

Resolution 2-2024: Audit of Claims

Motion By: Oakes

Seconded by: Giglio

Resolved, that vouchers 375-404 totaling \$17,621.70 contained on Abstract 13 and voucher 1-14 contained on Abstract 1 totaling \$247,320.17 have been reviewed by the Town Board and are authorized for payment.

Abstract 13		Abstract 1	
General Fund A	\$5,230.94	General Fund A	\$186,235.35
General Fund B	\$144.10	General Fund B	\$950.00
Highway Fund DA	\$11,298.75	Highway Fund DB	\$60,134.82
Street Lighting District SL1	\$947.91		
Total	\$17,621.70	Total	\$247,320.17

Ayes 4 Broughton, Giglio, Oakes, Yanni
 Nays 0
 Absent 1 Mauro

Resolution 3-2024: Supervisor’s Report

Supervisor Broughton presented the monthly report on the Town’s finances for the month of December 2023. The submitted report stated that the balance as of 11/30/2023 was \$2,418,553.50. The town had an increase of \$286,185.80 and a decrease of \$290,105.05 leaving a balance as of 12/31/2023 of \$2,414,643.25.

Motion By: Giglio

Seconded by: Yanni

Resolved, that the Supervisor’s Report for December 2023 is accepted as submitted.

Ayes 4 Broughton, Giglio, Oakes, Yanni
 Nays 0
 Absent 1 Mauro

Resolution 4-2024: Budget Amendment

Motion By: Giglio

Seconded by: Yanni

Resolved, that the following budget amendment is approved.

From		To		Amount
A599	Fund Balance	A1355.2	Assessor – Equipment	\$70.25
A599	Fund Balance	A1410.12	Deputy Town Clerk – Personnel	\$600.00
A599	Fund Balance	A1620.1	Buildings – Personnel	\$19.68
A599	Fund Balance	A1620.4	Buildings – Contractual	\$463.08
A599	Fund Balance	A1620.41	Buildings – Utilities	\$377.70
A599	Fund Balance	A1650.4	Communications – Internet	\$151.48
A599	Fund Balance	A5132.4	Garage – Contractual	\$237.03
A599	Fund Balance	A5182.4	Street Lighting	\$136.75
A599	Fund Balance	A1920.4	Municipal Association Dues	\$69.00
B599	Fund Balance	B3620.4	Safety Inspection – Contractual	\$555.44
B599	Fund Balance	B9030.8	Social Security	\$55.70
DA599	Fund Balance	DA5142.1	Snow Removal – Personnel	\$12,239.02
DA599	Fund Balance	DA5142.4	Snow Removal – Contractual	\$2,118.96
DB599	Fund Balance	DB5112.2	Improvements – Equipment	\$24,500

Ayes 4 Broughton, Giglio, Oakes, Yanni
Nays 0
Absent 1 Mauro

Resolution 5-2024: Registrar of Vital Statistics

Motion By: Yanni Seconded by: Oakes

Resolved, that Jessica LaFrance be reappointed Registrar of Vital Statistics and shall be paid an annual salary of \$800.00 effective January 1, 2024.

Ayes 4 Broughton, Giglio, Oakes, Yanni
Nays 0
Absent 1 Mauro

Resolution 6-2024: Deputy Town Clerk

Motion By: Giglio Seconded by: Oakes

Resolved, that Shannon Smith shall be Deputy Town Clerk as reappointed by Town Clerk Jessica LaFrance and shall be paid an annual salary of \$23,400.00 effective January 1, 2024.

Ayes 4 Broughton, Giglio, Oakes, Yanni
Nays 0
Absent 1 Mauro

Resolution 7-2024: Deputy Registrar of Vital Statistics

Motion By: Oakes Seconded by: Giglio

Resolved, that Shannon Smith shall be Deputy Registrar of Vital Statistics as reappointed by Town Clerk Jessica LaFrance effective January 1, 2024.

Ayes 4 Broughton, Giglio, Oakes, Yanni
Nays 0
Absent 1 Mauro

Resolution 8-2024: Contract for Dog Control

Motion By: Yanni Seconded by: Giglio

Resolved, that Supervisor Broughton is authorized to sign a contract with the Hornell Area Humane Society for dog control and shelter services, and shall be paid \$9,000 for their services for the year 2024.

Ayes 4 Broughton, Giglio, Oakes, Yanni
Nays 0
Absent 1 Mauro

Adjournment:

With no further business, on a motion made by Mauro, seconded by Yanni, the meeting was adjourned at 8:06 p.m.

Ayes	4	Broughton, Giglio, Oakes, Yanni
Nays	0	
Absent	1	Mauro

Respectfully Submitted,

Jessical L. LaFrance
Town Clerk
January 22, 2024

The organizational meeting of the Town Board of the Town of Hornellsville, County of Steuben, State of New York, was held on January 30, 2024 at the Hornellsville Town Hall, 4 Park Avenue, Arkport, New York 14807 at 5:30 p.m. The meeting was called to order by Supervisor Broughton.

Present: Dan Broughton, Supervisor
James Giglio, Council Member
Robert Mauro, Council Member
David Oakes, Council Member
Trisha Yanni, Council Member

Recording Secretary: Jessica LaFrance, Town Clerk

The pledge of Allegiance was cited, led by Dan Broughton, Supervisor.

Resolution 9-2024: Meetings

Motion by: Mauro Seconded by: Yanni

Whereas, under §62 of Town Law, the Town Board shall adopt a resolution determining the time and place it shall hold its regular meetings; and be it

Resolved, that the regular 2024 meetings of the Town Board shall be held the second Tuesday of the month beginning at 7:00 p.m. located at the Town Hall, 4 Park Avenue, Arkport, NY 14807.

January 9 th	April 9 th	July 9 th	October 8 th
February 13 th	May 14 th	August 13 th	November 12 th
March 12 th	June 11 th	September 10 th	December 10 th

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 10-2024: Official Newspaper

Motion by: Mauro Seconded by: Yanni

Resolved, that The Spectator shall be designated as the official newspaper for all legal notices for the Town of Hornellsville for the year 2024.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 11-2024: Financial Institutions

Motion by: Mauro Seconded by: Yanni

Resolved, that Five Star Bank and Community Bank N.A. be designated as the depositories for the Town of Hornellsville for the year 2024.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 12-2024: Mileage

Motion by: Mauro

Seconded by: Yanni

Resolved, that reimbursement for mileage (in the use of employee’s personal vehicle) in the course of doing Town business shall be paid according to the IRS Standard Rate for 2024, currently set at 67 cents per mile.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 13-2024: Advance Payment of Claims 2024

Motion by: Mauro

Seconded by: Yanni

Resolved, that the authorization of the advanced payment of claims adopted by Resolution 2-2020 dated January 11, 2022, shall remain in effect without revisions.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 14-2024: Petty Cash Funds

Motion by: Mauro

Seconded by: Yanni

Resolved, that the Petty Cash Funds for the year 2024 be set up as follows:

Town Clerk	\$50.00
DEC License Issuing Agent (Town Clerk)	\$50.00
Tax Collection (Town Clerk)	\$200.00

Further Resolved, that the Petty Cash Policy adopted by Resolution 12-2021 dated December 14, 2021, shall remain in effect without revision.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 15-2024: Payroll

Motion by: Oakes

Seconded by: Giglio

Resolved, that Debra Harvey-Castle shall be reappointed Payroll Clerk and shall be paid an annual salary of \$7,426.30 for the year 2024 effective January 1, 2024.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 16-2024: Supervisor

Motion by: Oakes

Seconded by: Giglio

Resolved, that the salary of Danny K. Broughton, duly elected Supervisor shall be paid an annual salary of \$18,065.01 for the year 2024, expenses to be paid by voucher as incurred; and be it

Further Resolved, that Council Member James Giglio shall be Deputy Supervisor as reappointed by Supervisor Broughton, without compensation for the year 2024 effective January 1, 2024; and be it

Further Resolved, that Debra Harvey-Castle shall be Bookkeeper to the Supervisor as reappointed by Supervisor Broughton and shall be paid an annual salary of \$20,000.00 for the year 2024 effective January 1, 2024.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 17-2024: Town Council Members

Motion by: Oakes Seconded by: Giglio

Resolved, that the salaries of duly elected Council Members James Giglio, Robert Mauro, David Oakes and Trisha Yanni shall be paid an annual salary of \$6,204.68 each for the year 2024, expenses to be paid by voucher as incurred.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 18-2024: Town Clerk

Motion by: Oakes Seconded by: Giglio

Resolved, that Jessica L. LaFrance duly elected Town Clerk shall be paid an annual salary of \$41,514.00 for the year 2024, expenses to be paid by voucher as incurred; and be it

Further Resolved, that Local Law 1-2018, dated August 31, 2018 abolished the position of the Tax Collector and pursuant to Town Law §36 it shall be the duty of the Town Clerk to collect and receive State, County and Town taxes and assessments that may have been levied in such Town, and Town Clerk Jessica LaFrance shall be paid an annual salary of \$7,605.00 for the year 2024 to perform these duties.

Further Resolved, that Shannon Smith shall be Deputy Town Clerk as reappointed by Town Clerk Jessica LaFrance shall be paid an annual salary of \$23,400.00 for the year 2024 effective January 1, 2024, expenses to be paid by voucher as incurred.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 19-2024: Records Access Officer/Records Management

Motion by: Oakes Seconded by: Giglio

Resolved, the Town Clerk Jessica LaFrance be reappointed Records Access Officer for requests made for records under the Freedom of Information Law (FOIL) for the year 2024 effective January 1, 2024; and be it

Further Resolved, that Town Clerk Jessica LaFrance be reappointed as Records Management Officer for the year 2024 effective January 1, 2024.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 20-2024: Issuing Agents

Motion by: Yanni Seconded by: Mauro

Resolved, that Town Clerk Jessica LaFrance shall be reappointed Issuing Agent for Parking Permits for the year 2024 effective January 1, 2024; and be it

Further Resolved, that Town Clerk Jessica LaFrance shall be appointed DEC License Issuing Agent for the year 2024 effective January 1, 2024.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 21-2024: Superintendent of Highways

Motion by: Yanni Seconded by: Mauro

Resolved, that Jason Emo duly elected Superintendent of Highways shall be paid an annual salary of \$84,480.07 for the year 2024, expenses to be paid by voucher as incurred; and be it

Further Resolved, that Dale Olin shall be reappointed Deputy Superintendent of Highways, without compensation for the year 2024 effective January 1, 2024; and be it

Further Resolved, that Jessica LaFrance shall be appointed Clerk to the Superintendent of Highways and shall be paid an annual salary of \$6,818.40 effective January 1, 2024.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 22-2024: Highway Personnel

Motion by: Yanni Seconded by: Mauro

Resolved, that the following Highway personnel shall be paid in accordance with the collective bargaining agreement as follows effective January 1, 2024:

<u>Name</u>	<u>Title</u>	<u>Wages</u>
Bracken, Michael	MEO	\$32.45
McMahon, Daniel	MEO	\$30.00
Mullen, Brenton	MEO	\$25.15
Olin, Dale	MEO	\$29.15

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 23-2024: Purchases for Highway

Motion by: Yanni Seconded by: Mauro

Resolved, that Superintendent of Highways Jason Emo may make purchases of such equipment, tools and implements in accordance with NYS Highway Law §142 without prior board approval in an amount not to exceed \$5,000.00.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 24-2024: Town Court

Motion by: Yanni Seconded by: Mauro

Resolved, that Richard Scavo duly elected Town Justice shall be paid an annual salary of \$13,376.89 for the year 2024, expenses to be paid by voucher as incurred; and be it

Further Resolved, that Erik Werner duly elected Town Justice shall be paid an annual salary of \$11,302.83 for the year 2024, expenses to be paid by voucher as incurred; and be it

Further Resolved, that Madeleine H. Seaman shall be Clerk to the Town Justice as appointed by Town Justice Richard Scavo and shall be paid an annual salary of \$18,171.10 effective January 1, 2024.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 25-2024: Assessor

Motion by: Giglio Seconded by: Oakes

Resolved, that Katherine Gabriel, Assessor be paid an annual salary of \$26,986.33 effective January 1, 2024, expenses to be paid by voucher as incurred.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 26-2024: Code Enforcement Officer

Motion by: Giglio Seconded by: Oakes

Resolved, that Robert Mooney shall be reappointed Code Enforcement Officer and shall be paid an annual salary of \$26,075.00 for the year 2024 effective January 1, 2024.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 27-2024: Board of Assessment Review

Motion by: Giglio Seconded by: Oakes

Resolved, that each member of the Board of Assessment Review shall be paid \$350.00 annually for meeting attendance for the calendar year 2024; and be it

Further Resolved, that Edward Flaitz shall be reappointed to the Board of Assessment Review for a five (5) year term to expire on September, 30 2029.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 28-2024: Planning Board

Motion by: Giglio Seconded by: Oakes

Resolved, that Larry Jones shall be reappointed as Chairperson of the Planning Board for the year 2024; and be it

Further Resolved, that Edward Flaitz shall be reappointed to the Planning Board for a five (5) year term to expire on December 31, 2028; and be it

Further Resolved, that Jim VanBrunt shall be reappointed to the Planning Board for a five (5) year term to expire on December 31, 2028.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 34-2024: Blanket Official Undertaking

Motion by: Yanni

Seconded by: Giglio

Whereas, Public Officers Law §11(2) provides that, in lieu of any individual undertaking, as required by law, the town board may procure a blanket undertaking from any duly authorized corporate surety, covering officers, clerks and employees;

Whereas, such blanket undertaking must be approved as to form, manner of execution and sufficiency of surety, by the town board and filed in the same manner as individual undertakings; and

Whereas, such blanket undertaking indemnifies against losses caused by the failure of officers, clerks and employees to faithfully perform their duties or to account properly for all moneys or property received by virtue of their position or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered there under, now, therefore, be it

Resolved, that the Board approves a blanket undertaking, does and shall maintain coverage, presently in the form of a Government Crime Coverage policy issued by Glatfelter in the amount of \$500,000 for all Town of Hornellsville officers and employees, excepting the Town Clerk/Collector who shall carry a separate surety bond presently issued by RLI in the amount of \$400,000, and be it

Further resolved, that said policy shall provide employee dishonesty coverage and faithful performance of duty coverage for said officers and employees as required by Public Officers Law §11, and be it

Further Resolved, that a certified copy of this resolution be attached to said blanket undertaking and a copy thereof be filed in the Office of the Town Clerk.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Adjournment:

With no further business, on a motion made by Mauro, seconded by Yanni, the meeting was adjourned at 5:52 p.m.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
January 31, 2024

was introduced before the Town Board on Thursday, February 1, 2024 and upon notice duly published and posted, a hearing was held on February 13, 2024 at 6:50 p.m., before the Town Board;

Whereas, notice of said public hearing was duly published in the Spectator, the official newspaper of the Town of Hornellsville on February 7, 2024 and on the Town of Hornellsville website on February 1, 2024;

Whereas, said public hearing was duly held on February 13, 2024 at 6:50 p.m. at the Hornellsville Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and be it,

Resolved, that Local Law 1-2024, of the Town of Hornellsville, Steuben County, New York, is hereby adopted as follows and effective upon its filing with the New York State Department of State.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Local Law # 1 of 2024

SECTION 1. PURPOSE AND INTENT

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

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this section:

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

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Compliance” shall mean a document issued by the Town. stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

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

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

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

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

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

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

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

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

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

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

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

“Town” shall mean the Town of Hornellsville.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

- (a) The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:
- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;
 - (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;
 - (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;
 - (4) to issue Stop Work Orders;
 - (5) to review and investigate complaints;
 - (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;
 - (7) to maintain records;
 - (8) to collect fees as set by the Town Board of this Town;
 - (9) to pursue administrative enforcement actions and proceedings;
 - (10) in consultation with this Town attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and
 - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- (b) The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- (c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- (d) One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training,

and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

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

SECTION 4. BUILDING PERMITS.

- (a) **Building Permits Required.** Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Town.
- (b) **Exemptions.** No Building Permit shall be required for work in any of the following categories:
- (1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;
 - (2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;
 - (3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses)
 - (4) installation of partitions or movable cases less than 5'-9" in height;
 - (5) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (7) 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
 - (8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.
 - (9) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (10) 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 above ground;
 - (11) installation of fences which are not part of an enclosure surrounding a swimming pool;
- (c) **Exemption not deemed authorization to perform non-compliant work.** The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- (d) **Applications for Building Permits.** Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform

Code and the Energy Code. The application shall include or be accompanied by the following information and documentation.

- (1) a description of the location, nature, extent, and scope of the proposed work;
 - (2) the tax map number and the street address of any affected building or structure;
 - (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) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.
- (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, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- (f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- (g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

- (h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- (i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- (j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- (b) Elements of work to be inspected. The following elements of the construction process shall be inspected, 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) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
 - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
 - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and

- (11) a final inspection after all work authorized by the Building Permit has been completed.
- (c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- (d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

- (a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by first class 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 first class 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, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing 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 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

- (a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.
- (b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:
- (1) a written statement of structural observations and/or a final report of special inspections,
 - (2) flood hazard certifications,
 - (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
 - (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.
- (c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:
- (1) the Building Permit number, if any;
 - (2) the date of issuance of the Building Permit, if any;
 - (3) the name (if any), address and tax map number of the property;
 - (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
 - (5) the use and occupancy classification of the structure;
 - (6) the type of construction of the structure;
 - (7) the occupant load of the assembly areas in the structure, if any;

- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) any special conditions imposed in connection with the issuance of the Building Permit; and
 - (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.
- (d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy 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 of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed 3 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- (f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

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

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 3 of 2006, as now in effect or as hereafter amended from time to time.

SECTION 10. OPERATING PERMITS.

- (a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

- (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
- (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - (i) Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;
 - (ii) Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (iii) Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (iv) Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - (v) Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (vi) Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (vii) Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (viii) Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - (ix) Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, “Open Flames.” Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
- (4) buildings containing one or more assembly areas;
- (5) outdoor events where the planned attendance exceeds 1,000 persons;
- (6) facilities that store, handle or use hazardous production materials;
- (7) parking garages as defined in subdivision (a) of section 13 of this local law;
- (8) 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 this Town; and
- (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of this Town.

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

- (b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- (c) This subdivision is intentionally omitted.
- (d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.
- (e) 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 their discretion, issue a single Operating Permit to apply to all such activities.
- (f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
 - (1) One hundred and eighty (180) days for tents, special event structures, and other membrane structures;
 - (2) Sixty (60) days for alternative activities at a sugarhouse;
 - (3) Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
 - (4) One (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

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.

- (g) 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.

- (h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
- (1) at least once every 12 months for buildings which contain an assembly area;
 - (2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
 - (3) at least once every 36 months for multiple dwellings and all nonresidential occupancies.
- (b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- (c) 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 authorized to perform fire safety and property maintenance inspections 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.

- (d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.
- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

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

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

- (a) Definitions. For the purposes of this section:
 - (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
 - (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
 - (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit;
 - (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
 - (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
 - (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- (c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
 - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
 - (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to June 30, 2024.
- (d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.
- (e) Additional Condition Assessments.
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
 - (2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.

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

- (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;
- (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or
- (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

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

SECTION 15. RECORD KEEPING.

- (a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
- (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;
 - (5) all statements and reports issued;
 - (6) all complaints received;
 - (7) all investigations conducted;
 - (8) all condition assessment reports received;

- (9) all fees charged and collected; and
 - (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.
- (b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

- (a) The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- (b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town 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, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

- (a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

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

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty 30 days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by first class mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any

builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by first class within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- (b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- (c) Penalties. In addition to such other penalties as may be prescribed by State law,
- (1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$200.00 per day of violation, or imprisonment not exceeding 15 days, or both; and
 - (2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$200.00 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.
- (d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this 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 this Town.
- (e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule shall be established by resolution of the Town Board of this 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, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 20. PARTIAL INVALIDITY

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

SECTION 21. EFFECTIVE DATE

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

Adjournment:

With no further business, on a motion made by Oakes, seconded by Yanni, the meeting was adjourned at 7:37 p.m.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Respectfully Submitted,

Jessical L. LaFrance
Town Clerk
February 27, 2024

A Public Hearing was held by the Hornellsville Town Board on February 13, 2024 at the Hornellsville Town Hall, 4 Park Avenue, Arkport, NY 14807 at 6:50 p.m. to discuss Local Law 1-2024 To Repeal and Replace Local Law 3 of 2006 Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code. The meeting was called to order by Supervisor Broughton.

Present: Dan Broughton, Supervisor
James Giglio, Council Member
Robert Mauro, Council Member
David Oakes, Council Member
Trisha Yanni, Council Member
Recording Secretary: Jessica LaFrance, Town Clerk
Also Present: Jason Emo, Highway Superintendent

The pledge of Allegiance was cited, led by Dan Broughton, Supervisor.

No public was present.

LOCALiQ

Times Telegram | New Jersey Herald
Daily Messenger | Observer-Dispatch
The Leader | Times Herald-Record
The Spectator

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

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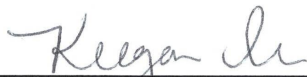
STATE OF NEW YORK, COUNTIES OF
ALLEGANY/STEBEN/LIVINGSTON

The Spectator, a daily newspaper of general circulation in the Counties of Allegany/Steuben/Livingston, New York; Published in Steuben County, New York; that the publication, a copy of which is attached hereto, was published in said newspaper in the issues dated:

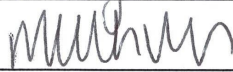
02/07/2024

That said newspaper was regularly issued and circulated on those dates and that the fees charged are legal.

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Legal Clerk



Notary, State of WI, County of Brown

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MARIAH VERHAGEN
Notary Public
State of Wisconsin

Local Law # 1 of 2024

Be it enacted by the Town Board of the Town of Hornellsville, County of Steuben, as follows:

SECTION 1. PURPOSE AND INTENT

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

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this section:

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

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Compliance” shall mean a document issued by the Town. stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

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

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704

(Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

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

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

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

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

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

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

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

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

“Town” shall mean the Town of Hornellsville.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

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

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

- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;
 - (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;
 - (4) to issue Stop Work Orders;
 - (5) to review and investigate complaints;
 - (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;
 - (7) to maintain records;
 - (8) to collect fees as set by the Town Board of this Town;
 - (9) to pursue administrative enforcement actions and proceedings;
 - (10) in consultation with this Town attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and
 - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- (b) The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- (c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- (d) One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- (e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town.

SECTION 4. BUILDING PERMITS.

- (a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any

building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Town.

- (b) Exemptions. No Building Permit shall be required for work in any of the following categories:
- (1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;
 - (2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;
 - (3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses)
 - (4) installation of partitions or movable cases less than 5'-9" in height;
 - (5) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (7) 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
 - (8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.
 - (9) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (10) 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 above ground;
 - (11) installation of fences which are not part of an enclosure surrounding a swimming pool;
- (c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- (d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation.
- (1) a description of the location, nature, extent, and scope of the proposed work;
 - (2) the tax map number and the street address of any affected building or structure;
 - (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) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative

locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

- (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, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- (f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- (g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- (h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- (i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

- (j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- (b) Elements of work to be inspected. The following elements of the construction process shall be inspected, 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) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
 - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
 - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
 - (11) a final inspection after all work authorized by the Building Permit has been completed.
- (c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- (d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not

in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

- (a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by first class 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 first class 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, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing 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 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

- (a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures,

buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

- (b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:
- (1) a written statement of structural observations and/or a final report of special inspections,
 - (2) flood hazard certifications,
 - (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
 - (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.
- (c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:
- (1) the Building Permit number, if any;
 - (2) the date of issuance of the Building Permit, if any;
 - (3) the name (if any), address and tax map number of the property;
 - (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
 - (5) the use and occupancy classification of the structure;
 - (6) the type of construction of the structure;
 - (7) the occupant load of the assembly areas in the structure, if any;
 - (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) any special conditions imposed in connection with the issuance of the Building Permit; and
 - (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.
- (d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy 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 of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or

appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed 3 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

- (e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- (f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

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

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 3 of 2006, as now in effect or as hereafter amended from time to time.

SECTION 10. OPERATING PERMITS.

- (a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
 - (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
 - (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - (i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
 - (ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

- (v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
 - (4) buildings containing one or more assembly areas;
 - (5) outdoor events where the planned attendance exceeds 1,000 persons;
 - (6) facilities that store, handle or use hazardous production materials;
 - (7) parking garages as defined in subdivision (a) of section 13 of this local law;
 - (8) 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 this Town; and
 - (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of this Town.

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

- (b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- (c) This subdivision is intentionally omitted.
- (d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed

either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

- (e) 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 their discretion, issue a single Operating Permit to apply to all such activities.
- (f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
- (1) One hundred and eighty (180) days for tents, special event structures, and other membrane structures;
 - (2) Sixty (60) days for alternative activities at a sugarhouse;
 - (3) Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
 - (4) One (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

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.

- (g) 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.
- (h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
- (1) at least once every 12 months for buildings which contain an assembly area;
 - (2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
 - (3) at least once every 36 months for multiple dwellings and all nonresidential occupancies.

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

- (d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.
- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

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

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;

- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

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

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
- (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

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

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

- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
 - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
 - (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to June 30, 2024.
- (d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.
- (e) Additional Condition Assessments.
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
 - (2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.
- (f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
 - (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
 - (3) an evaluation and description of the unsafe conditions;
 - (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

- (7) the responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- (g) Review Condition Assessment Reports. The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as the Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- (h) The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- (i) This section shall not limit or impair the right or the obligation of the Town:
- (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;
 - (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or
 - (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

- (a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
 - (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
 - (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
 - (i) the accompanying Flood Insurance Rate Map (FIRM);
 - (ii) Flood Boundary and Floodway Map (FBFM); and
 - (iii) related supporting data along with any revisions thereto.
- (b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 15. RECORD KEEPING.

- (a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
- (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;
 - (5) all statements and reports issued;
 - (6) all complaints received;
 - (7) all investigations conducted;
 - (8) all condition assessment reports received;
 - (9) all fees charged and collected; and
 - (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.
- (b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

- (a) The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- (b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town 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, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

- (a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

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

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty 30 days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by first class mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by first class within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- (b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- (c) Penalties. In addition to such other penalties as may be prescribed by State law,
- (1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$200.00 per day of violation, or imprisonment not exceeding 15 days, or both; and
 - (2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code

Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$200.00 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.

- (d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this 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 this Town.
- (e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule shall be established by resolution of the Town Board of this 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, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 20. PARTIAL INVALIDITY

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

SECTION 21. EFFECTIVE DATE

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

Adjournment:

With no further business, on a motion made by Oakes, seconded by Yanni, the meeting was adjourned at 7:00 p.m.

Ayes	5	Broughton, Giglio, Mauro, Oakes, Yanni
Nays	0	

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
February 27, 2024

Resolution 43-2024: Budget Amendments

Motion By: Oakes

Seconded by: Mauro

Resolved, that the following budget amendment is approved.

From		To		Amount
A599	Fund Balance	A1220.4	Supervisor - Contractual	\$29.00
DA599	Fund Balance	DA5130.2	Machinery - Equipment	\$288,843.00

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 44-2024: Supervisor’s Report

Supervisor Broughton presented the monthly report on the Town’s finances for the month of February 2024. The submitted report stated that the balance as of 01/31/24 was \$3,625,365.75. The town had an increase of \$621,685.32 and a decrease of \$916,515.66 leaving a balance as of 02/29/24 of \$3,330,535.41.

Motion By: Giglio

Seconded by: Mauro

Resolved, that the Supervisor’s Report for February 2024 is accepted as submitted.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 45-2024: Letter of Support for South Hornell Fire

Motion By: Yanni

Seconded by: Oakes

Resolved, that the drafted letter of support for a USDA loan/grant for South Hornell Fire be approved.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 46-2024: South Hornell Fire Contract

Motion By: Oakes

Seconded by: Mauro

Resolved, that Supervisor Dan Broughton is authorized to execute the 2024 South Hornell Fire Contract.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 47-2024: Steuben County Shared Services Agreement

Motion By: Mauro

Seconded by: Yanni

Resolved, that Supervisor Dan Broughton is authorized to execute the Steuben County Department of Public Works Shared Services Mutual Aid Agreement.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Adjournment:

With no further business, on a motion made by Yanni, seconded by Oakes, the meeting was adjourned at 8:05 p.m.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Respectfully Submitted,

Jessical L. LaFrance
Town Clerk
March 21, 2024

Resolution 62-2024: Highway Personnel Machine Equipment Operator

Motion By: Giglio

Seconded by: Yanni

Whereas, the Highway Superintendent has advised of the need to hire a new Highway Department employee to fill a vacancy in the position of Machine Equipment Operator; and

Whereas, the Highway superintendent has solicited and considered candidates for said position, and has found Richard Scavo to have the knowledge, experience and qualities needed for such position, and he has further shown interest in working for the Town of Hornellsville and serving the community in that fashion; and be it

Resolved, that the Hornellsville Town Board, after due consideration, and upon the recommendation of the Highway Superintendent, does hereby authorize the hiring of Richard Scavo, as Machine Equipment Operator at the hourly rate of \$26.90 per hour, for 25 hours per week, to start on July 1, 2024, with health benefits in the amount of \$900.00 to be paid by the Town monthly.

Ayes	4	Broughton, Giglio, Oakes, Yanni
Nays	0	
Absent	1	Mauro

Adjournment:

With no further business, on a motion made by Yanni, seconded by Giglio, the meeting was adjourned at 7:51 p.m.

Ayes	4	Broughton, Giglio, Oakes, Yanni
Nays	0	
Absent	1	Mauro

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
May 16, 2024

Further Resolved, that the Supervisor of the Town of Hornellsville is authorized and directed to make application to ORPS for financial assistance concerning the reappraisal project pursuant to Section 1573 of Real Property Tax Law and to further enter into and execute such agreements and/or memorandum of understanding between the Town of Hornellsville and ORPS as may be necessary.

Ayes 4 Broughton, Giglio, Mauro, Oakes
Nays 0
Absent 1 Yanni

Resolution 68-2024: Approving the Standard Work Day and Reporting Resolution

Motion By: Giglio

Seconded by: Mauro

Whereas, the New York State and Local Employees’ Retirement System adopted 2 NYCRR §315.4, a regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009; and

Whereas, the regulation requires an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed, now, therefore, be it

Resolved, the Town of Hornellsville hereby establishes the following standard work days for the listed titles and will report the officials to the New York State and Local Employees’ Retirement System based on their record of activities:

Title	Name	Current Term Begins/Ends	Standard Work Day (Hours/Day)	ROA Result
Elected Officials:				
Highway Superintendent	Jason Emo	01/01/24-12/31/27	8.0	26.42
Supervisor	Dan Broughton	01/01/24-12/31/27	6.0	21.56
Town Clerk	Jessica LaFrance	01/01/24-12/31/27	6.0	25.12
Appointed Officials:				
Bookkeeper	Debra Castle-Harvey	01/01/24-12/31/24	6.0	11.73
Assessor	Katherine Gabriel	10/01/20-09/30/26	6.0	4.00
Court Clerk	Madeleine Seaman	01/01/24-12/31/24	6.0	10.03
Deputy Town Clerk	Shannon Smith	01/01/24-12/31/24	6.0	17.08

Further Resolved, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law; and be it

Further Resolved, this Resolution shall be posted on the Town of Hornellsville website for a minimum of 30 days and on the official sign-board at the main entrance; and be it

Further Resolved, certified copies of this Resolution and Affidavit of Posting shall be filed with the Office of the State Comptroller within 45 days of the adoption.

Ayes 4 Broughton, Giglio, Mauro, Oakes
Nays 0
Absent 1 Yanni

Adjournment:

With no further business, on a motion made by Oakes, seconded by Mauro, the meeting was adjourned at 7:58 p.m.

Ayes	4	Broughton, Giglio, Mauro, Oakes
Nays	0	
Absent	1	Yanni

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
June 11, 2024

Resolution 71-2024: Supervisor’s Report

Supervisor Broughton presented the monthly report on the Town’s finances for the month of June 2024. The submitted report stated that the balance as of 05/31//24 was \$2,848,012.05. The town had an increase of \$397,710.64 and a decrease of \$342,364.38 leaving a balance as of 06/30/24 of \$2,903,358.31.

Motion By: Mauro

Seconded by: Yanni

Resolved, that the Supervisor’s Report for June 2024 is accepted as submitted.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Adjournment:

With no further business, on a motion made by Yanni, seconded by Mauro, the meeting was adjourned at 7:50 p.m.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Respectfully Submitted,

Shannon Smith
Deputy Town Clerk
July 9, 2024

A special meeting of the Town Board of the Town of Hornellsville, County of Steuben, State of New York, was held on July 29, 2024 at the Hornellsville Town Hall, 4 Park Avenue, Arkport, New York 14807 at 6:00 p.m. The meeting was called to order by Supervisor Broughton.

Present: Dan Broughton, Supervisor
James Giglio, Council Member
Robert Mauro, Council Member
David Oakes, Council Member
Trisha Yanni, Council Member
Recording Secretary: Jessica LaFrance, Town Clerk
Also Present: Richard Scavo, Town Justice

The Pledge of Allegiance was cited, led by Dan Broughton, Supervisor.

Resolution 72-2024: Budget Amendments

Motion By: Yanni Seconded by: Oakes

Resolved, that the following budget amendment is approved.

From		To		Amount
DB599	Fund Balance	DB5112.2	Improvements - CHIPS	\$74,443.32

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 73-2024: Authorizing Application of a JCAP Grant 2024-25

Motion By: Mauro Seconded by: Yanni

Whereas, the State of New York Unified Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, automation, furniture, supplies and training;

Whereas, the funding available under the State of New York Unified Court System would facilitate local efforts in upgrading the Town’s Justice Departments; and be it

Resolved, that the Town Board of the Town of Hornellsville authorizes the Hornellsville Town Court to apply for a JCAP grant in the 2024-2025 grant cycle up to \$30,000.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 74-2024: Permission for South Hornell Fire Company to Repair the Fire Station

Motion By: Oakes Seconded by: Giglio

Whereas, the South Hornell Fire Company Inc. sustained a fire at the Fire Station located at 6233 South Hornell Road, owned by the Town of Hornellsville;

Whereas, a claim was filed for building damages and loss incurred by the aforementioned fire with Glatfelter Claims Management;

Whereas, Glatfelter issued a settlement check to the Town based on the damage estimate prepared by Leading Edge Claims Services in the amount of \$55,411.83;

Whereas, the Fire Company desires to commence repairs caused by said fire using the funds distributed by the insurance claim; and be it

Resolved, that the Town Board approves the release of funds ascertained from the insurance company to South Hornell Fire Company Inc. to be used for building repair; and be it

Further Resolved, that the Town Board authorizes Supervisor Dan Broughton to issue a check to South Hornell Fire Company Inc. in the amount of \$55,411.83.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 75-2024: Schedule Public Hearing for Real Estate Transfer Agreement

Motion By: Yanni Seconded by: Mauro

Whereas, the South Hornell Fire Company Inc., has expressed an interest in purchasing Town owned property located at 6233 South Hornell Rd, Hornell, NY 14843;

Whereas, the Town Board desires to conduct a public hearing to consider the execution of a Real Estate Transfer Agreement conveying property owned by the Town of Hornellsville to South Hornell Fire Company Inc. for the continued operation of Fire Protection services; and be it

Resolved, that the Town Board will hold a Public Hearing on August 13, 2024 at 7:00 p.m. at the Town Hall, 4 Park Ave, Arkport, NY.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 76-2024: Authorizing Application for the Safe Streets and Roads for All Grant

Motion By: Yanni Seconded by: Giglio

Whereas, the Bipartisan Infrastructure Law established the Safe Streets and Roads for All (SS4A) program for local initiatives to develop and complete an Action Plan that well defines strategies to prevent roadway fatalities and serious injuries;

Whereas the United States Department of Transportation (USDOT) recently announced the availability of \$780 million in grant funds through the SS4A Grant Program;

Whereas, the Town of Hornellsville recognizes the importance of ensuring the safety and well-being of all residents, visitors, and commuters who utilize the Town’s roadways;

Whereas, the SS4A grant program supports the development of a Comprehensive Safety Action Plan to identify safety deficiencies and propose solutions to prevent death and serious injury to all roadway users in the Town of Hornellsville;

Whereas, the completion of a Comprehensive Safety Action Plan is required for eligibility to compete for additional SS4A Grant Program funds for initiatives to improve safety for all roadway users in the Town of Hornellsville;

Whereas, the Town of Hornellsville is seeking \$120,000 in federal funds for the completion of a Comprehensive Safety Action Plan;

Whereas, the SS4A award may also be utilized on eligible planning and demonstration projects that are guided and informed by the development of the proposed Safety Action Plan;

Whereas, the Town of Hornellsville has the legal authority and the institutional, managerial, and financial capacity to ensure the 20% local matching requirement is met and adequate use of grant funding in line with the SS4A program requirements;

Whereas, that in the event of a successful grant application, the Town may enter into a grant agreement with the USDOT for the above-referenced project, and will comply with all applicable laws and regulations as stated in the contract agreements;

Whereas, the Town of Hornellsville recognizes grant agreements may not exceed five years and is committed to completing the Action Plan in that timeframe; and be it

Resolved, that the Town Board hereby approves this resolution and supports the application and pursuit of the Safe Streets and Roads for All and authorizes staff to prepare and submit the necessary application materials; and be it

Further Resolved, that the Town commits to providing the 20% required local match for the proposed planning and demonstration activities in the amount of \$24,000; and be it

Further Resolved, that the Town commits to guiding a process that will result in a Safety Action Plan that meets SS4A program requirements and results in projects that will be eligible for future SS4A implementation funding.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Adjournment:

With no further business, on a motion made by Yanni, seconded by Mauro, the meeting was adjourned at 6:30 p.m.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
July 30, 2024

A regular meeting of the Town Board of the Town of Hornellsville, County of Steuben, State of New York, was held on August 13, 2024 at the Hornellsville Town Hall, 4 Park Avenue, Arkport, New York 14807 at 7:00 p.m. The meeting was called to order by Supervisor Broughton.

- Present: Dan Broughton, Supervisor
James Giglio, Council Member
Robert Mauro, Council Member
David Oakes, Council Member
Trisha Yanni, Council Member
- Recording Secretary: Shannon Smith, Deputy Town Clerk
- Also Present: Jason Emo, Highway Superintendent
Debra Castle-Harvey, Bookkeeper
Richard Scavo, Town Justice

LOCALiQ

Times Telegram | New Jersey Herald
Daily Messenger | Observer-Dispatch
The Leader | Times Herald-Record
The Spectator

PO Box 631202 Cincinnati, OH 45263-1202

AFFIDAVIT OF PUBLICATION

Town Of Homellsville - Legals
Supervisor
Town Of Homellsville - Legals
4 Park AVE
Arkport NY 14807-9567

The Town of Homellsville will be holding a Public Hearing on Tuesday, August 13, 2024 at 7:00 pm at the Town Hall, 4 Park Ave, Arkport, NY.

STATE OF NEW YORK, COUNTIES OF ALLEGANY/STEBEN/LIVINGSTON

The purpose of this hearing will be to consider the execution of a Real Estate Transfer Agreement conveying property located at 6233 Crittenden Street, Hornell, NY 14843, Tax Map #166.18-01-010.000, owned by the Town of Homellsville to South Hornell Fire Company Inc. for the continued operation of Fire Protection services.

The Spectator, a daily newspaper of general circulation in the Counties of Allegany/Steuben/Livingston, New York; Published in Steuben County, New York; that the publication, a copy of which is attached hereto, was published in said newspaper in the issues dated:

08/04/2024

That said newspaper was regularly issued and circulated on those dates and that the fees charged are legal.

Sworn to and subscribed before on 08/04/2024

Legal Clerk

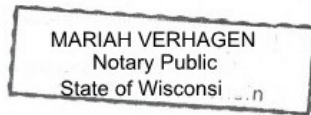
Notary, State of WI, County of Brown

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Regular meeting to follow.

PUBLIC HEARING

A Public Hearing was held by the Hornellsville Town Board on August 13, 2024 at the Hornellsville Town Hall, 4 Park Avenue, Arkport, NY 14807 at 7:00 p.m. to consider the execution of a Real Estate Transfer Agreement conveying property owned by the Town of Hornellsville to South Hornell Fire Inc.

There were no questions or comments from the public.

Motion was made by Mauro, seconded by Oakes to close the Public Hearing at 7:02 p.m. and resume the regular meeting.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Reports Submitted:

Code Enforcement Report	July 2024
Highway Report	July 2024
Fire Report	Dated August 12, 2024
Bookkeepers Report	Dated August 13, 2024
Supervisors Report	July 2024

Resolution 77-2024: Approval of the Minutes

Motion By: Mauro Seconded by: Yanni

Resolved, that the regular minutes of July 9, 2024 and the special meeting minutes of July 29, 2024 be approved.

Ayes	5	Broughton, Giglio, Mauro, Oakes, Yanni
Nays	0	

Resolution 78-2024: Audit of Claims

Motion By: Oakes Seconded by: Mauro

Resolved, that vouchers 243 - 280 totaling \$115,174.59 contained on Abstract 8 have been reviewed by the Town Board and are authorized for payment.

General Fund A	\$6,313.85
General Fund B	\$225.12
Highway Townwide DA	\$60,936.97
Highway Outside DB	\$47,698.65
Total	\$115,174.59

Ayes	5	Broughton, Giglio, Mauro, Oakes, Yanni
Nays	0	

Resolution 79-2024: Supervisor’s Report

Supervisor Broughton presented the monthly report on the Town’s finances for the month of July 2024. The submitted report stated that the balance as of 06/30/24 was \$2,903,358.31. The town had an increase of \$436,778.98 and a decrease of \$836,040.34 leaving a balance as of 07/31/24 of \$2,504,096.95.

Motion By: Yanni Seconded by: Giglio

Resolved, that the Supervisor’s Report for July 2024 is accepted as submitted.

Ayes	5	Broughton, Giglio, Mauro, Oakes, Yanni
Nays	0	

Resolution 80-2024: Budget Amendments

Motion By: Oakes Seconded by: Mauro

Resolved, that the following budget amendment is approved.

From		To		Amount
A599	Fund Balance	A1650.4	Communications	\$236.37
DA599	Fund Balance	DA5130.2	Machinery – Contractual	\$63,893.00

DB3501	CHIPS	DB5112.2	Improvements – CHIPS	\$29,150.53
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Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
 Nays 0

Resolution 81-2024: Approval for the Grant Writer to Attend Training

Motion By: Yanni Seconded by: Mauro

Resolved, that the Grant Writer is authorized the attend training in Buffalo August 1 & 2, 2024 with Grant Management USA; and be it

Further Resolved, reimbursement for mileage (in the use of employee’s personal vehicle) in the course of doing Town business shall be paid according to the IRS Standard Rate for 2024, currently set at 67 cents per mile with additional expenses to be paid by voucher as incurred.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
 Nays 0

The Town Board will conduct a Budget Workshop on September 10, 2024 at 6:00 p.m. at the Town Hall located at 4 Park Avenue, Arkport, NY 14807 regarding the 2025 budget.

The Town Clerk is directed to publish notice in the Town’s official designated newspaper.

Adjournment:

With no further business, on a motion made by Yanni, seconded by Mauro, the meeting was adjourned at 8:00 p.m.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
 Nays 0

Respectfully Submitted,

Shannon Smith
 Deputy Town Clerk
 September 4, 2024

A special meeting of the Town Board of the Town of Hornellsville, County of Steuben, State of New York, was held on September 10, 2024 at the Hornellsville Town Hall, 4 Park Avenue, Arkport, New York 14807 at 6:00 p.m. The meeting was called to order by Supervisor Broughton.

- Present: Dan Broughton, Supervisor
Robert Mauro, Council Member
David Oakes, Council Member
Trisha Yanni, Council Member
- Recording Secretary: Jessica LaFrance, Town Clerk
- Also Present: Jason Emo, Highway Superintendent
Shannon Smith, Deputy Town Clerk
Debra Castle-Harvey, Bookkeeper
Richard Scavo, Town Justice
- Absent: James Giglio, Council Member

LOCALIQ

Times Telegram | New Jersey Herald
Daily Messenger | Observer-Dispatch
The Leader | Times Herald-Record
The Spectator

PO Box 631202 Cincinnati, OH 45263-1202

AFFIDAVIT OF PUBLICATION

Town Of Hornellsville - Legals
Supervisor
Town Of Hornellsville - Legals
PO BOX 1
Arkport NY 14807

Notice is hereby given that the
Town of Hornellsville will be
holding a Budget Workshop on
Tuesday, September 10 2024, at
6 pm.

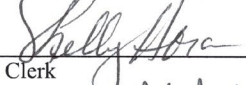
STATE OF NEW YORK, COUNTIES OF
ALLEGANY/STEBEN/LIVINGSTON

The Spectator, a daily newspaper of general circulation in
the Counties of Allegany/Steuben/Livingston, New York;
Published in Steuben County, New York; that the
publication, a copy of which is attached hereto, was
published in said newspaper in the issues dated:

08/29/2024

That said newspaper was regularly issued and circulated on
those dates and that the fees charged are legal.

Sworn to and subscribed before on 08/29/2024



Legal Clerk



Notary, State of WI, County of Brown

8.25.26

My commission expires

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Notary Public
State of Wisconsin

Purpose:

The purpose of this special meeting was to have a budget workshop to discuss and revise the 2025 tentative budget.

Tentative Budget:

The Board was presented with a tentative budget prepared by Castle-Harvey and Broughton with information provided by each department. Increases were noted in some expenditure accounts such as medical insurance. The 2025 tentative budget also proposed a 3% cost of living increase for all elected and appointed officials.

Adjournment:

With no further business, the special meeting was adjourned and the regular meeting was called to order.

Ayes	4	Broughton, Mauro, Oakes, Yanni
Nays	0	
Absent	1	Giglio

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
September 18, 2024

Whereas, a public hearing was held by the Town of Hornellsville Town Board on August 13,2024 at the Hornellsville Town Hall at 7:00 p.m. located at 4 Park Avenue, Arkport, NY 14807 to consider the execution of a Real Estate Transfer Agreement conveying property owned by the Town of Hornellsville to South Hornell Fire Company Inc; and

Whereas, the public was afforded the opportunity to speak regarding said transfer of real estate and no comment was made; and

Whereas, the Town of Hornellsville Town Board feels that it would be beneficial to the community to transfer 6233 Crittenden Street to South Hornell Fire Company Inc.; and be it

Resolved, that Supervisor Dan Broughton is authorized to execute the Real Estate Transfer Agreement with South Hornell Fire Company Inc.

Ayes 4 Broughton, Mauro, Oakes, Yanni
Nays 0
Absent 1 Giglio

Resolution 88-2024: Breach Notification Policy

Motion By: Mauro Seconded by: Oakes

Whereas, §208-g of the New York State Law requires all employers to adopt a harassment and discrimination prevention policy; and be it

Resolved, that the Town Board hereby approves and adopts the Breach Notification Policy as presented at this meeting.

Ayes 4 Broughton, Mauro, Oakes, Yanni
Nays 0
Absent 1 Giglio

Resolution 89-2024: Policy Against Discrimination and Harassment

Motion By: Mauro Seconded by: Oakes

Whereas, §201-g of the New York State Labor Law requires all employers to adopt a harassment and discrimination prevention policy; and be it

Resolved, that the Hornellsville Town Board hereby approves and adopts the Policy Against Discrimination and Harassment as presented at this meeting; and be it

Further Resolved, that said Policy shall supersede and replace all prior Town policies regarding employee discrimination and harassment.

Ayes 4 Broughton, Mauro, Oakes, Yanni
Nays 0
Absent 1 Giglio

Resolution 90-2024: Schedule a Budget Workshop

Motion By: Yanni Seconded by: Mauro

Whereas, a budget workshop is needed to discuss the preliminary budget for fiscal year 2025; and be it

Resolved, that the Hornellsville Town Board will conduct a Budget Workshop on October 8, 2024 at 6:00 p.m. at the Town Hall located at 4 Park Avenue, Arkport, NY 14807; and be it

Further Resolved, that the Town Clerk is directed to give notice of such workshop by the publication thereof in the Town’s official designated newspaper.

Ayes 4 Broughton, Mauro, Oakes, Yanni
Nays 0
Absent 1 Giglio

Resolution 91-2024: Schedule Public Hearing for Local Law 2-2024 and 3-2024

Motion By: Mauro Seconded by: Oakes

Whereas, Local Law 2-2024 Providing a Partial Exemption from Taxation of Real Property for Volunteer Firefighters and Volunteer Ambulance Workers and Local Law 3-2024 To Override the Tax Levy Limit for Fiscal Year 2025 were introduced during a regular meeting of the Town Board on September 10, 2024; and be it

Resolved, that the Hornellsville Town Board will conduct a Public Hearing on October 8, 2024 at 7:00 p.m. at the Town Hall located at 4 Park Avenue, Arkport, NY 14807; and be it

Further Resolved, that the Town Clerk is directed to give notice of such hearing by the publication thereof in the Town’s official designated newspaper.

Ayes 4 Broughton, Mauro, Oakes, Yanni
Nays 0
Absent 1 Giglio

Resolution 92-2024: Schedule Public Hearing for 2025 Final Budget

Motion By: Mauro Seconded by: Oakes

Whereas, the Town Supervisor and Bookkeeper have prepared a tentative budget for the fiscal year 2025 that was submitted to the Town Board and the Town Clerk; and

Whereas, the Town Board, pursuant to Town Law §108, must hold a public hearing on or before the Thursday immediately following the general election, and a notice of such public hearing must be published at least once in the Town’s official newspaper at least five days prior to the hearing; and be it

Resolved, that the Hornellsville Town Board will conduct a Public Hearing on October 8, 2024 at 7:00 p.m. at the Town Hall located at 4 Park Avenue, Arkport, NY 14807, at which time the preliminary budget shall be made available for inspection by interested persons; and be it

Further Resolved, that the Town Clerk is directed to give notice of such hearing by the publication thereof in the Town’s official designated newspaper; and be it

Further Resolved, that the Town Clerk shall publish the proposed salaries of the Town Board members, Supervisor, Town Clerk, Town Superintendent of Highways and Town Justices as follows:

TOWN BOARD (4 @ \$6,390.82)	\$25,563.26
SUPERVISOR	\$18,606.96
TOWN CLERK	\$50,592.57

HIGHWAY SUPERINTENDENT	\$84,954.47
TOWN JUSTICE	\$13,778.19
TOWN JUSTICE	\$11,641.91

Ayes 4 Broughton, Mauro, Oakes, Yanni
Nays 0
Absent 1 Giglio

Adjournment:

With no further business, on a motion made by Oakes, seconded by Mauro, the meeting was adjourned at 7:57 p.m.

Ayes 4 Broughton, Mauro, Oakes, Yanni
Nays 0
Absent 1 Giglio

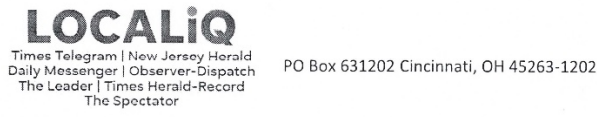
Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
September 18, 2024

4 PARK AVE, ARKPORT, NY 14807

A special meeting of the Town Board of the Town of Hornellsville, County of Steuben, State of New York, was held on October 8, 2024 at the Hornellsville Town Hall, 4 Park Avenue, Arkport, New York 14807 at 6:00 p.m. The meeting was called to order by Supervisor Broughton.

- Present: Dan Broughton, Supervisor
James Giglio, Council Member
David Oakes, Council Member
Trisha Yanni, Council Member
- Recording Secretary: Jessica LaFrance, Town Clerk
- Also Present: Jason Emo, Highway Superintendent
Shannon Smith, Deputy Town Clerk
Debra Castle-Harvey, Bookkeeper
- Absent: Robert Mauro, Council Member



AFFIDAVIT OF PUBLICATION

Town Of Hornellsville - Legals
Supervisor
Town Of Hornellsville - Legals
PO BOX 1
Arkport NY 14807

STATE OF NEW YORK, COUNTIES OF ALLEGANY/STEBEN/LIVINGSTON

The Spectator, a daily newspaper of general circulation in the Counties of Allegany/Steuben/Livingston, New York; Published in Steuben County, New York; that the publication, a copy of which is attached hereto, was published in said newspaper in the issues dated:

10/03/2024

That said newspaper was regularly issued and circulated on those dates and that the fees charged are legal.

Sworn to and subscribed before on 10/03/2024

Legal Clerk Keegan Moran
M Moran
Notary, State of WI, County of Brown

My commission expires 8.25.26

Publication Cost:	\$43.13	# of Copies:	
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Notice is hereby given that the Town of Hornellsville will be holding a Budget Workshop on Tuesday, October 8, 2024 at 6 pm at the Town Hall at 4 Park Ave, Arkport, NY. A Public Hearing will be held at 7:00 pm on the Final Budget for the Fiscal Year 2025, Local Law 2-2024 Providing a Partial Exemption from Taxation of Real Property for Volunteer Firefighters and Volunteer Ambulance Workers and Local Law 3-2024 To Override the Tax Levy Limit for Fiscal Year 2025. The regular meeting will immediately follow.

Proposed salaries for elected officials for Fiscal Year 2025 are as follows:

- TOWN BOARD (4 @ \$6,390.82) \$25,563.26
- SUPERVISOR \$18,606.96
- TOWN CLERK \$50,592.57
- HIGHWAY SUPERINTENDENT \$84,954.47
- TOWN JUSTICE \$13,778.19
- TOWN JUSTICE \$11,641.91

MARIAH VERHAGEN
Notary Public
State of Wisconsin

Purpose:

The purpose of this special meeting was to have a budget workshop to discuss and revise the 2025 preliminary budget.

Preliminary Budget:

The Board was presented with a preliminary budget prepared by Castle-Harvey and Broughton with information provided by each department. Further discussions were had to reduce the financial impact of the 2025 budget on the residents of the Town of Hornellsville.

Adjournment:

With no further business, on a motion made by Yanni, seconded by Oakes the special meeting was adjourned and the regular meeting was called to order.

Ayes	4	Broughton, Giglio, Oakes, Yanni
Nays	0	
Absent	1	Mauro

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
October 16, 2024

4 PARK AVE, ARKPORT, NY 14807

A regular meeting of the Town Board of the Town of Hornellsville, County of Steuben, State of New York, was held on October 8, 2024 at the Hornellsville Town Hall, 4 Park Avenue, Arkport, New York 14807 at 7:00 p.m. The meeting was called to order by Supervisor Broughton.

- Present: Dan Broughton, Supervisor
James Giglio, Council Member
David Oakes, Council Member
Trisha Yanni, Council Member
- Recording Secretary: Jessica LaFrance, Town Clerk
- Also Present: Jason Emo, Highway Superintendent
Shannon Smith, Deputy Town Clerk
Debra Castle-Harvey, Bookkeeper
- Absent: Robert Mauro, Council Member



AFFIDAVIT OF PUBLICATION

Town Of Hornellsville - Legals
Supervisor
Town Of Hornellsville - Legals
PO BOX 1
Arkport NY 14807

STATE OF NEW YORK, COUNTIES OF ALLEGANY/STEBEN/LIVINGSTON

The Spectator, a daily newspaper of general circulation in the Counties of Allegany/Steuben/Livingston, New York; Published in Steuben County, New York; that the publication, a copy of which is attached hereto, was published in said newspaper in the issues dated:

10/03/2024

That said newspaper was regularly issued and circulated on those dates and that the fees charged are legal.

Sworn to and subscribed before on 10/03/2024

Legal Clerk Keegan Moran
M Moran
Notary, State of WI, County of Brown

My commission expires 8.25.26

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MARIAH VERHAGEN
Notary Public
State of Wisconsin

Notice is hereby given that the Town of Hornellsville will be holding a Budget Workshop on Tuesday, October 8, 2024 at 6 pm at the Town Hall at 4 Park Ave, Arkport, NY. A Public Hearing will be held at 7:00 pm on the Final Budget for the Fiscal Year 2025, Local Law 2-2024 Providing a Partial Exemption from Taxation of Real Property for Volunteer Firefighters and Volunteer Ambulance Workers and Local Law 3-2024 To Override the Tax Levy Limit for Fiscal Year 2025. The regular meeting will immediately follow.

Proposed salaries for elected officials for Fiscal Year 2025 are as follows:

- TOWN BOARD (4 @ \$6,390.82) \$25,563.26
- SUPERVISOR \$18,606.96
- TOWN CLERK \$50,592.57
- HIGHWAY SUPERINTENDENT \$84,954.47
- TOWN JUSTICE \$13,778.19
- TOWN JUSTICE \$11,641.91

Resolution 98-2024: Adopt Local Law 2-2024

Motion By: Yanni

Seconded by: Oakes

Whereas, an introductory Local Law entitled A Local Law Providing a Partial Exemption from Taxation of Real Property for Volunteer Firefighters and Volunteer Ambulance Workers was introduced before the Town Board on Tuesday, September 10, 2024 and upon notice duly published and posted, a hearing was held on October 8, 2024 at 7:00 p.m., before the Town Board; and

Whereas, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and be it

Resolved, that Local Law 2-2024, of the Town of Hornellsville, Steuben County, New York, is hereby adopted as follows and effective upon its filing with the New York State Department of State.

Ayes	4	Broughton, Giglio, Oakes, Yanni
Nays	0	
Absent	1	Mauro

Resolution 99-2024: Adopt Local Law 3-2024

Motion By: Yanni

Seconded by: Broughton

Whereas, an introductory Local Law entitled A Local Law to Override the Tax Levy Limit for Fiscal Year 2025 was introduced before the Town Board on Tuesday, September 10, 2024 and upon notice duly published and posted, a hearing was held on October 8, 2024 at 7:00 p.m., before the Town Board; and

Whereas, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and be it

Resolved, that Local Law 3-2024, of the Town of Hornellsville, Steuben County, New York, is hereby adopted as follows and effective upon its filing with the New York State Department of State.

Ayes	4	Broughton, Giglio, Oakes, Yanni
Nays	0	
Absent	1	Mauro

Resolution 100-2024: Lu Engineers Bell Haven Water Main Improvement Contract

Motion By: Oakes

Seconded by: Giglio

Whereas, professional services for the design of water main improvements along Dineen Road from Magee Road to NYS Route 36 are needed; and

Whereas, Lu Engineers have provided a proposal including the scope of services at a cost of \$57,000; and be it

Resolved, that Supervisor Dan Broughton is authorized to execute the contract for professional services with Lu Engineers.

Ayes	4	Broughton, Giglio, Oakes, Yanni
Nays	0	
Absent	1	Mauro

Resolution 101-2024: Chalifoux Law, PC Retainer Agreement

Motion By: Yanni

Seconded by: Oakes

Whereas, representation in connection with research regarding the use of water districts and intermunicipal agreements to share the cost of maintenance of the water line extending from the Village of Canisteo to the Town of Hornellsville is needed; and

Whereas, Chalifoux Law has provided a retainer agreement for said representation and research at a rate of \$300.00 per hour for attorney services and \$100.00 per hour for paralegal services; and be it

Resolved, that Supervisor Dan Broughton is authorized to execute the agreement for representation and research with Chalifoux Law.

Ayes	4	Broughton, Giglio, Oakes, Yanni
Nays	0	
Absent	1	Mauro

Adjournment:

With no further business, on a motion made by Yanni, seconded by Oakes, the meeting was adjourned at 7:50 p.m.

Ayes	4	Broughton, Giglio, Oakes, Yanni
Nays	0	
Absent	1	Mauro

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
October 16, 2024

Resolution 107-2024: Adopting the 2025 Budget

Motion By: Yanni

Seconded by: Mauro

Whereas, the Budget Officer has prepared a tentative budget for the year 2025 and submitted the proposed budget to the Town Board and the Town Clerk for consideration; and

Whereas, pursuant to Town Law §108 a public hearing was held on Tuesday, October 8, 2024 at the Hornellsville Town Hall, 4 Park Ave, Arkport, where said proposed budget was open for the inspection by the public and interested taxpayers were given the opportunity to file or register any objections to said budget; and be it

Resolved, that the Hornellsville Town Board hereby approves and adopts the 2025 budget as submitted, amended, and summarized by fund; and be it

Further Resolved, that the 2025 budget hereby approved and adopted shall be signed by the Town Clerk and made a part of the public records of the Town of Hornellsville.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 108-2024: Authorizing the Highway Superintendent to Sell and Purchase Replacement Equipment

Motion By: Oakes

Seconded by: Mauro

Whereas, the Town of Hornellsville Highway Department has identified the need to replace its existing equipment to improve operational efficiency and ensure the safety and reliability of municipal services; and

Whereas, the Highway Superintendent has proposed selling the current equipment and using the proceeds to acquire new replacement equipment, resulting in no net cost to the Town; and be it

Resolved, by the Hornellsville Town Board that the Highway Superintendent is hereby authorized to sell one 2020 Caterpillar Grader 150, one 2022 Caterpillar Excavator 319 and one 2022 Caterpillar Loader 962M; and be it

Further Resolved, the Highway Superintendent is further authorized to use the proceeds from the sale to purchase one 2024 Grader, one 2024 Excavator and one 2024 Loader at a cost not to exceed the amount of the proceeds from the sale, ensuring no additional cost to the Town.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 109-2024: Authorizing the Supervisor to Execute a Deed of Sale

Motion By: Mauro

Seconded by: Oakes

Whereas, the Town of Hornellsville is the owner of certain real property located at 6233 South Hornell Rd, Hornell, NY, Tax Map #166.18-01-010.000; and

Whereas, a public hearing was held by the Hornellsville Town Board on August 13, 2024 at the Hornellsville Town Hall at 7:00 p.m. located at 4 Park Avenue, Arkport, NY, in accordance with applicable law, to consider the transfer of real property owned by the Town of Hornellsville to South Hornell Fire Company Inc; and

Whereas, all parties in attendance were provided an opportunity to speak on behalf of or in opposition to said proposed transfer of real estate and no comment was made; and

Nays 0

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
November 21, 2024

A special meeting of the Town Board of the Town of Hornellsville, County of Steuben, State of New York, was held on December 2, 2024 at the Hornellsville Town Hall, 4 Park Avenue, Arkport, New York 14807 at 4:00 p.m. The meeting was called to order by Supervisor Broughton.

Present: Dan Broughton, Supervisor
James Giglio, Council Member
Robert Mauro, Council Member
David Oakes, Council Member
Recording Secretary: Jessica LaFrance, Town Clerk
Also Present: Richard Scavo, Town Justice
Absent: Trisha Yanni, Council Member

The Pledge of Allegiance was cited, led by Dan Broughton, Supervisor.

Purpose:

The purpose of this special meeting was to discuss the use of remaining ARPA funds and to review proposed Resolution 111-2024.

No action was taken on the use of remaining ARPA funds.

Resolution 111-2024: Authorizing the Re-Levy of Unpaid Water Bills on 2025 Town and County Tax Bills

Motion By: Giglio Seconded by: Mauro

Whereas, in accordance with Town Law §198, the Town of Hornellsville has opted to enforce the re-levy of unpaid accounts for water; and

Whereas, the Steuben County Legislature shall levy the sum of \$1,190.75 against the applicable properties as provided by the Village of Almond on the 2025 Town and County tax bills; and

Whereas, the Steuben County Legislature shall levy the sum of \$23,606.83 against the applicable properties as provided by the City of Hornell on the 2025 Town and County tax bills; and be it

Resolved, that the Hornellsville Town Board, does hereby approve the re-levy in such sums as indicated above.

Ayes 4 Broughton, Giglio, Mauro, Oakes
Nays 0
Absent 1 Yanni

Adjournment:

With no further business, on a motion made by Oakes, seconded by Giglio, the meeting was adjourned at 5:02 p.m.

Ayes 4 Broughton, Giglio, Mauro, Oakes
Nays 0
Absent 1 Yanni

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
December 4, 2024

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 114-2024: Supervisor’s Report

Supervisor Broughton presented the monthly report on the Town’s finances for the month of November 2024. The submitted report stated that the balance as of 10/31/24 was \$2,350,390.31. The town had an increase of \$1,364,473.71 and a decrease of \$555,988.36 leaving a balance as of 11/30/24 of \$3,158,875.66.

Motion By: Yanni Seconded by: Giglio

Resolved, that the Supervisor’s Report for November 2024 is accepted as submitted.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 115-2024: Budget Amendments

Motion By: Giglio Seconded by: Yanni

Resolved, that the following budget amendments are approved.

From		To		Amount
A511	Reval Reserve	A1355.4	Assessor – Contractual	\$10,991.81
A599	Fund Balance	A1355.4	Assessor – Contractual	\$1,063.19
A599	Fund Balance	A1670.4	Central Print and Mailing	\$54.21
A599	Fund Balance	A5132.4	Garage	\$243.87
A599	Fund Balance	A5182.4	Street Lighting	\$204.70
DA4089	ARPA Funds	DA5120.4	Bridges – Contractual	\$71,999.89
DA2665	Sale of Equipment	DA5130.2	Machinery – Equipment	\$954,467.00
DA599	Fund Balance	DA5130.4	Machinery – Contractual	\$3,108.07
DA599	Fund Balance	DA5142.4	Snow Removal	\$209.26
SL1-599	Fund Balance	SL1-5182.4	Street Lighting District	\$4,967.58

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 116-2024: Authorizing the Highway Superintendent to Preorder Equipment

Motion By: Yanni Seconded by: Giglio

Whereas, the Town of Hornellsville Highway Department requires specific equipment to perform essential road maintenance and other public works functions; and

Whereas, the Highway Superintendent has identified the necessity to preorder one 2025 Kubota M6-131DTC-F-1 Tractor and one 2026 Freightliner 114SD; and be it

Resolved, by the Hornellsville Town Board that the Highway Superintendent is authorized to preorder the aforementioned equipment; and be it

Further Resolved, that the Highway Superintendent is further authorized to execute any documents necessary to complete the preorder including contracts, purchase orders, and related agreements.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 117-2024: Approving the Allocation of ARPA Funds

Motion By: Oakes

Seconded by: Mauro

Whereas, the Town of Hornellsville has received funds from the American Rescue Plan Act of 2021 (ARPA) to address the public health and economic impacts of the COVID-19 pandemic; and

Whereas, §603(c) of ARPA and the associated regulations and guidance issued by the United States Department of the Treasury govern the permissible uses of such funds, including mitigating the public health emergency, addressing its negative economic impacts, and investing in water, sewer, and broadband infrastructure; and

Whereas, the Town of Hornellsville has evaluated the needs of the community and identified appropriate uses of ARPA funds that comply with the appropriate guidelines; and be it

Resolved, by the Hornellsville Town Board that the allocation of ARPA funds in the amount of \$60,500 is hereby approved for the water extension on Old Almond Road; and be it

Further resolved, that the Town Board authorizes Supervisor Broughton to execute any agreements necessary to implement this resolution.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 118-2024: Authorizing Payment for a Water Extension

Motion By: Yanni

Seconded by: Giglio

Whereas, the Hornellsville Town Board has reviewed the claims included in abstract 12 and has authorized them for payment via Resolution 113-2024; and

Whereas, an additional claim, identified as voucher 422 to be paid to the City of Hornell for \$60,500 has been submitted for consideration and inclusion in the current abstract; and

Whereas, voucher 422 has been reviewed by the Hornellsville Town Board and determined to be a valid and proper claim against the Town, and the funds for its payment are available within the Town’s budget; and be it

Resolved, the Hornellsville Town Board hereby approves the addition of voucher 422 to the current abstract of audited claims; and be it

Further Resolved, that the Hornellsville Town Board authorizes the payment of voucher 422 in the amount of \$60,500 chargeable to SW1-8340.4 to extend water services to the Old Almond Road.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Resolution 119-2024: Approving the Use of ARPA Funds for a Intermunicipal Sewer Evaluation

Motion By: Yanni

Seconded by: Mauro

Whereas, the Town of Hornellsville recognizes the need to conduct a study on sanitary sewer infrastructure to assess current conditions, evaluate potential improvements, and plan for future development; and

Whereas, the Town of Hornellsville, the City of Hornell, and the Village of North Hornell have agreed to jointly fund the sanitary sewer study at a total cost of \$60,000, with each municipality contributing \$20,000: and be it

Resolved, that the Hornellsville Town Board hereby approves the use of \$20,000 in ARPA funds to fulfill its share of the cost for the intermunicipal sewer evaluation, as outlined in the proposal from LaBella Associates; and be it

Further Resolved, that the Town Board authorizes Supervisor Dan Broughton to coordinate with the City of Hornell and the Village of North Hornell to ensure each municipality contributes their respective amounts of \$20,000 toward the study; and be it

Further resolved, that the Town Board authorizes the Supervisor to execute any agreements necessary to implement this resolution, including those with LaBella Associates and partner municipalities.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Adjournment:

With no further business, on a motion made by Yanni, seconded by Mauro, the meeting was adjourned at 7:36 p.m.

Ayes 5 Broughton, Giglio, Mauro, Oakes, Yanni
Nays 0

Respectfully Submitted,

Jessica L. LaFrance
Town Clerk
December 12, 2024