

FIRE PREVENTION AND BUILDING CONSTRUCTION

Chapter 75

UNIFORM FIRE PREVENTION AND BUILDING CODE ADMINISTRATION AND ENFORCEMENT

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[HISTORY: Adopted by the Board of Trustees of the Village of Lansing 1-5-2009 as L.L. No. 1-2009, amending and replacing in its entirety the former Chapter 75 – Uniform Fire Prevention and Building Code Administration and Enforcement]

75-1 Title.

This chapter shall be known as the “Village of Lansing Uniform Fire Prevention and Building Code Administration and Enforcement Law”

75-2. Purpose and Intent.

This Chapter 75 provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Village of Lansing. This Chapter 75 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 75, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this Chapter 75.

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75-3. Definitions.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

Building Permit-- shall mean a permit issued pursuant to section 75-5 of this Chapter 75 and Chapter 145 of the Village of Lansing Code. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this Chapter 75.

Certificate of Compliance-- shall mean a certificate issued pursuant to subdivision (b) of section 75-8 of this Chapter 75 and Chapter 145 of the Village of Lansing Code.

Code Enforcement Officer-- shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 75-4 of this Chapter 75.

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

Compliance Order-- shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 75-16 of this Chapter 75.

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

Inspector-- shall mean an inspector appointed pursuant to subdivision (d) of section 75-4 of this Chapter 75.

Operating Permit-- shall mean a permit issued pursuant to section 75-11 of this Chapter 75. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this Chapter 75.

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

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

Stop Work Order-- shall mean an order issued pursuant to section 75-7 of this Chapter 75.

Temporary Certificate-- shall mean a certificate issued pursuant to subdivision (d) of section 75-8 of this Chapter 75.

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

Village-- shall mean the Village of Lansing.

75-4. Code Enforcement Officer and Inspectors.

A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this Chapter 75. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Compliance, Temporary Certificates and

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- Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Chapter 75;
 - (4) to issue Stop Work Orders;
 - (5) to review and investigate complaints;
 - (6) to issue orders pursuant to subdivision (a) of section 75-16 (Violations) of this Chapter 75;
 - (7) to maintain records;
 - (8) to collect fees as set by the Board of Trustees of the Village;
 - (9) to pursue administrative enforcement actions and proceedings;
 - (10) to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this Chapter 75, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this Chapter 75, provided such legal actions and proceedings have been authorized by the Board of Trustees of the Village; and
 - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Chapter 75.
- B. The Code Enforcement Officer shall be appointed by the Board of Trustees of the Village. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Board of Trustees of the Village to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Chapter 75.
- D. One or more Inspectors may be appointed by the Board of Trustees of the Village to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this Chapter 75. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board of Trustees of the Village.

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- F. The Code Enforcement Officer may, at his/her discretion, accept and rely upon written reports by licensed design professionals, by accredited and authoritative testing laboratories, service and inspection bureaus and agencies, or a qualified person who shall demonstrate competence, to the satisfaction of the Code Enforcement Officer, for inspection of the particular type of construction, system or operation requiring inspection.
- G. Where the Code Enforcement Officer determines that, due to special circumstances of a particular project or application, compliance with certain requirements of this law is not requisite in the interest of public health, safety and general welfare or is inappropriate because of special circumstances of a particular project or application, the Code Enforcement Officer may waive such requirements subject to appropriate conditions, provided that such waiver shall not have the effect of nullifying the intent and purpose of this law, the Uniform Code, and/or the Energy Code.

75-5. Building Permits.

- A. Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.
- B. Exemptions. No Building Permit shall be required for work in any of the following categories except as required by Chapter 145 of the Village of Lansing Code:
 - (1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
 - (2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - (4) installation of fences which are not part of an enclosure surrounding a swimming pool;
 - (5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - (6) construction of temporary motion picture, television and theater stage sets and scenery;
 - (7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (8) installation of partitions or movable cases less than 5'-9" in height;
 - (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

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- (11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.
- C. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code, the Energy Code and all other applicable codes, laws, rules and regulations.. The application shall include or be accompanied by the following information and documentation:
- (1) a description of the proposed work;
 - (2) the tax map number and the street address of the premises where the work is to be performed;
 - (3) the occupancy classification of any affected building or structure;
 - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) at least 2 sets of construction documents (drawings and/or specifications) which
 - (i) define the scope of the proposed work;
 - (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code and all other applicable codes, laws, rules and regulations; and
 - (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel.

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However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued, nor that the plans are deemed to comply with applicable codes, laws, rules and regulations except in combination with such conditions as may be attached by the Code Enforcement Officer. Work shall not be commenced until and unless a Building Permit is issued.

- F. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code, and all other applicable codes, laws, rules and regulations. In the event that the construction documents do not comply with the applicable requirements of the Uniform Code, Energy Code, and all other applicable codes, laws, rules and regulations the Code Enforcement Officer may attach comments and conditions which shall take precedence over any inconsistent provisions of the construction documents. The Code Enforcement Officer shall issue a Building Permit if the construction documents, or the construction documents together with comments and conditions provided by the Code Enforcement Officer as indicated above, are in compliance with the applicable requirements of the Uniform Code, Energy Code, and all other applicable codes, laws, rules and regulations.
- G. Building Permits to be displayed. Where required by the Code Enforcement Officer, building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with (i) the construction documents which were submitted with and accepted as part of the application for the Building Permit and (ii) the Code Enforcement Officer's comments and conditions attached to the Building Permit, which comments and conditions shall take precedence over any inconsistent provisions of the construction documents, as provided in subsection 75-5 F above. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- I. Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer. The Code Enforcement Officer shall approve such applications only if significant progress has been demonstrated since the permit or any extension thereto was last issued, or if compelling circumstances preventing significant progress are documented.
- J. Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the

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Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

- K. Fee. The fee specified in or determined in accordance with the provisions set forth in section 75-17 (Fees) of this Chapter 75 must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

75-6. Construction Inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) work site prior to the issuance of a Building Permit;
 - (2) footing and foundation;
 - (3) preparation for concrete slab;
 - (4) framing;
 - (5) building systems, including underground and rough-in;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance; and
 - (10) a final inspection after all work authorized by the Building Permit has been completed.
- C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in section 75-17 (Fees) of this Chapter 75 must be paid prior to or at the time of each inspection performed pursuant to this section, or, in any case, prior to the issuance of a Certificate of Compliance.

75-7. Stop Work Orders.

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

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- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by *certified* mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 75-16 (Violations) of this Chapter 75 or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

75-8. Certificates of Compliance.

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

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- B. Issuance of Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code, Energy Code, and all other applicable codes, laws, rules and regulations and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code, Energy Code, and all other applicable codes, laws, rules and regulations. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Compliance:
- (1) a written statement of structural observations and/or a final report of special inspections, and
 - (2) flood hazard certifications.
- C. Contents of Certificates of Compliance. A Certificate of Compliance shall contain the following information:
- (1) the Building Permit number, if any;
 - (2) the date of issuance of the Building Permit, if any;
 - (3) the owner's name and the address and tax map number of the property;
 - (4) if the Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Compliance is issued;
 - (5) the use and occupancy classification of the structure or portion thereof;
 - (6) the type of construction of the structure;
 - (7) the assembly occupant load of the structure, if any;
 - (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) any special conditions imposed in connection with the issuance of the Building Permit; and
 - (10) the signature of the Code Enforcement Officer issuing the Certificate of Compliance and the date of issuance.
- D. Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate, in accordance with this Chapter 75 and Chapter 145 of the Village of Lansing Code, allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and

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intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed 6 months, which shall be determined pursuant to Chapter 145 of the Village of Lansing Code and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, Energy Code, and all other applicable codes, laws, rules and regulations.

- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in section 75-17 (Fees) of this Chapter 75 must be paid at the time of submission of an application for a Certificate of Compliance or for Temporary Certificate.

75-9. Notification Regarding Fire or Explosion.

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

75-10. Unsafe Building and Structures.

Unsafe structures and equipment in the Village shall be identified and addressed in accordance with the following procedures:

- A. Inspection by Code Enforcement Officer; Report. When in the opinion of the Code Enforcement Officer, any building or structure located in the Village shall be deemed to be dangerous or unsafe to the Public because:
 - (1) Its structural condition is or may become dangerous or unsafe to the public; or
 - (2) it is open at the doorways or windows or walls, making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as to vagrants and other trespassers; or
 - (3) it is or may become a place of infestation by rodents or other animals; or
 - (4) it consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty; or
 - (5) it presents any other danger to the health, safety, morals and general welfare of the public, the Code Enforcement Officer shall make a formal inspection thereof and report in writing to the Board of Trustees of the Village his findings and recommendations in regard to the building's or structure's removal or repair.
- B. Service of Notice.
 - (1) The Board of Trustees of the Village shall thereafter consider said report and, if it finds from said report that there are grounds to believe that such building or buildings are dangerous or unsafe to the public, the Board of Trustees of the Village, by resolution, shall order its removal or repair if the same can be safely repaired and further order that a notice shall be personally served upon the owner or some one of

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the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises, as shown by the records of the receiver of taxes and/or by the records of the Tompkins County Clerk's office.

- (2) If no such person can reasonably be found, then notice shall be served by mailing a copy of such notice to such person or corporation by registered mail, addressed to his last known address, and by securely posting a copy of such notice upon said premises.

C. Contents of Notice. Said notice shall contain the following statements:

- (1) A description of the premises by metes and bounds or by filed deed reference.
- (2) A statement of the particulars in which the building or structure is unsafe or dangerous.
- (3) An order requiring the same to be made safe and secure or removed.
- (4) That the securing or removal of the said building or structure shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter.

Such notice shall further provide that in case the owner and such persons having an interest in the property or structure as herein prescribed wish to contest the order, that a hearing will be held before the Board of Trustees of the Village at a time and place specified and that in the event such owner or persons having an interest shall fail to contest such order and fail to comply with same, the Board of Trustees of the Village will order the repair or removal of such building or structure by the Village.

If the Village shall repair or remove said building or structure, the land on which said buildings or structures are located will be assessed for all costs and expense incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure; or, in the alternative, that the Board of Trustees of the Village shall commence a special proceeding in a court of competent jurisdiction to collect the costs of demolition, including reasonable and necessary legal expenses incidental to obtaining an order to demolish.

D. Copy to be Filed with County Clerk.

A copy of such notice shall be filed in the office of the Tompkins County Clerk, which notice shall be filed by such Clerk in the same manner as a notice of pendency, pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise herein provided. A notice so filed shall be effective for a period of one (1) year from the date of filing; provided, however, that it may be vacated upon the order of a judge or Justice of a court of record upon the consent of the Village's attorney. The County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

- (1) At the time and date specified in the notice to repair or demolish, the Board of Trustees of the Village shall conduct the public hearing. It may adjourn from time to time until the hearing is completed and until all interested parties are heard. At the conclusion of the hearing, the Board of Trustees of the Village shall determine to revoke the order to repair or remove; or continue said order and direct the owner and other persons to complete the work within a specified time which shall be reasonable as to the time needed to perform the work and the necessity to protect the general public.

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(2) In the event that the owner fails or refuses to repair or remove such building or structure within the time provided, the Village shall remove said building or structure.

E. 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 or structure is immediately repaired and secured or demolished, the Board of Trustees of the Village may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building or structure. 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 below.

F. Collection of Costs Incurred.

All costs and expense incurred by the Village in connection with the proceedings to remove or secure such building or buildings, including the actual cost of repairing or removal and administrative and legal fees, shall be assessed upon the land upon which said building or buildings are located. Such assessment shall be assessed on the next Village assessment roll as an additional tax to the regular tax assessed against such property and the same shall be levied and collected in the same manner as the regular Village tax. In the alternative, the Board of Trustees of the Village may commence a special proceeding in a court of competent jurisdiction to collect the costs of demolition, including reasonable and necessary legal expenses incidental to obtaining an order to demolish, from the owner of any building or structure that may now be or shall hereafter become dangerous or unsafe to the public. The provisions of Article 4 of the Civil Practice Law and Rules shall govern any special proceeding commenced under this section.

75-11. Operating Permits.

A. Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

- (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
- (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) use of pyrotechnic devices in assembly occupancies;
- (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of the Village.

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

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- B. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.
- D. Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his discretion, issue a single Operating Permit to apply to all such activities.
- E. Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended; or until the Code Enforcement Officer notifies the owner that the permit has expired.
- F. Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in section 75-17 (Fees) of this Chapter 75 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.

75-12. Fire Safety and Property Maintenance Inspections.

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
 - (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

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- (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.
- B. Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
 - (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;
- provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- C. OFPC Inspections. Nothing in this section or in any other provision of this Chapter 75 shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary:
- (1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - (2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - (3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section and
 - (4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

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- D. Fee. The fee specified in or determined in accordance with the provisions set forth in section 75-17 (Fees) of this Chapter 75 must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

75-13. Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Chapter 75, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- 1) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- 2) if a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 75-16 (Violations) of this Chapter 75;
- 3) if appropriate, issuing a Stop Work Order;
- 4) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

75-14. Record Keeping.

- A. The Code Enforcement Officer shall keep official records of all transactions and activities conducted by all Code Enforcement Personnel, including, but not limited to records of:
- (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;
 - (5) all statements and reports issued;
 - (6) all complaints received;
 - (7) all investigations conducted; and
 - (8) all fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by the New York State Archives and Records Administration.

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75-15. Program Review and Reporting.

- A. The Code Enforcement Officer shall annually submit to the Board of Trustees of the Village a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including such information as may be required by the Board of Trustees of the Village.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the Village, on a form prescribed by the Secretary of State, a report of the activities of the Village relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Village which have been generated by the Village as part of its standard procedures in connection with administration and enforcement of the Uniform Code.

75-16. Violations.

- A. Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this Chapter 75. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall be authorized to issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, this Chapter 75, or other applicable codes, laws, rules and regulations; (4) specify the provision or provisions of the Uniform Code, the Energy Code, this Chapter 75 or other applicable codes, laws, rules and regulations which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by *certified* mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.
- B. Appearance Tickets. In the event the owner fails to meet the requirements of the Compliance Order, the Board of Trustees of the Village may authorize the Code Enforcement Officer to issue appearance tickets for any violation of the Uniform Code and other applicable codes, laws, rules and regulations.

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C. Penalties. In addition to those penalties proscribed by State law, any Person, who violates any provision of the Uniform Code, the Energy Code, this Chapter 75 or other applicable codes, laws, rules and regulations, or any term or condition of any Building Permit, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter 75, shall be:

- (1) liable to a civil penalty of not more than two hundred fifty dollars (\$250) for each day or part thereof during which such violation continues, which civil penalty shall be recoverable in an action instituted in the name of the Village; and
- (2) deemed guilty of an offense upon conviction and is subject to a fine equal to two hundred fifty dollars (\$250) or imprisonment for not more than fifteen (15) days, or both, for each such violation.

Each day that any such violation continues to exist shall be deemed to result in a separate and distinct violation, each of which separate violation shall subject the violator to an additional two hundred fifty dollar (\$250) civil penalty and/or fine. Notwithstanding the foregoing, in any case that this Chapter 75 expressly provides for a grace period within which the violator is permitted to cure the violation, each day during such grace period shall not be deemed to result in a separate violation that shall subject the violator to such fine. In addition, a violation of this Chapter 75 constitutes a violation under the Penal Law of the State of New York.

D. Injunctive Relief. An action or proceeding may be instituted in the name of the Village in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this Chapter 75 or other applicable codes, laws, rules and regulations, or any term or condition of any Building Permit, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter 75 or other applicable codes, laws, rules and regulations. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Chapter 75 or other applicable codes, laws, rules and regulations, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this Chapter 75, an action or proceeding may be commenced in the name of the Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Trustees of the Village.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 75-7 (Stop Work Orders) of this Chapter 75, in any other section of this Chapter 75, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 75-7 (Stop Work Orders) of this Chapter 75, in any other section of this

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Chapter 75, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

75-17. Fees.

A fee schedule is provided in section 145-57, subsection D, of Chapter 145 of the Village of Lansing Code, which fee schedule may be modified from time to time. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule may be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this Chapter 75.

75-18. Intermunicipal Agreements.

The Board of Trustees of the Village may, by resolution, authorize the Mayor of the Village to enter into an agreement, in the name of the Village, with other governments to carry out the terms of this Chapter 75, 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.