Present: Supervisor William A. Carpenter and Councilpersons Sandra F. Zutes, John J. Higgins, Jr., Karen W. Green, and John E. Bernacki, Jr.

Absent: No Town Board members were absent.

Also present: Staff Members: Paul J. Schenkel, Commissioner of Public Works; Gregory J. Duane, Finance Director; Paul W. Wilson, Director of Recreation & Technology; Stacey Romeo, Attorney for the Town; Kelly Cline, Fire Marshal; Richard T. Williams II, Deputy Town Attorney; Patricia E. Chuhta, Town Clerk.

Attendance: Three members of the public were in attendance.

Supervisor Carpenter called the meeting to order at 7:00 P.M. and invited everyone to stand for the Pledge of Allegiance.

Public comments: There were no public comments.


The Supervisor verified publication of a legal notice for this public hearing and briefly discussed the proposed local law. He noted that Fire Marshal Kelly Cline and Deputy Town Attorney Richard T. Williams II were present to answer any questions.

Supervisor Carpenter opened the hearing to public comments.

- Councilwoman Zutes asked for clarification on disarming alarms and certain wording within the proposed law.

There being no other comments, Supervisor Carpenter closed the public hearing.

Proposed Local Law #6 of 2006 Approved: Building Code Amendments

The following Resolution was offered by Councilwoman Zutes, and seconded by Councilwoman Green,

Resolved that Local Law No. 6 of 2006: Amending the Building Code of The Town Of Pittsford Municipal Code, be adopted by the Town Board of the Town of Pittsford, New York, to read as annexed hereto as Attachment A; and it was further

Resolved, that within twenty (20) days subsequent to the 7th day of December 2006, there shall be filed with the Secretary of State one certified copy of said Local Law No. 6 of 2006.


Supervisor's comments

- Supervisor Carpenter again commended the crews from the Highway Department on the great job they've done this year on leaf removal and noted that they'd kept to a two-week pick up schedule.

Town Board members also expressed their appreciation to the Highway Crews and the Commissioner of Public Works for all of their efforts on leaf collection this year.

Minutes of November 21 2006 Approved

The following Resolution was offered by Councilman Higgins, and seconded by Councilman Bernacki,

Resolved, that the minutes of November 21 2006 Town Board meeting are approved as written.

RESPONSE TO NEW YORK STATE DEPARTMENT TRANSPORTATION JEFFERSON ROAD/CLOVER STREET IMPROVEMENT PROJECT AUTHORIZED

The following Resolution was offered by Supervisor Carpenter, and seconded by Councilman Bernacki. 
RESOLVED, that the Town Board requests that the New York State Department of Transportation withdraw its plans for the Jefferson Road/Clover Street Improvement project based on the following issues:

1. The project is not in scale with the community nor the surrounding neighborhoods.

2. The project will have a significant effect on the Village based or transportation models that show significant backups along the Jefferson Road corridor at the intersections of Sutherland Street and Main Street. Given the historic nature of the Village, mitigation of this issue may be impractical.

3. Corridor performance profiles for the corridor indicate that the delay caused by the AM and PM peak hour traffic is no more than four (4) minutes. It does not appear that the project will improve upon this delay since the majority of time lost is at Jefferson/Sutherland Street and Jefferson Road/Main Street.

4. The project does not fully address the need for left hand turn lanes at Clover Street and French Road.

5. The project does not adequately address an important and growing recreational area located in the vicinity of Lock 32.

It is further RESOLVED, that the Town Board has reviewed the project with community partners, including residents, Pittsford School District and Village of Pittsford, who are in concurrence with the findings of the Pittsford Town Board.

It is further RESOLVED, that the Supervisor will transmit this resolution to the New York State Department of Transportation (NYSDOT), and Pittsford community partners to discuss project alternatives.


TRAFFIC CONTROL DEVICE INVENTORY AMENDMENTS AUTHORIZED

The following Resolution was offered by Councilman Higgins, and seconded by Councilwoman Green,
RESOLVED, that the Town Board based upon the recommendation of the Commissioner of Public Works authorizes adding the flashing 30 MPH and 40 MPH Speed Limit signs on Calkins Road to our Traffic Control Device Inventory.


MODIFICATION OF MONOCO OIL ORDER AUTHORIZED

The following Resolution was offered by Councilwoman Zutes, and seconded by Councilwoman Green,
RESOLVED, that the Town Board of the Town of Pittsford authorizes the Town Supervisor to enter into and sign the revised Order between the State of New York, the New York State Department of Environmental Conservation and the Town of Pittsford versus Monoco Oil, et al.


ALL SEASONS WORK AGREEMENT WITH MONROE COUNTY AUTHORIZED

The following Resolution was offered by Councilwoman Green, and seconded by Councilman Bernacki,
RESOLVED, that the Town Board authorizes the Supervisor to execute the All Seasons County/Town Work Agreement with Monroe County Department of Transportation for a one-year period from January 1, 2007 to December 31, 2007.

**ONE-YEAR INTERMUNICIPAL AGREEMENT WITH TOWN OF BRIGHTON FOR SNOW & ICE REMOVAL SERVICES ON ALLENS CREEK ROAD AUTHORIZED**
The following Resolution was offered by Councilman Bernacki, and seconded by Councilwoman Zutes,

**RESOLVED**, that the Town Board accepts the recommendation of the Commissioner of Public Works and authorizes the Supervisor to execute the Snow and Ice Control Intermunicipal Agreement with the Town of Brighton for snow removal services on Allens Creek Road in the amount of $4,646.00 for a period of November 1, 2006 through April 30, 2007.


**FLEET REPLACEMENT STUDY AGREEMENT AUTHORIZED**
The following Resolution was offered by Councilman Higgins, and seconded by Councilwoman Green,

**RESOLVED**, that based on the recommendation of the Commissioner of Public Works that the Town Board authorizes the Supervisor to execute the agreement with The Bonadio Group to study our Fleet Replacement Schedule for an amount not to exceed $13,000.00.


**SEMINAR ATTENDANCE AUTHORIZED**
The following Resolution was offered by Supervisor Carpenter, and seconded by Councilman Bernacki,

**RESOLVED**, that the following individuals are approved to attend the following seminar and/or conference:

- Parks Employee Clyde Cutter to the Certification Course for New Pesticide Applicators in Cicero NY from January 8 2007 through January 12 2007 at a cost of $485.00.
- Director of Information Services Beth Knickerbocker to the Training on Crystal Reports (new Software XI), Crystal User in Buffalo NY from December 18 2006 through December 21 2006.


As there was no further business, the Supervisor adjourned the meeting at 7:25 P.M.

Respectfully submitted,

Patricia E. Chuhta
Town Clerk
Minutes of the Town Board for December 7 2006

ATTACHMENT A

Chapter 52
ALARMS

ARTICLE I
Disabling of Alarms

§ 52-1. Purpose.

It is the purpose of this article to protect and promote the health, safety and general welfare of the residents of the Town of Pittsford. Alarm systems which emit sound on the premises and which cannot be shut off within a reasonable period of time constitute a public nuisance detrimental to the health, safety and general welfare of the residents of the town. This article authorizes police officers and the Fire Marshal to disable such devices after they have been activated for a reasonable period of time and do not become automatically deactivated.

§ 52-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALARM SYSTEM -- Any mechanical or electrical device, designed or used to warn of break-ins on the premises or of any other untoward event therein, which when activated emits a sound which can be heard on or off the premises.

§ 52-3. System requirements.

A. Every alarm shall be designed so as to terminate its sound emission within 15 minutes of its initiation.

B. Police officers and the Fire Marshal are hereby authorized and directed to disable any alarm system that has not been silenced within the aforesaid fifteen-minute period.

C. The police officers and their employees, the Fire Marshal and the town shall not be liable for any damages that may accrue by reason of the disablement of such alarm systems as herein provided.

ARTICLE II
Fire Alarm Systems

§ 52-4. Purpose.

It is the purpose of this article to protect and promote the health, safety and general welfare of the residents of the Town of Pittsford by reducing the number of avoidable alarms to emergency agencies. Avoidable alarms contribute to ineffective utilization of public safety manpower and equipment. In addition, avoidable alarms require emergency responses which may contribute to a high accident rate and delayed responses to genuine emergencies. This article seeks to ensure that fire communications facilities will be available to dispatch fire personnel for actual emergencies.

§ 52-5. Definitions.

For the purpose of this article certain words and phrases shall be construed herein as set forth in this section.

AVOIDABLE ALARM -- The activation of an alarm system through mechanical failure, malfunctions, improper installation or the negligence of the owner, user, custodian or lessee of an alarm system, or his employees or agents, or through any other cause which, through direct connection to an emergency agency, or which, through notification of an emergency agency by a private answering point or automatic dialing device, or which, through notification to an emergency agency by any other second party or means, indicates that an emergency situation exists requiring an emergency response within the Town of Pittsford when, in fact, an emergency situation does not exist. Avoidable alarm does not include alarms activated by violent conditions of nature, such as hurricanes,
thunderstorms, earthquakes or any other similar cause beyond the control of the user of an alarm system. Activation of an alarm system under any circumstances in which the activator reasonably believes that an emergency situation exists is not an avoidable alarm.

FIRE ALARM SYSTEM -- Any mechanical or electrical device which is designed or used for the detection of fire and which emits a sound or transmits a signal or message when activated. Fire alarm systems include but are not limited to direct dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company or a cable television company to protect its systems which might be damaged or disrupted by the use of an alarm system.

LOCAL ALARM SYSTEM -- A system which produces a signal only at the premises protected.

FIRE MARSHAL -- The Fire Marshal or any code enforcement officer of the town.

NOTICE -- Written notice, given by personal service upon the addressee or given by United States Mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service or upon the placing of the same in the custody of the United States Postal Service.

OWNER -- Any person who owns, leases, contracts for or otherwise obtains a fire alarm system.

§ 52-6. Permit required; fees.
A. A permit shall be obtained for the new installation or operation of any fire alarm system other than a local alarm system. Application for such permit shall include the location of the enunciator panel(s), the area of coverage of any or all zones and the exact wording of any message that will be transmitted to the Fire Department or Central Station. A copy of the application and related information will be submitted to the appropriate Fire Department.

B. A permit is required for all existing fire alarm systems other than local alarm systems. The owner of premises having fire alarms other than local alarm systems on the effective date of this article shall apply for a permit by December 31, 1997. The permit application fee will be waived until December 31, 1997.

C. Said permit shall expire after two years from the date of issuance and must be renewed. If the information contained in an existing permit changes, the owner has 30 days to correct or change this data by refiling the permit, without additional permit fee for such updating.

D. Fees shall be determined by the Town Board.

§ 52-7. Maintenance.
A. All fire alarm systems must be properly maintained at all times. Operational instructions shall be kept accessible on the premises at all times. Places of public assembly that are required by law to have a fire alarm system may not be occupied by the public if the system is not operational.

B. The fire alarm systems covered by this article, as well as a local alarm system as hereinbefore defined, shall be subject to the provisions of §§ 52-1 through 52-3 of the Pittsford Town Code, relating to the disabling of alarms.

§ 52-8. Avoidable alarms; notice to owner.
A. The Fire Marshal shall obtain on a weekly basis from the fire districts the avoidable alarms received by the Fire Districts.

B. The Fire Marshal shall notify the owner in writing of violation of this article when the first avoidable alarm occurs; subsequent avoidable alarms will result in notification and fines as provided in § 52-9.
C. The Fire Marshal shall maintain a file of all such written notices to owners concerning the first avoidable alarm.

D. The Fire Marshal shall void the first avoidable alarm report if the owner submits written evidence within 10 days after notification of the first avoidable alarm that the cause of the alarm has been corrected and there has been no avoidable alarm within the previous six months. Written evidence of correction of the cause of the avoidable alarm shall consist of a certificate issued by an organization licensed in New York State to install fire alarm systems.


A. A violation of this chapter or any portion thereof is hereby declared to be an offense punishable by a fine.

**Number of Avoidable Alarms per 12-Month Period**

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<table>
<thead>
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<tbody>
<tr>
<td>First avoidable alarm (if not voided)</td>
<td>$ 50</td>
</tr>
<tr>
<td>Second avoidable alarm</td>
<td>$100</td>
</tr>
<tr>
<td>Third avoidable alarm</td>
<td>$200</td>
</tr>
<tr>
<td>For each additional avoidable alarm, add</td>
<td>$100</td>
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B. All fines will be payable to the Town of Pittsford.

§ 52-10. Penalties for offenses.

In addition to the penalties provided for in § 52-9, the failure to obey any order of the Fire Marshal or Code Enforcement Officer or failure to obtain a permit as provided for in § 52-6 of this Code shall constitute a violation and shall be enforced.

§ 52-11. Exemptions.

A. The provisions of this article are not applicable to audible alarms affixed to automobiles.

B. Permits shall be required for alarm systems located in buildings of federal, state or local government agencies or authorities or in public elementary or secondary schools, and said alarm systems shall meet the other requirements of this article, including liability for civil penalties for its violation; provided, however, that such alarm systems shall be exempt from permit fees and no order shall be made directing the use of such alarm systems be discontinued or permits suspended or revoked.
Chapter 64
BUILDING CONSTRUCTION AND MAINTAINENCE

ARTICLE I
General Provisions

§ 64-1. Purpose and Intent.

This chapter provides for the administration and enforcement of chapter 185 of this Code, the New York State Uniform Fire Prevention and Building Code (the "Uniform Code") and the State Energy Conservation Construction Code (the “Energy Code”) in the Town of Pittsford. This chapter 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 chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this chapter.


The following words and terms as used in this chapter are defined as follows:

BUILDING INSPECTOR - The Building Inspector appointed pursuant to §64-3 of this chapter.

BUILDING PERMIT - A permit issued pursuant to Article II of this chapter. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF OCCUPANCY / COMPLIANCE - A certificate issued pursuant to Article V of this chapter.

CODE ENFORCEMENT OFFICERS - The Building Inspector, Deputy Building Inspector and Fire Marshal.

COMPLIANCE ORDER - An order issued by the Code Enforcement Officer pursuant to § 64-50 of this chapter.

DEPUTY BUILDING INSPECTOR – The Deputy Building Inspector appointed pursuant to §64-3 of this chapter.

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

FIRE MARSHAL – The Fire Marshal appointed pursuant to chapter 86 of this Code.

INSPECTOR - An inspector appointed pursuant to § 64-3 of this chapter.

OPERATING PERMIT - A permit issued pursuant to Article VI of this chapter. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this chapter.

PERMIT HOLDER - The Person to whom a Building Permit has been issued.

PERSON - 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 Article IV of this chapter.

TEMPORARY CERTIFICATE - A certificate issued pursuant to § 64-27 of this chapter.

TOWN - The Town of Pittsford.
UNIFORM CODE - The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 64-3. Building Inspector and Code Enforcement Officers; Creation, Powers and Duties

A. The office of Building Inspector is hereby created. The Building Inspector shall supervise and be lead administrator in the enforcement of all provisions of chapter 185 of this Code, the Uniform Code, the Energy Code and this chapter.

B. The Building Inspector shall be approved by the Town Board and shall act as a Code Enforcement Officer. The Building Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel.

C. In the event that the Building Inspector is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Building Inspector and who shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Building Inspector by this chapter.

D. The Town Board may approve one or more Deputy Building Inspectors to also act as a Code Enforcement Officer, under the supervision and direction of the Building Inspector. The Fire Marshal of the Town may also act as a Code Enforcement Officer. Each Code Enforcement Officer 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.

ARTICLE II
Building Permits

§ 64-4. Building Permits Required.

Except as otherwise provided in § 64.5, 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; excavations; 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 a Code Enforcement Officer.

§ 64-5. Exemptions.

No Building Permit shall be required for work in any of the following categories:

A. Installation of swings and other playground equipment associated with residential dwellings;

B. Installation of swimming pools associated with residential dwellings where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

C. Installation of fences which are not part of an enclosure surrounding a swimming pool;

D. Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

E. Construction of temporary motion picture, television and theater stage sets and scenery;

F. Installation of window awnings supported by an exterior wall of a residential dwelling;

G. Installation of partitions or movable cases less than 5'-9" in height;

H. Painting, wallpapering, tiling, carpeting, or other similar finish work;
I. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

J. 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

K. Repairs, provided that such repairs do not involve:

(1) The removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;

(2) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

(3) The enlargement, alteration, replacement or relocation of any building system; or

(4) The removal from service of all or part of a fire protection system for any period of time, except in the event of a bona fide emergency.

§ 64-6. 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 § 64-4 shall not be deemed an authorization for work to be performed in violation of chapter 185 of this Code, the Uniform Code or the Energy Code.

§ 64-7. Applications for Building Permits.

Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Building Inspector. 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 a Code Enforcement Officer deems sufficient to permit a determination that the intended work complies with all applicable requirements of chapter 185 of this Code, the Uniform Code, the Energy Code, and all other applicable laws. The application shall include or be accompanied by the following information and documentation:

A. A description of the proposed work;

B. The tax map number and the street address of the premises where the work is to be performed;

C. The occupancy classification of any affected building or structure;

D. Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;

E. Proof of appropriate Liability Insurance, naming the Town as the Certificate Holder, in an amount to be determined by the Town, together with proof of appropriate Disability and Worker’s Compensation Insurance or an approved Affidavit of Exemption; and

F. At least 2 sets of construction documents (drawings and/or specifications) which:

(1) Define the scope of the proposed work;

(2) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(3) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
Minutes of the Town Board for December 7 2006

(4) Substantiate that the proposed work will comply with chapter 185 of this Code, the Uniform Code and the Energy Code; and

(5) 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.


Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in § 64-7(F). Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by a Code Enforcement Officer, in writing or by stamp. One set of the accepted construction documents shall be retained by the Town, and one set of the accepted construction documents shall be returned to the applicant and be kept at the work site to be available for use by a Code Enforcement Officer.


A Code Enforcement Officer shall examine the application and, if satisfied that such application complies with all applicable requirements of chapter 185 of this Code, the Uniform Code the Energy Code, and all other applicable laws shall thereupon issue a permit for the proposed construction and return one copy of the application with the permit to the applicant. If the proposed structure or alteration or proposed use shall not comply all applicable requirements of chapter 185 of this Code, the Uniform Code, the Energy Code, and all other applicable laws, one copy of the application shall be returned to the applicant with the notation that a permit has been refused and the grounds for such refusal. A duplicate copy of the application shall be retained by the Town, on which shall be noted the date of the issuance of the permit, or if a permit has been refused, the grounds for such refusal.

§ 64-10. 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.

§ 64-11. 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 a Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If a 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.

§ 64-12. Time limits.

Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by a Code Enforcement Officer.

§ 64-13. Revocation or suspension of Building Permits.

If a 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 chapter 185 of this Code, the Uniform Code or the Energy Code, the Building Permit shall be revoked or suspended until such time as the Permit Holder demonstrates that:

A. All work then completed is in compliance with all applicable provisions of chapter 185 of this Code, the Uniform Code and the Energy Code; and
B. All work then proposed to be performed shall be in compliance with all applicable provisions of chapter 185 of this Code, the Uniform Code and the Energy Code.

§64-14. Fee.

The fee specified in or determined in accordance with the provisions set forth in §64-56 of this chapter must be paid at the time of submission of the issuance of a Building Permit, amended Building Permit, or renewal of a Building Permit.

ARTICLE III
Construction Inspections

§ 64-15. Inspections required.

All work performed pursuant to a Building Permit shall be subject to inspection in accordance with the provisions of this Article.

§ 64-16. Work to remain accessible and exposed.

Work shall remain accessible and exposed until inspected and accepted by a Code Enforcement Officer. The Permit Holder shall notify a Code Enforcement Officer when any element of work described in § 64-17 is ready for inspection.

§ 64-17. Elements of work to be inspected.

The following elements of the construction process shall be inspected, where applicable:

A. Work site prior to the issuance of a Building Permit;
B. Footing and foundation;
C. Preparation for concrete slab;
D. Framing;
E. Building systems, including underground and rough-in;
F. Fire resistant construction;
G. Fire resistant penetrations;
H. Solid fuel burning heating appliances, chimneys, flues or gas vents;
I. Energy Code compliance (insulation);
J. Electrical inspection in accordance with the provisions of chapter 79 of this Code; and
K. A final inspection after all work authorized by the Building Permit has been completed.


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 chapter 185 of this Code, the Uniform Code or Energy Code. Work not in compliance with any applicable provision of chapter 185 of this Code, the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions, reinspected, and found satisfactory as completed.

Minutes of the Town Board for December 7 2006

The fee specified in or determined in accordance with the provisions set forth in § 64-56 of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

ARTICLE IV
Stop Work Orders

§ 64-20. Authority to issue.

Stop Work Orders are authorized to be issued by a Code Enforcement Officer, pursuant to this Article, to halt:

A. Any work that is determined by a Code Enforcement Officer to be contrary to any applicable provision of chapter 185 of this Code, 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

B. 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.


Stop Work Orders shall be in writing; shall be dated and signed by a Code Enforcement Officer; shall state the reason or reasons for issuance; and, if applicable, shall state the conditions which must be satisfied before work will be permitted to resume.


A stop work order, posted at the work site, shall be sufficient notice to the Permit Holder and any other person performing, taking part in or assisting in the work, of the issuance of such stop work order.

§ 64-23. 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.


The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in § 64-20, 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 Article XII of this chapter or under any other applicable chapter 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.

ARTICLE V
Certificates of Occupancy/Compliance

§ 64-25. Certificates of Occupancy / Compliance required.

A. No building hereafter erected or any enlargement, extension or alteration to an existing building shall be used or occupied in whole or in part until a certificate of occupancy / Compliance shall have been duly issued by a Code Enforcement Officer.
Minutes of the Town Board for December 7 2006

B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a Certificate of Occupancy / Compliance shall have been issued by a Code Enforcement Officer.

C. No use or occupancy of any building or structure shall be changed to any other use or occupancy, whether or not construction, reconstruction, remodeling, alteration or moving is involved unless a Certificate of Occupancy / Compliance shall have been issued by a Code Enforcement Officer.


Upon request for a Certificate of Occupancy / Compliance, a Code Enforcement Officer shall perform an inspection of the building, structure and/or work involved. In addition, and where applicable, a Code Enforcement Officer may require the preparation and submission of a written statement of structural observations, final report of special inspections, and/or flood hazard certifications, prepared in accordance with the Uniform Code. In the event that the Code enforcement Officer finds the building, structure and/or work to be in full compliance with all applicable provisions of chapter 185 of this Code, the Uniform Code and Energy Code, a Certificate of Occupancy / Compliance shall be issued.


A Certificate of Occupancy / Compliance shall contain the following information:

A. The Building Permit number, if any;
B. The date of issuance of the Building Permit, if any;
C. The name, address and tax map number of the property;
D. If the Certificate of Occupancy / Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Compliance is issued;
E. The use and occupancy classification of the structure;
F. The type of construction of the structure;
G. The assembly occupant load of the structure, if any;
H. If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
I. Any special conditions imposed in connection with the issuance of the Building Permit; and
J. The signature of a Code Enforcement Officer issuing the Certificate of Occupancy / Compliance and the date of issuance.


A Temporary Certificate allowing the temporary use and/or occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit, may be issued by a Code Enforcement Officer, in accordance with the following:

A. In no event shall a 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;
Minutes of the Town Board for December 7 2006

(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.

B. A 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 this chapter and the Uniform Code.

C. A Temporary Certificate shall be effective for a period determined by a Code Enforcement Officer, not exceeding thirty (30) days from its date of issuance. For good cause, a Code Enforcement Officer may allow a maximum of two (2) extensions for periods not exceeding thirty (30) days each.

D. During the 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 chapter 185 of this Code, the Uniform Code and the Energy Code.

§ 64-29. Revocation or suspension of certificates.

If a Code Enforcement Officer determines that a Certificate of Occupancy / 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.

§ 64-30. Fee.

The fee specified in or determined in accordance with the provisions set forth in §64-56 of this chapter must be paid at the time of submission of an application for a Certificate of Occupancy / Compliance or for Temporary Certificate.

ARTICLE VI
Operating Permits

§ 64-31. Operating Permits required.

Any person who proposes to undertake any of the following activities or to operate any of the following type of building shall obtain an Operating Permit prior to commencing such activity or operation:

A. 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;

B. 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;

C. Use of pyrotechnic devices in assembly occupancies;

D. Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

E. Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of the Town.

Minutes of the Town Board for December 7 2006

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 a 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.

§ 64-33. Inspections.

The Fire Marshal or a Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

§ 64-34. Multiple Activities.

In any circumstance in which more than one activity and/or operation listed in § 64-31 is to be conducted at a location, the Fire Marshall or a Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Fire Marshal or a Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

§ 64-35. Duration of Operating Permits.

Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

§ 64-36. Revocation or suspension of Operating Permits.

If the Fire Marshal or a 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.

§ 64-37. Fee.

The fee specified in or determined in accordance with the provisions set forth in § 64-56 of this chapter 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.

ARTICLE VII
Fire Safety and Property Maintenance Inspections

§ 64-38. Inspections required.

Fire safety and property maintenance inspections of buildings and structures shall be performed by the Fire Marshal or a Code Enforcement Officer at the following intervals:

A. 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.

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

C. Fire safety and property maintenance inspections of all multi-family dwellings and all non-residential buildings, structures, uses and occupancies not included in paragraphs (A) or (B) of this section, shall be performed at least once every thirty-six (36) months.


In addition to the inspections required by § 64-38, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by a Code Enforcement Officer at any time upon:
A. The request of the owner of the property to be inspected or an authorized agent of such owner;

B. Receipt by a Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

C. Receipt by a Code Enforcement Officer of any other information, reasonably believed 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 section 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.

§ 64-40. Fee.

The fee specified in or determined in accordance with the provisions set forth in § 64-56 of this chapter must be paid prior to or at the time each inspection performed pursuant to this Article. This section shall not apply to inspections performed by OFPC.

ARTICLE VIII
Demolition Permits

§ 64-41. Purpose.

It is important that there be a record of the demolition of structures within the Town. Further, the town contains certain structures of historical merit. These structures are or may be threatened by development pressures. The town wishes to provide for public notice and a period of public consideration before any such structures are demolished.

§ 64-42. Permit required.

No residence or commercial structure or barn, or a portion thereof, may be demolished without a demolition permit having been first obtained.

§ 64-43. Application procedure.

Demolition Permits shall be processed in accordance with the following procedure:

A. An application for a demolition permit shall be presented to a Code Enforcement Officer. Such application shall contain the following information:

(1) The name, address and telephone number of the applicant.

(2) The location of structure proposed to be demolished.

(3) Reasons for the proposed demolition.

(4) The date when the proposed demolition is to take place, which, in the case of a structure over the age of 50 years, must be at least 60 days after the date the application is received by the Code Enforcement Officer.

B. In the case of a structure over the age of 50 years, upon receipt of the application, a Code Enforcement Officer shall cause to be published in the official town newspaper a notice to the effect that the applicant has applied for such a permit and proposes to carry out such demolition on or after the date set forth in the application.

C. Upon receipt of the application, a Code Enforcement Officer shall issue a demolition permit; provided, however, that in the case of a building over the age of 50 years, at the expiration of the
sixty-day (60) period referred to in subsection (A)(4) above, a Code Enforcement Officer shall issue such demolition permit unless an order from a court of competent jurisdiction shall have been issued preventing the issuance of the permit.

ARTICLE IX
Appeals

§ 64-44. Appeals Permitted.

Any person aggrieved by the granting or refusal of any permit or by an order, decision or determination of a Code Enforcement Officer or other administrative official charged with the enforcement of this chapter, may appeal to the Zoning Board of Appeals within 30 days from the date of the determination appealed from.


Notice of appeal shall be in writing and shall be served together with the required fee upon a Code Enforcement Officer or other Administrative Officer and upon the Zoning Board of Appeals. Such notice of appeal shall specify the order, ruling, decision or determination from which the appeal is taken, and if the appeal involves the granting of a variance, such notice of appeal shall specify that a variance is requested and the nature of the same. Any such appeal shall be taken, heard and determined in accordance with the provisions of state law and the rules and regulations of the Zoning Board of Appeals.

ARTICLE X
Complaints

§ 64-46. Review and Investigation of Complaints.

The Code Enforcement Officers shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with chapter 185 of this Code, the Uniform Code, the Energy Code, this chapter, or any other chapter, 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 a 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 Article XII of this chapter;

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.

ARTICLE XI
Record Keeping and Reporting

§ 64-47. Record Keeping.

All transactions and activities conducted by all Code Enforcement Officers shall be kept as official records of the Town. All plans and records pertaining to buildings or structures, or appurtenances thereto, all complaints received and all investigations conducted shall be retained for at least the minimum time period so required by State law and regulation.

A. The Building Inspector shall annually submit to the Secretary of State, on behalf of the Town, on a form prescribed by the Secretary of State, a report of the activities of the Town relative to administration and enforcement of the Uniform Code.

B. 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 the Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Town in connection with administration and enforcement of the Uniform Code.

ARTICLE XII
Violations

§ 64-49. Violations Unlawful.

It shall be unlawful for any person, firm or corporation to construct, alter, repair, remove, move, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provisions of this chapter or fail in any manner to comply with any notice, directive or order of a Code Enforcement Officer or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.


A. All Code Enforcement Officers are authorized to order in writing the remediying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. 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 a Code Enforcement Officer;

(3) Specify the condition or activity that violates chapter 185 of this Code, the Uniform Code, the Energy Code, or this chapter;

(4) Specify the provision or provisions of chapter 185 of this Code, the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;

(5) Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;

(6) Direct that compliance be achieved within the specified period of time; and

(7) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

B. A Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by registered or certified mail.

C. Code Enforcement Officers are permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered or certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.
§ 64-51. Appearance Tickets.

The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of this Code and/or the Uniform Code.

§ 64-52. Civil Penalties.

In addition to those penalties proscribed by State law, any Person who violates any provision of chapter 185 of this Code, the Uniform Code, the Energy Code or this chapter, or any term or condition of any Building Permit, Demolition Permit, Certificate of Occupancy / Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by a Code Enforcement Officer pursuant to any provision of this chapter, 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 the Town.

§ 64-53. Injunctive Relief.

An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of chapter 185 of this Code, the Uniform Code, the Energy Code, this chapter, any other chapter of this Code, or any term or condition of any Building Permit, Demolition Permit, Certificate of Occupancy / Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by a Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of chapter 185 of this Code, the Uniform Code, the Energy Code, this chapter, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of the Town, 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 Town Board of the Town.

§ 64-54. Penalties for offenses.

A. Any person who shall violate any provision of this chapter or shall fail to comply with any of its provisions or shall violate or fail to comply with any order, rule, permit, approval or regulation made hereunder shall be guilty of a violation of this chapter.

B. Every violation of this chapter is hereby declared to be an offense punishable by fine not exceeding $350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. Violations which are also a violation of chapter 86 of this code may, alternatively, be the subject of a proceeding under such chapter.

§ 64-55. Remedies Not Exclusive.

No remedy or penalty specified in this Article shall be the exclusive remedy or remedy available to address any violation described in this Article, and each remedy or penalty specified in this Article shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this chapter, any other chapter of this Code, or in any other applicable law. Any remedy or penalty specified in this Article may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty. In particular, but not by way of limitation, each
remedy and penalty specified in this Article 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 Article 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.

ARTICLE XIII
Administrative Provisions

§ 64-56. Fees

A fee schedule shall be established by resolution of the Town Board of the Town. 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, Demolition Permits, Certificates of occupancy / 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 chapter.

§ 64-57. Intermunicipal Agreements.

The Town Board of the Town may, by resolution, authorize the Supervisor of the Town to enter into an agreement, in the name of the Town, with other governments to carry out the terms of this chapter, 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.
Chapter 70

BUILDINGS, UNSAFE

§ 70-1. Findings; purpose.

Unsafe buildings pose a threat to life and property in the town. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as points of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of the persons and property in the town by requiring such unsafe buildings to be repaired or demolished and removed.

§ 70-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

BUILDING -- Any building, structure or portion thereof used for a residential, business or industrial purpose.

BUILDING INSPECTOR -- The Building Inspector appointed pursuant to chapter 64 of this Code.

CODE ENFORCEMENT OFFICERS – The Code enforcement Officers appointed pursuant to chapter 64 of this Code.

§ 70-3. Investigation and report.

When the Building Inspector or a Code Enforcement Officer has reason to believe that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used he shall cause or make an inspection thereof and report, in writing, to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

§ 70-4. Public hearing; notice; order to repair or remove.

A. The Town Board shall consider such report and, if in its opinion the report so warrants, set a date for a public hearing on at least 10 days’ notice to determine whether or not such building can be safely repaired or should be demolished and removed.

B. The notice of hearing shall be published once in the official town newspaper, a copy shall be affixed to the building in question and a copy shall be either personally served on the owner or sent to the owner by regular mail. The owner shall be the one listed on the then official assessment roll of the town.

C. At the public hearing all interested parties shall be heard on the question of repair or demolition and removal of the building.

D. The Town Board shall thereafter make an order either denying any action in regard to the building or ordering its repair, if the same is feasible, or ordering its demolition and removal.

E. If the Town Board order requires repair or demolition and removal it shall also contain the following:

(1) A description of the premises.
Minutes of the Town Board for December 7 2006

(2) A statement of the particulars in which the building is unsafe or dangerous.

(3) An order outlining the manner in which the building is to be made safe and secure, or demolished and removed.

(4) A statement that the securing or removal of such building shall commence within 20 days of the service of the order and shall be completed within 45 days thereafter, unless for good cause shown such time shall be extended.

(5) A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

(6) The Town Board order shall be published, served on the owner and affixed to the building all in the same manner as provided in Subsection B of this section.

§ 70-5. Failure to comply with order.

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board, the Town Board shall provide for the demolition and removal of such building or structure either by town employees or by contract. Except in an emergency, as provided in § 70-7 of this chapter, any contract for demolition and removal of a building shall be awarded through competitive bidding if so required by law.

§ 70-6. Assessment of expense.

All expenses incurred by the town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the costs of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

§ 70-7. Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Town Board may by resolution authorize the Building Inspector or a Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in § 70-6 of this chapter.
§ 86-1. Fire Marshal.

A. The office of the Fire Marshal is hereby created. The Fire Marshal shall be appointed by the Town Board and shall hold office at its pleasure. It shall be the duty of the Fire Marshal to enforce this chapter and all other laws and ordinances relating to the prevention and control of fires. The Fire Marshal shall have such other duties as are assigned by the Town Board.

B. In the absence of the Fire Marshal or in addition thereto, the Code enforcement Officers (including the Building Inspector) appointed pursuant to chapter 64 of this Code shall have the powers and duties of the Fire Marshal set forth in this chapter.

§ 86-2. Inspection of buildings; right of entry.

The Fire Marshal or a Code Enforcement Officer may at all reasonable hours enter any buildings or premises, except the interior of private dwellings which are used solely and exclusively for residential purposes and not otherwise, within the Town of Pittsford, for the purpose of making any inspection or investigation which under the provisions of this chapter he or they may deem necessary.

§ 86-3. Frequency of inspections.

It shall be the duty of the Fire Marshal or a Code Enforcement Officer to inspect as often as may be necessary, or upon the complaint of any person, but not less than once each year, either separately or in conjunction with the inspection required by Article VII of chapter 64 of this Code, all storages or installations of gasoline, chemicals, oils, explosives and flammable material, all manufacturing processes, churches, nursing homes, multiple residences and apartment buildings, office buildings and commercial establishments, for the purpose of ascertaining and causing to be corrected any conditions liable to cause a fire or to impair public safety in the event of a fire on such premises.

§ 86-4. Elimination of dangerous conditions.

Whenever the Fire Marshal or a Code Enforcement Officer shall find in any building or upon any premises, combustible or explosive matter or a dangerous accumulation of waste papers, boxes, rubbish or unnecessary accumulation of shavings or any highly flammable material, and so situated as to endanger life or property, or shall find obstruction to or on fire escapes, stairs, passageways, doors or windows or access streets or roads liable to interfere with the operations of the fire department or egress of occupants in case of fire, the Fire Marshal or Code enforcement Officer shall order the same to be removed or remedied.

§ 86-5. Fire hydrants.

There shall be a clear area at least 10 feet in radius around all fire hydrants. No bushes, trees, rocks or other obstacles shall be allowed to remain in said clear area, except that trees in existence on May 9, 1972, shall be exempt from the provisions of this section. The Fire Marshal shall order the removal or cause to be removed any such prohibited obstacles.

§ 86-6. Notification Regarding Fire or Explosion.

The chief of any fire department providing fire fighting services for a property within the Town shall promptly notify the Fire Marshal or a Code enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

§ 86-7. Service of written notices.

All orders issued pursuant to §§ 86-4 and 86-5 hereof shall be in writing and mailed postpaid to the occupant of the premises affected by such order or by handing the same personally to the occupant.
In the event that the premises are unoccupied, such notice shall be mailed to the owner thereof and, in such case, a notice containing said order shall be posted on the premises.

§ 86-8. Compliance with orders required; appeal.

Such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal from such order to the Town Board who shall review such order within 20 days and file its decision therein, and unless such order shall be revoked or modified it shall remain in full force and effect and shall be obeyed by such owner or occupant. Such appeal shall be in writing and shall specify the grounds upon which it is taken, and a copy of the notice of appeal shall be served on the Supervisor or the Town Clerk of the town. Any owner or occupant who fails to comply with such order within 10 days after such appeal shall have been determined or, if no appeal be taken, then within 10 days after the service of such order, shall be liable to a penalty as hereinafter provided.

§ 86-9. Failure to comply; correction of dangerous condition by town.

In the event that said order is not complied with within 10 days after notice is so given or, if an appeal be taken as herein provided, then within 10 days after the determination of said appeal, the Fire Marshal or a Code enforcement Officer may enter upon the premises and may remove such material or articles causing this fire menace or change or alter the premises so as to remove such fire menace, and the expense thereby incurred shall be assessed against the real property affected, provided that written notice shall have been given to the owner of said premises of such proposed entry, removal, change or alteration, by postpaid mail or personally to such owner at least five days in advance of such entry, removal, change or alteration.

§ 86-10. Fire lanes on private property devoted to public use.

A. There shall be fire lanes established and marked on all private property devoted to public use in the town.

B. The establishment and marking of such fire lanes shall be approved by the Fire Marshal.

C. Parking, stopping or standing of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.

D. The owner or occupant of the property shall be responsible for installing, maintaining, repairing and replacing the required markings of fire lanes.

E. The width of such fire lanes shall be at least 20 feet.

F. The owner or operator of any motor vehicle which is parked, stopped or standing in a fire lane or otherwise obstructing the same, is guilty of a parking violation and shall be subject to the penalty of a fine of $50. A parking violation ticket, in form as approved by the Town Board, may be served on any violator by the Fire Marshal, any Code Enforcement Officer, the Director or Deputy Director of Public Works, the Highway Superintendent, the Monroe County Sheriff, New York State Police or any other police officer having jurisdiction at the scene of the violation, advising the violator of such fine and providing for payment of the fine by mail to the Town Justice Court, unless the violator wishes to contest the charge, in which event a personal appearance in said Court is necessary. When the absence of the owner or operator of said motor vehicle prevents personal service of the parking violation ticket, the attachment or affixing of the ticket to the vehicle in violation shall be deemed sufficient notice to the operator and owner. Except where the violator contests the charge in Court by a personal appearance within 20 days, failure to pay the ten-dollar fine within 20 days shall cause an automatic increase in said fine to $25, and failure to pay said increased fine within an additional twenty-day period shall result in the issuance of a bench warrant by the Town Justice Court for the arrest of said violator.

G. Any motor vehicle which is parked, stopped or standing in a fire lane or otherwise obstructing the same, which constitutes an immediate, imminent or continuous danger to public safety, may be removed by the Fire Marshal, any Code enforcement Officer, the Director or Deputy Director of Public Works, or the Highway Superintendent, and stored in a suitable place at the owner’s expense. The
owner shall be promptly notified, in writing, that he may redeem his vehicle by paying all expenses and charges necessarily incurred for such removal and storage. If the owner fails to redeem the vehicle within 30 days, the town may dispose of the vehicle as it deems appropriate.


The violation of any of the provisions of this chapter, except those contained in § 86-10, is an offense, punishable by a fine not exceeding $1,000, imprisonment for not more than one year, or both such fine and imprisonment. Every 10 days that a violation, except those contained in § 86-10, is permitted to exist shall constitute a separate additional violation.
§ 89-1. Permit required.

The discharge of fireworks within the corporate limits of the Town of Pittsford, outside of the Village of Pittsford, is prohibited unless a fireworks permit has been obtained. Further, the use of pyrotechnic devices in assembly occupancies requires the issuance of an Operating permit, pursuant to Article VI of chapter 64 of this Code.

§ 89-2. Permit authority; application; insurance.

A. The Town Board, pursuant to the authority granted to it by § 405.00 of the Penal Law of the State of New York, hereby designates the Town Clerk of the Town of Pittsford as the permit authority for the issuance of fireworks permits in said town outside of the Village of Pittsford.

B. The applicant for such permit shall file with the Town Clerk a certificate or certificates of liability insurance in the amount of not less than $1,000,000 for the defense and indemnification of the Town of Pittsford, New York, the sponsor of the fireworks display and the fireworks operator for any claims or suits brought by any person on account of damage to persons or property, including wrongful death, occasioned by the use of such fireworks and all other activities carried out in connection with such fireworks display.
Chapter 92
FLAMMABLE LIQUIDS

§ 92-1. Purpose.

This chapter is intended to regulate the storage and sale of gasoline and other flammable liquids within the town, outside the boundaries of any incorporated village therein, for the preservation of the public health, welfare and safety of the residents of the town and others and especially to avoid fire and other hazards that might otherwise exist in the storage, handling and sale thereof. It applies only to those facilities selling to the general public, commonly referred to as retail facilities.

§ 92-2. Definitions.

The following definitions shall apply in the interpretation of this chapter:

CLASS I LIQUIDS -- Includes those liquids with a flash point below 100° F.

CLASS II LIQUIDS -- Includes those liquids with a flash point at or above 100° F. and below 140° F.

CODE ENFORCEMENT OFFICERS – The Building Inspector and Deputy Building Inspector appointed pursuant to chapter 64 of this Code.

FIRE MARSHAL – The Fire Marshal appointed pursuant to chapter 86 of this Code.

FLAMMABLE LIQUID -- Any Class I or Class II liquid.

GASOLINE SELF-SERVICE STATION -- A building, structure or tract of land used primarily for the dispensing of any Class I or Class II liquid to the general public by persons other than or in addition to the gasoline service facility owner or qualified attendant.

GASOLINE SERVICE FACILITY -- Any person or organization who sells or offers for sale to the general public any Class I or Class II liquid, including but not limited to gasoline service stations, gasoline sales outlets, gasoline self-service stations and combination gasoline service/car wash facilities.

QUALIFIED ATTENDANT -- A person completely instructed in the proper handling and control of all Class I and Class II liquid dispensing equipment on the premises of a gasoline service facility, including emergency procedures, and approved by the said owner as qualified.

§ 92-3. Operating Permit required.

Any gasoline service facility storing and/or selling or offering to sell Class I or Class II liquids, above or below ground, must obtain an Operating Permit pursuant to Article VI of chapter 64 of this Code.

§ 92-4. Revocation or suspension of Operating Permit.

Noncompliance with the requirements of this chapter shall be sufficient cause for the suspension or revocation by the Fire Marshal or a Code Enforcement Officer of an Operating Permit issued pursuant to Article VI of chapter 64 of this Code, in addition to any other penalties prescribed in this chapter.


Any person selling or offering for sale Class I or Class II liquids in the town must have his tanks and piping installed in accordance with the American Petroleum Institute Code, 1973, Pamphlet No. 1615 (hereinafter referred to as "API Code"), and must otherwise operate his facility in accordance with the National Fire Prevention Association Code No. 30 of 1977 (hereinafter referred to as "NFPA Code"), and the provisions of this chapter. If there be any conflict between the API Code and this chapter or the NFPA Code and this chapter, the provisions of this chapter shall prevail.

§ 92-6. Tanks, pumps and piping.
Minutes of the Town Board for December 7 2006

A. Class I liquids shall be conveyed from an underground storage tank to the dispensing pump by means of a system of piping.

B. Underground storage tanks containing a Class I liquid having a maximum individual capacity of 10,000 United States gallons may be installed at gasoline service facilities. The maximum aggregate capacity at any gasoline service facility or underground storage tanks shall not exceed 30,000 United States gallons.

C. Leaking tanks, pumps or piping shall be repaired or replaced immediately, and it shall be within the discretion of the Fire Marshal or a Code Enforcement Officer as to whether the station or facility must cease any and/or all operations while repairs or replacement are being made.

D. Pumps, fill boxes and vents used for gasoline, fuel oil, diesel fuel or kerosene shall be distinctly painted and lettered in accordance with API Code or major oil company regulations.

E. Class II liquids shall be dispensed from tanks using equipment which meets the standards of the API Code. Said tanks shall be placed in locations which are remote from any exit/entrance to the premises.

F. The Fire Marshal and Code enforcement Officers are authorized to order the owner or occupant of the premises having flammable liquid tanks located thereon to have such tanks or dispensing units and piping tested by methods prescribed by the Fire Marshal or a Code enforcement Officer to determine if such equipment is leaking, if the Fire Marshal or a Code enforcement Officer has a reasonable belief that such equipment may be leaking.

§ 92-7. Spillage and leakage.

A. There is to be no more than one gasoline tank truck delivering flammable liquids on the premises of a gasoline service facility at any one time. Before making any deliveries to underground tanks, the driver or other authorized person shall set the brakes of the truck and shall turn off the engine of the vehicle. Evertite or OPW fill couplings or equivalent must be used when unloading flammable liquids from tank truck to storage tank. The driver shall remain at the point of delivery to prevent spillage and overflow. In case of spillage or overflow, the appropriate Fire Department and the Fire Marshal or a Code Enforcement Officer shall be notified immediately.

B. Metal skirts around the fuel pumps must be removed at least once a week and checked for leakage of fuel.

C. In the event of accidental spillage or leakage of a flammable liquid in quantities of five United States gallons or greater, whether or not it may enter sewers, the Fire Department and Fire Marshal or a Code Enforcement Officer shall be notified immediately.

D. A minimum of five one-hundred-pound bags of Stay Dry absorbent or equivalent must be kept on the premises at all times for flammable liquid spills and should be used for this purpose whenever possible, instead of flushing with water.

E. All tanks containing flammable liquids must be tested weekly for water infiltration, and records must be kept on the premises showing the date, hour and results of such tests. When any test shows water present in the flammable liquid, the Fire Marshal shall be immediately notified. Such water may not be removed until after notification to the Fire Marshal or a Code enforcement Officer.

F. Accurate daily inventory records shall be maintained and reconciled on all Class I liquids and diesel fuel storage tanks for indication of possible leakage from tanks or piping. The records shall be kept at the premises, available for inspection by the Fire Marshal or a Code enforcement Officer and shall include, as a minimum, records showing by product daily reconciliation between sales, use, receipts and inventory on hand. If there is more than one tank system for any one product, the reconciliation shall be maintained separately for each tank system.

Minutes of the Town Board for December 7 2006

A. The fuel tank of customers' motor vehicles shall not be filled until the vehicle's motor has been shut off.

B. Dispensing of Class I and Class II liquid may only be done into tanks designed for the purpose in motor vehicles or in metal safety fuel cans meeting the requirements and specifications of the Occupational Safety and Health Administration. The filling of glass or other breakable or porous containers with gasoline is prohibited.

C. On all deliveries to gasoline service facilities by suppliers of fuel, at least one qualified attendant must be present at the gasoline service facility.


A. There shall be at least one ten-pound fire extinguisher hung in the sales room of every gasoline service facility adjacent to an exit door and also at least one ten-pound fire extinguisher on each pump island. One twenty-pound fire extinguisher shall be in any working bay area. The extinguishers shall be capable of fighting Class A, B and C fires and must be Underwriters’ Laboratory-approved extinguishers. All extinguishers are to be maintained in operating condition at all times and have valid inspection tags attached thereto. If an approved automatic fire-extinguishing system has been provided, such ten-pound extinguishers at the pump islands may be dispensed with.

B. Gasoline self-service stations shall provide automatic fire-extinguishing systems installed in conformity with nationally recognized good practices and approved by the Fire Marshal or a Code Enforcement Officer. Where a station has total self-service or one or more self-service pumps and one or more full-service pumps within 30 feet of each other, all shall have installed an automatic fire-extinguishing system approved by the Fire Marshal or a Code Enforcement Officer. All stations with self-service pumps shall have an automatic fire-extinguishing system operational before opening for business.

C. Gasoline service facilities having self-service pumps shall also be equipped with a voice communication system allowing the attendant on duty at such facility to be able to communicate with persons in the dispensing area.

§ 92-10. Emergency procedures.

A. The name, address and telephone number of the service facility owner, lessee or station operator and the person to contact in the event of an emergency must be on file with the Fire Marshal's office at all times.

B. Emergency phone numbers such as the Fire Department, Police Department and the ambulance shall be posted in a conspicuous place by the phone at the gasoline service facility.

C. An instruction card shall be posted in each gasoline service facility, where it is plainly visible to employees, stating procedures that must be followed in an emergency, such as but not necessarily limited to a spillage of gasoline of five United States gallons or more, fire of any type and an auto or truck accident involving equipment of the gasoline service facility. Such instruction card shall direct that in such situations all electric power at the facility be shut off immediately and the Fire Department and Fire Marshal or a Code Enforcement Officer notified.

D. The main electric power switch at all gasoline service facilities shall be plainly and prominently marked as such.

§ 92-11. Storage of materials; electrical wiring; drainage; cleaning; snow removal.

A. Rubbish, oil cans, tires, discarded motor vehicle parts and components and other waste materials may be temporarily stored in a completely fenced-in opaque enclosure adjacent to the gasoline service facility building. The area of such enclosure shall not exceed 200 square feet. There shall be no storage at any time of any of the above-mentioned items outside of such enclosure.
B. All electric wiring, electric fixtures and other electrical equipment shall be maintained in first-class condition. All existing wiring, materials, equipment and installations located in hazardous locations, as defined in Chapter 5 of the NFPA Code, shall conform to the requirements of that Code.

C. All drainage sumps, traps or interceptors shall be cleaned and maintained so as to ensure proper operation at all times.

D. Cleaning with gasoline or other Class I or Class II liquids shall not be permitted in or around the gasoline service facility.

E. Snow must be piled on a gasoline service facility site so that it does not interfere with internal circulation of motor vehicles, driver vision and parking.

F. Class I and Class II liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent accumulation of flammable vapors therein.

§ 92-12. Conversion to self-service facility.

No service facility shall operate, convert to or install self-service dispensing units without first obtaining an Operating Permit pursuant to Article VI of chapter 64 of this Code.

§ 92-13. Closing or abandoning of facility; change of use.

A. In the event a gasoline service facility shall be closed or abandoned or the use of the premises changed so that it no longer functions as a gasoline service facility, the owner, lessee and/or flammable liquid supplier of said facility shall immediately remove all products from the storage tanks and, if the tanks are not removed, shall completely fill the tanks with water. Within one year after the aforesaid closing, abandonment and/or change of use of the gasoline service facility, said storage tanks must be removed from the premises.

B. Before starting removal of any storage tanks, the Fire Marshal or a Code Enforcement Officer must be notified.

C. The following procedures must be followed in the removal of such storage tanks:

   (1) The contents of the tank must be pumped out prior to excavating.

   (2) Immediately after pumping out the contents of the tank and before removing it from the ground, a quantity of dry ice, sufficient to adequately reduce the vapor concentration, must be inserted into the tank. The ratio of dry ice to the gallon capacity of the tank to be removed shall be a minimum of 15 pounds of dry ice per 1,000 gallons of tank capacity.

   (3) The removal of the tank from the ground and also the removal of the tank from the boundaries of the town must be completed the same day.


The Fire Marshal of the town and Town Code Enforcement Officers shall be responsible for the enforcement of this chapter.
Chapter 114
PLUMBERS, LICENSING OF

§114-1. License Required.

No person, firm or corporation shall engage in or conduct the trade or business of plumbing within the Town without first having obtained a license therefor, issued by a Code Enforcement Officer and without having first obtained and filed with the Town appropriate Liability Insurance, Disability Insurance, Worker’s Compensation Insurance or an Affidavit that Disability Insurance and/or Worker’s Compensation Insurance is not required. Such license shall be issued on forms provided by the Building Inspector and at an annual fee fixed by the Town Board.

§114-2. Qualifications for Licensing.

The Building Inspector or a Code Enforcement Officer appointed pursuant to Chapter 64 of this Code may issue a license to an applicant currently holding a license issued by the Examining Board of Plumbers in the City of Rochester, New York or a current license from an approved municipality or who has carried on the trade of plumbing for a purity of at least 10 years.
Chapter 116
PROPERTY MAINTENANCE

§ 116-1. Findings; purpose.

From time to time residential property in the town is left vacant and/or abandoned by its owner, its maintenance neglected, the property falls into disrepair, and it becomes a threat to the public health and welfare to the detriment of the community. The purpose of this chapter is to provide a means to remedy these situations.


As used in this chapter, the following terms shall have the meanings indicated:

BUILDING INSPECTOR -- The Building Inspector appointed pursuant to chapter 64 of this Code.

CODE ENFORCEMENT OFFICERS -- The Code Enforcement Officers appointed pursuant to chapter 64 of this Code.

OWNER OF THE PROPERTY -- The person or persons listed on the then current assessment roll of the town.


The owner of vacant and/or abandoned residential property shall have the duty to keep the property in reasonably good repair and to maintain the grounds, swimming pool, if any, and any structures thereon in accordance with ordinary standards of good residential property management.


Where a violation of this chapter is found to exist, the Building Inspector or a Code Enforcement Officer shall report such to the Town Board and notify the owner, in writing, to immediately remedy the situation.

§ 116-5. Emergency situations; costs to be lien.

If, in the judgment of the Building Inspector or Code enforcement Officer, a public health or welfare emergency exists on the premises, he/she will immediately arrange to remedy such emergency situation with town employees or private contractors as appropriate. A bill for the cost of the same shall, with approval by the Town Board, be submitted to the owner for payment. If payment is not received by the town within 45 days, the amount of the bill shall be added to the next following town real estate tax bill for said property.

§ 116-6. Town Board hearing; town to repair; costs.

A. The Town Board upon notification to it of a violation of this chapter shall decide whether or not to hold a public hearing thereon.

B. Any public hearing so ordered shall be on at least 20 days’ notice and shall be to determine if remedial action is needed. Notice of such hearing shall be published once in the official town newspaper, a copy shall be affixed to the property in question, and a copy shall be either personally served on the owner or sent to the owner by regular mail.

C. After such hearing, the Town Board shall make an order either denying any action with regard to the property or order any violation to be corrected. If the order requires corrective action, it shall be published once in the official town newspaper, a copy shall be affixed to the property in question and a copy shall be either personally served on the owner or sent to the owner by regular mail. The order shall require corrective action be taken within 20 days of the date of publication and service or mailing as the case may be. The order shall also notify the owner that failure to take
Minutes of the Town Board for December 7 2006

corrective action within the time specified will result in the town, or its hired contractor, doing the work with a bill for the same to be sent to the owner. Any bill for such work, not paid within 45 days, shall be added to the next following town real estate tax bill for said property.

§ 116-7. Penalties for offenses.

Any person in violation of this chapter shall also be subject to such penalties as are prescribed in Chapter 1, General Provisions, Article III.
Chapter 148
VEHICLES, JUNK

§ 148-1. Purpose and findings.

The outdoor storage of junk, abandoned or nonoperable motor vehicles or the used parts therefrom within the Town of Pittsford is a hazard to the preservation of the public health, welfare and safety in that it constitutes health, fire and safety hazards and is an attractive nuisance to children which is a peril to their safety. The outdoor storage of such vehicles also constitutes a blight on the landscape of the town. They are generally unsightly, and their existence tends to depreciate the value of property in the neighborhood and the town generally. The control of the outdoor storage of junk, abandoned or nonoperable motor vehicles or the used parts therefrom within the Town of Pittsford is therefore regulated for the preservation of the public health, safety and welfare of its residents.


As used in this chapter, the following terms shall have the meanings indicated:

BUILDING INSPECTOR -- The Building Inspector appointed pursuant to chapter 64 of this Code.

CODE ENFORCEMENT OFFICERS -- The Code Enforcement Officers appointed pursuant to chapter 64 of this Code.

JUNK VEHICLE -- Any motor vehicle, whether automobile, bus, truck, trailer, mobile home, motorcycle or any other vehicle originally intended to be capable of travel on the public highways, which is abandoned, stored, left or located by its owner or any other person outdoors on private premises in the Town of Pittsford, and which vehicle is functionally incapable of operation under its own power. It shall be conclusive evidence that a motor vehicle is functionally incapable of operation under its own power if it is not validly registered in any state of the United States or any province of Canada or, if registered in New York State, it lacks a valid and current New York State inspection sticker or, if registered outside New York State, it lacks a valid and current inspection sticker of the state or province in which it is registered if so required by such state or province.

PERSON -- Any individual person or group of individual persons, firm, partnership, corporation, association or any other unit or entity owning, possessing or otherwise in control of real property in the Town of Pittsford outside any village therein.

TOWN OF PITTSFORD -- Anywhere within the corporate limits of the town outside any village in said town, and excluding any establishment duly licensed by the town to house or store such junk vehicles or used parts therefrom.


It shall be unlawful for any person to cause, permit or condone the presence of any junk vehicle, or used motor vehicle parts, outdoors on his real property in the town. Such violation shall constitute an offense. Each week, or portion thereof, that such junk vehicle or used motor vehicle parts remains outdoors on the premises shall constitute a separate offense.

§ 148-4. Penalties for offenses.

Any person convicted of a violation of this chapter shall be subject to the following penalties:

A. For the first offense, a fine of $50.

B. For the second offense, a fine of $75.

C. For all subsequent offenses, a fine of $100.
§ 148-5. Removal by town; notice; hearing; charges.

A. Any junk vehicle or used motor vehicle parts, as defined in this article, may be removed from the premises on which it is located by order of the Town Board in the manner hereafter provided.

B. The Building Inspector or a Code Enforcement Officer, upon detecting a junk vehicle or used motor vehicle parts, shall serve a written notice ordering the removal of the same from the premises on which it is located within 10 days from the date of such service. Such notice shall also contain a description of the premises, a statement as to the location thereon of a junk vehicle or parts, reference to this chapter and to the fact that the location of such junk vehicle or parts on such premises is in violation of this chapter.

C. At the expiration of 10 days after the service of such notice, if such junk vehicle or parts has not been removed, the enforcement officer shall report such fact to the Town Board, in writing. Such report shall recite the violation, the notice given as required hereunder and the failure to comply therewith and may include or refer to photographs of such junk vehicle and of the premises on which it is located. Such report shall be entered in the official minutes of the Town Board by the Town Clerk, and any such photographs shall be filed in the Town Clerk's office. The Town Board shall thereafter hold a hearing upon 10 days' prior notice to the owner to determine whether, in fact, the vehicle is functionally capable of operation under its own power. Such notice of hearing shall include a statement that the purpose of such hearing is to receive evidence regarding the violation of this chapter.

D. If after said hearing and consideration of all evidence, the Town Board determines that a violation of this chapter exists, the Town Board shall arrange for the removal and disposal of such junk vehicle or used parts in a manner which it deems reasonable. Any expense to the town in accomplishing such removal may be assessed by the Town Board to the real property from which such junk vehicle was removed, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged.


Notices required by this law shall be served as follows:

A. By personal service on any of the owners, occupants or person in control of the premises on which the junk vehicle is located; or

B. By regular mail, mailed to any of the owners of said property at his or her last known address as shown on the latest completed assessment roll of the town, and by conspicuously posting a copy of such notice on the premises on which the junk vehicle is located.
§ 185-208. Permit required.

No structure shall be erected or structurally altered in any district nor shall any excavation be made for any intended structure until a Building Permit therefor shall have been issued, pursuant to Article II of chapter 64 of this Code, if required by such Article.