28

Building Permit Exceptions

A municipality may allow exceptions:

- Painting, Wallpapering, Tiling, Carpeting
 - Or similar finishing work
- Repairs
 - Do not cut load bearing element
 - No rearrangement of means of egress
 - Do not affect a building system
 - Do not cause an impairment of a fire protection system

A Division of New York Department of State Building Standards and Codes

28

29

Operating Permits

A Division of New York Department of State Building Standards and Codes

29

30

Operating Permits

Operating permits shall be required:

(i) manufacturing, storing or handling hazardous materials in quantities exceeding those listed ... in the 2015 *International Fire Code*

(ii) 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;

A Division of New York Department of State Building Standards and Codes


30

31

Operating Permits

Operating permits shall be required:

- (iii) use of pyrotechnic devices in assembly occupancies;
- (iv) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more;

A Division of New York Department of State  Building Standards and Codes


31

32

Operating Permits

Operating permits shall be required:

- (v) *parking garages* as defined in subdivision (j) of this section; and
- (vi) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government... charged with the enforcement and administration of the code


A Division of New York Department of State  Building Standards and Codes

32

33

Condition Assessments of Parking Garages

- **Update to Part 1203 effective August 29, 2018**
- Each authority having jurisdiction shall include in its code enforcement program provisions requiring condition assessments of parking garages
- Sample local law available on website: <https://dos.ny.gov/laws-and-regulations-division-building-standards-and-codes>

A Division of New York Department of State  Building Standards and Codes


33

34

Condition Assessments of Parking Garages

Effective August 29, 2018

- The owner or operator of each parking garage shall cause such parking garage to:
 - Undergo an initial condition assessment,
 - Periodic condition assessments, and
- Such additional condition assessments deemed necessary
- Following the initial condition assessment such parking garage shall undergo periodic condition assessments at intervals not to exceed the lesser of:
 - (i) Three (3) years, or
 - (ii) At such shorter period as may be fixed by the authority having jurisdiction

A Division of New York Department of State 


34

35

Fire Safety and Property Maintenance Inspections

Provisions shall be made for:

- (1) ... buildings which contain an **area of public assembly** at intervals not to exceed **one year**
- (2) ...all **multiple dwellings** and all **nonresidential occupancies** at intervals consistent with local conditions, but **in no event shall such intervals exceed one year for dormitory buildings and three years for all other buildings**

A Division of New York Department of State 


35


36

Other Laws to be Aware Of

NYS Education Law: Professional Stamp **required**

- Art. 145, Chapter 7209 Engineer
- Art. 147, Chapter 7307 Architect

	PHASE 3 <small>The Clark Building 23 Swan St. Albany, NY</small>
	KEY PLAN
	<small>DATE</small> 1/2/2015 <small>JOB</small> 3

A Division of New York Department of State 


36

37

Education Law: Exceptions

- Farm buildings used directly and solely for agricultural purposes
- Residence buildings of gross area of fifteen hundred square feet or less
- Alterations, costing less than \$20,000 which do not involve changes affecting the structural safety or public safety

A Division of New York Department of State



37


38

Worker's Compensation and Disability

Workers Compensation Law, Article 4, Section 57

- Shall **not** issue such permit unless proof duly subscribed by an insurance carrier is produced

A Division of New York Department of State




38

39

Administration & Record Keeping

A Division of New York Department of State




39

40

1203.3 (k) Record Keeping

- **Record Keeping is Important!**
- If records can't be provided, how does a municipality prove compliance with:
 - State Law
 - State Regulation
- If records can't be provided, how do you justify your actions?
 - Enforcement proceedings
 - Budget justifications
 - Avoiding liability

A Division of New York Department of State




40

41

Establish Parameters through Local Law

- Time Frames for Inspections
- Fees for Inspections
- Operating Permits for Hazardous Occupancies
 - Facilities with Hazardous Materials
 - Lumber Yards
 - Service Stations or Repair Garages
- Administrative Procedures

A Division of New York Department of State




41


42

Using Outside Help

- Third party inspection agencies
- Legal authority cannot be given away
- Provides specialized knowledge
- Examples:
 - Electrical Inspections
 - Furnaces/Boiler Inspections
 - Chimney Inspections
 - Plumbing Inspections
 - Energy Code Compliance



A Division of New York Department of State



42

43

State Involvement in Building Code Administration

A Division of New York Department of State

43

44

Regional Board Involvement

1205.4(a): Powers and Duties

- **Power to VARY or MODIFY**
- “However ... shall not substantially adversely affect provisions for health, safety, and security AND that equally safe and proper alternatives may be prescribed.”
- May also hear and decide **appeals**:
 - Of any **order or determination**
 - Or **failure to order or determine**

A Division of New York Department of State

44

45

Code Variance Procedure

Vary or modify a provision or requirement

- **6 criteria:**
 1. Excessive and unreasonable economic burden
 2. Would not achieve intended objective
 3. Inhibit important public policy
 4. Physically or legally impracticable
 5. Unnecessary/alternatives achieve results
 6. Change so slight/negligible benefit


A Division of New York Department of State

45

46

1203.4 Program Review and Reporting

- Local governments must submit an annual report of its administrative and enforcement activities of the Uniform Code to the Codes Division at DOS
- Upon request by DOS, every municipality shall provide its records and related materials pertaining to its administration and enforcement of the Uniform Code


A Division of New York Department of State  Building Standards and Codes

46

47

Revoke or Suspend Certifications

- Any CEO or BSI who is found **after a hearing** to:
- “Materially failed to uphold duties of a code enforcement officer”** including but not limited to:
- “Material errors or omissions on an inspection report”**


A Division of New York Department of State  Building Standards and Codes

47

48

New York Department of State

Division of Local Government Services	Division of Building Standards and Codes
518-473-3355	518-474-4073
localgov@dos.ny.gov	codes@dos.ny.gov
https://dos.ny.gov/training-assistance	https://dos.ny.gov/building-standards-and-codes

A Division of New York Department of State  Building Standards and Codes

48

MODEL LOCAL LAW ESTABLISHING A LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAM

NOTE: This model local law is intended to be used only as a guide. Each local government should work with its attorney in preparation of a local law that satisfies the minimum standards.

RECENT REVISIONS TO THIS MODEL LOCAL LAW:

August 15, 2018: Revised subdivision (a) of Section 10, added a new Section 13 entitled Condition Assessments of Parking Garages, renumbered Sections 13 through 19 accordingly, and revised new Section 14, to reflect the provisions of amended 19 NYCRR section 1203.3, relating to Condition Assessments of Parking Garages. Revised any references to the previously numbered Sections 13 through 19 to reflect the appropriate new renumbered Section. Revised subdivisions (b) and (d) of Section 3 by changing the phrase "State Fire Administrator" to "Department of State."

December 28, 2015: Revised subdivision (a) of Section 15 to reflect the provisions of new 19 NYCRR section 1203.5, relating to Orders to Remedy.

April 22, 2011: Revised first sentence in subdivision (c) of Section 15 by changing the word "proscribed" to "prescribed."

February 23, 2006: Revised two references in the last sentence in Section 15(e) from subdivision (2) of section 381 of the Executive Law to subdivision (2) of section 382 of the Executive Law.

February 23, 2006: Revised definition of "inspector" (Section 2) from pursuant to subdivision (d) of section 4 of this local law to pursuant to subdivision (d) of section 3 of this local law.

Local Law # _____ of 20 _____.

Be it enacted by the [*specify governing body*] of the [*City / Town / Village*] of _____, in the County of _____, as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this [*City / Town / 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.

SECTION 2. DEFINITIONS

In this local law:

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

["*Certificate of Occupancy*" / "*Certificate of Compliance*"] shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

["City" shall mean the City of _____.]

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

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

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

"Inspector" shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

"Operating Permit" shall mean a permit issued pursuant to section 10 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Order to Remedy" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 16 of this local law.

"Permit Holder" shall mean 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" shall mean an order issued pursuant to section 6 of this local law.

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

["Town" shall mean the Town of _____.]

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

["Village" shall mean the Village of _____.]

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

(2) upon approval of such applications, to issue Building Permits, [*Certificates of Occupancy / Certificates of Compliance*], Temporary Certificates and Operating Permits, and to include in Building Permits, [*Certificates of Occupancy / Certificates of Compliance*], Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of [*Certificates of Occupancy / Certificates of Compliance*], Temporary Certificates and Operating Permits, fire safety and property maintenance

inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 16 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the [*specify legislative body*] of this [*City / Town / Village*];

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this [*City's / Town's / Village's*] 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 [*specify method of appointment*]. 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.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by [*specify method of appointment*] 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 [*specify method of appointment*] 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 Department of State 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 [*specify legislative body*] of this [*City / Town / Village*].

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

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

(1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

(2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(4) installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(6) construction of temporary motion picture, television and theater stage sets and scenery;

(7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(8) installation of partitions or movable cases less than 5'-9" in height;

(9) painting, wallpapering, tiling, carpeting, or other similar finish work;

(10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the proposed work;

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

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

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

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

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

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

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

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

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

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

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

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

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

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

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

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

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by [*registered mail / 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 [*registered mail / 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 16 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. [CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE]

(a) [*Certificates of Occupancy / Certificates 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 / Certificates 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 and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a [*Certificate of 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 / Certificates 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 / Certificate of Compliance*] is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Code Enforcement Officer issuing the [*Certificate of Occupancy / Certificate of Compliance*] and the date of issuance.

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

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a [*Certificate of 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 17 (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.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within this [*City / Town / Village*] shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

SECTION 9. UNSAFE BUILDING AND STRUCTURES

ALTERNATIVE 1: Unsafe structures and equipment in this [City / Town / Village] shall be identified and addressed in accordance with the procedures established by Local Law Number [___ of ___], as now in effect or as hereafter amended from time to time.

ALTERNATIVE 2: Unsafe structures and equipment in this [City / Town / Village] shall be identified and addressed in accordance with the following procedures [*specify procedures*].

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any activity listed in paragraphs (1), (2), or (3) below or operating any type of building or structure listed in paragraphs (4), (5), or (6) below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1),5003.1.1(2),5003.1.1(3),5003.1.1(4) of the 2015 edition of the International Fire Code (a publication currently incorporated by reference in 19 NYCRR Part 1225);

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

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

(5) parking garages as defined in subdivision (a) of section 13 of this local law; and

(6) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the [*specify legislative body*] of this [City / Town / Village]. 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.

(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.

ALTERNATIVE 1: (e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating

Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

ALTERNATIVE 2: (e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

(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, 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 17 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

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

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

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

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every [*specify interval consistent with local conditions, not to exceed thirty-six (36) months*].

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

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

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

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

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

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b. [*INCLUDE THE FOLLOWING PROVISIONS IF THE CITY / TOWN / VILLAGE WISHES TO RELY ON THE INSPECTIONS*

PERFORMED BY OFPC, AND DOES NOT WISH TO HAVE THE CODE ENFORCEMENT OFFICER INSPECT BUILDINGS THAT ARE INSPECTED BY OFPC: 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 17 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

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 16 (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.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

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

(1) the term "condition assessment" means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of

any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term "deterioration" means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term "parking garage" means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
- (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
- (iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term "professional engineer" means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term "responsible professional engineer" means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term "responsible professional engineer" shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term "unsafe condition" includes the conditions identified as "unsafe" in section 304.1.1, section 305.1.1, and section 306.1.1 of the 2015 edition of the International Property Maintenance Code (a publication currently incorporated by reference in 19 NYCRR Part 1226); and

(7) the term "unsafe structure" means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

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

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure,

(2) Existing parking garages shall undergo an initial condition assessment as follows:

- (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
- (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003 and the effective date of the rule adding this subdivision to 19 NYCRR section 1203.3, then prior to October 1, 2021.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed [*specify interval not to exceed three (3) years*].

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the [*City / Town / Village*] shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the [*City / Town / Village*] becomes aware of any new or increased deterioration which, in the judgment of the [*City / Town / 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 subdivision (c) of this section, the [*City / Town / Village*] shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the [*City / Town / 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 [*City / Town / Village*] within [*specify time as fixed by the City / Town / Village*]. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking

garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.

(g) Review Condition Assessment Reports. The [City / Town / 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 [City / Town / Village] shall, by Order to Remedy or such other means of enforcement as the [City / Town / 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 paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the [City / Town / Village] to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The [City / Town / 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 [City / Town / Village] with a written statement attesting to the fact that he or she has been so engaged, the [City / Town / Village] shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The [City / Town / 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 [City / Town / Village]:

(1) to perform such construction inspections as are required by section 5 of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 of this local law; 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 [City / Town / Village] by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. RECORD KEEPING.

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

(1) all applications received, reviewed and approved or denied;

(2) all plans, specifications and construction documents approved;

(3) all Building Permits, [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 condition assessment reports received;
 - (9) all other features and activities specified in or contemplated by sections 4 through 13, inclusive, of this local law, including; and
 - (10) 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.

SECTION 15. PROGRAM REVIEW AND REPORTING

- (a) The Code Enforcement Officer shall annually submit to [*specify legislative body*] of this [*City / Town / 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 section 14 (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 [*City / Town / Village*], on a form prescribed by the Secretary of State, a report of the activities of this [*City / Town / 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 [*City / Town / Village*] is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this [*City / Town / Village*] in connection with administration and enforcement of the Uniform Code.

SECTION 16: 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 local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall 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; and 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 (1) 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 (30) 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 (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building

or barricading the area where the violations exist) which are authorized by this local law 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 registered mail or 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 registered mail or 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) Civil Penalties. In addition to those penalties prescribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, [*Certificate of 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 local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this [*City / Town / Village*].

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this [*City / Town / 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, Order to Remedy, 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, Order to Remedy 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 [*City / Town / 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 subdivision shall be commenced without the appropriate authorization from the [*specify executive officer or body*] of this [*City / Town / 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 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 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 section 382 of the Executive Law.

SECTION 17: FEES

A fee schedule shall be established by resolution of the [*specify legislative body*] of this [*City / Town / Village*]. 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, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 18. INTERMUNICIPAL AGREEMENTS

The [specify legislative body] of this [City / Town / Village] may, by resolution, authorize the [specify title] of this [City / Town / Village] to enter into an agreement, in the name of this [City / Town / 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.

SECTION 19. PARTIAL INVALIDITY

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

SECTION 20. EFFECTIVE DATE

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