

**TOWN OF HURON**

**LOCAL LAW NO. 2 OF 2023**

**A LOCAL LAW REPEALING AND REPLACING  
THE TOWN OF HURON BUILDING LAW**

Be it enacted by the Town Board of the Town of Huron as follows:

The Town of Huron Building Law is repealed and replaced in its entirety as follows:

**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 of this local law.

**2. Definitions**

The words and terms used in this law shall have the same meaning as those contained in New York Executive Law, Article 18, unless the context may otherwise require. The following shall define words and terms used in this law:

**ABANDONED STRUCTURE** - A structure that is no longer used or usable for any legal activity, that is not maintained, and for which no substantial physical efforts are being made to maintain, restore, repair and resume use.

**ASSEMBLY AREA**- 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** - 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 law.

**CERTIFICATE OF COMPLIANCE** - a document issued by the Town of Huron stating that work was done in compliance with approved construction documents and the Codes.

**CERTIFICATE OF OCCUPANCY**- a document issued by the Town of Huron 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 of Huron, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

**CODE ENFORCEMENT OFFICER** - the Code Enforcement Officer appointed pursuant to section 3 of this local law.

**CODE ENFORCEMENT PERSONNEL** - the Code Enforcement Officer and all Inspectors.

**CODES** - the Uniform Code and Energy Code.

**ORDER TO REMEDY** - An order issued by the Code Enforcement Officer pursuant to subdivision 14(b) of this law.

**DAMAGED OR DESTROYED STRUCTURE** - A structure that has been damaged or destroyed by fire, wind or other causes, rendering at least ten (10%) percent of the floor area of the structure temporarily or permanently uninhabitable, unusable or unsafe.

**ENERGY CODE** - the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

**FCNYS** - 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** - 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** - an inspector appointed pursuant to subdivision 3(a) of this local law.

**MOBILE FOOD PREPARATION VEHICLES** - 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** - a permit issued pursuant to section 7 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 - an order issued by the Code Enforcement Officer pursuant to subdivision 14(b) of this local law.

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

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

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

RCNYS - 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 - An order issued pursuant to subdivision (d) of Section 14 of this local law.

STRUCTURE - Anything constructed or erected, the use of which requires location on and attachment to the ground or attachment to something having location on the ground, including a building. "Structure" shall not include personal property unattached to the ground or to a building, and shall not include agricultural fences, or other fences not more than four feet in height. "Structure" shall also include storage containers, tent structures, and storage sheds.

SUGARHOUSE - 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 - a certificate issued pursuant to subdivision 6(d) of this local law.

TOWN - The Town of Huron.

TOWN LAND DEVELOPMENT REGULATIONS – The Town of Huron Land Development Regulations and Public Works Requirements.

TOWN ZONING LAW -- Local Law No. 1 of 1973 of the Town of Huron, as it may be amended from time to time.

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.

VACANT PROPERTY - Any parcel of land in the Town that contains any building or structure that

is not lawfully occupied or inhabited by human beings as evidenced by the conditions set forth in the definition of "evidence of vacancy" above which is without lawful tenant or lawful occupant or without a certificate of occupancy. "Vacant property" does not mean property that is temporarily unoccupied while the residents are away on vacation, personal matters or business, or is not intended by the owner to be left vacant, so long as the period does not exceed 30 days. "Vacant Property" is subject to the Property Maintenance Law of the Town of Huron.

### 3. Code Enforcement Officer.

- a. **Code Enforcement Officer.** The provisions of this law shall be administered and enforced by the Code Enforcement Officer ("CEO") appointed by the Town Board, who shall have the power to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this law. The Town Board may appoint one or more Deputy CEO, which deputies shall have the powers and shall perform the same duties as the CEO, but always subject to the direction and control of the CEO. The Town Board may also contract the private firms to assist the CEO in performing his or her duties, including inspections and reviews, and provide for the compensation of such firms. The Town Board may also appoint an Acting CEO on a temporary basis to fulfill the duties of the CEO if he or she is temporarily absent or unable to fulfill such duties.
- b. **Residency.** Neither the CEO, nor a Deputy or an Acting CEO, need be a resident or elector of the Town of Huron, provided that he or she resides in Wayne County in the State of New York.
- c. **Duties.** It shall be the duty of the CEO to administer and enforce this law, the Uniform Code, the Town Zoning Law, the Town Land Development Regulations, the Energy Code, the Property Maintenance Law and all other laws, codes, rules and regulations applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures and appurtenances and those applicable to fire prevention and fire safety in the Town. The CEO shall have the following powers and duties:
  - i. 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;
  - ii. 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 CEO may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

- iii. 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;
  - iv. to issue Stop Work Orders;
  - v. to review and investigate complaints;
  - vi. to issue orders pursuant to section 14 of this local law;
  - vii. to maintain records; including records of all applications for permits and a record of all permits issued with a notation of all special conditions involved, and to file and safely keep copies of all plans submitted, and the same shall form a part of the records of his or her office, and shall be available for use of the Town and other officials;
  - viii. to collect fees as set by the Town Board of Town of Huron;
  - ix. to pursue administrative enforcement actions and proceedings;
  - x. in consultation with Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, the Property Maintenance Law, the Town Zoning Law, the Town Dock and Mooring Law, the Town Land Development Law, and this local law, or to abate or correct conditions not in compliance with those laws; and
  - xi. to exercise all other powers and fulfill all other duties conferred upon the CEO by this local law.
- d. **Appearance Tickets.** The CEO is authorized to issue appearance tickets for violations of this law, the Uniform Code, the Town Zoning Law, the Town Land Development Regulations, the Energy Code, the Property Maintenance Law and all other laws, codes, rules and regulations applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures and appurtenances and those applicable to fire prevention and fire safety in the Town, requiring appearance by the alleged violator in Huron Town Justice Court.
- e. **Intermunicipal Agreements.** The Town Board of the Town may, by resolution, authorize the Supervisor of the Town to enter into an agreement, in the name of the

Town, with other governments to carry out the terms of this law and/or assist the CEO, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, 19 N.Y.C.R.R. Part 1203, or any other applicable law.

#### 4. **Building Permit.**

- a. **Requirement.** Except as provided in subdivision 4(b) of this law, no person, firm, corporation, association, or partnership or other entity shall commence the construction, enlargement, alteration, improvement, moving, removal or demolition of, or excavation for, any building or structure or any portion of a building or structure without first having submitted an application for and obtained a Building Permit issued by the CEO.
- b. **Exemptions.** For purposes of this law, no Building Permit shall be required for:
  - i. Installation of swings and other playground equipment associated with a one- or two-family dwelling or townhouse dwelling;
  - ii. Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or townhouse dwellings;
  - iii. Installation of partitions or movable cases less than 5'-9" in height;
  - iv. Painting, wallpapering, tiling, carpeting, or other similar finish work;
  - v. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
  - vi. 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
  - vii. 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, including but not limited to:
    1. The removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
    2. The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

3. The enlargement, alteration, replacement or relocation of any building system; or
  4. The removal from service of all or part of a fire protection system for any period of time.
- c. **Applicability of Exemptions.** An exemption from the requirement for a Building Permit under this law is not an exception from any requirement under this law or the Town Zoning Law to obtain a Building Permit, or an exception from any requirement of the Uniform Code, the Energy Code, the Town Zoning Law, or the Town Land Development Regulations.
- d. **Application.** Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the CEO. 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 CEO deems sufficient to permit a determination by the CEO 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:
- i. a description of the location, nature, extent, and scope of the proposed work;
  - ii. the tax map number and the street address of any affected building or structure;
  - iii. the occupancy classification of any affected building or structure;
  - iv. where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;
  - v. 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. The construction documents shall include a statement by a professional engineer that the drawings / specifications comply with this law, the Uniform Code, the Energy Code, the Town of Huron Zoning Law, the Town Land Development Regulations and other applicable federal, state and local laws, ordinances, rules and regulations. The applicant shall also produce copies of all other permits required by law for the proposed construction, enlargement, alteration, improvement, moving, removal, demolition, or excavation, including any permits required by the New York State Department of Environmental Conservation and the United States Army Corps of Engineers. Plans shall include a dimensional plan indicating the size, shape, height and location in exact relation to all property lines and to street lines of all buildings or structures to be erected, altered or removed, and of any building or structure already on the lot, and other necessary details, in order to substantiate that the provisions of this law, the Uniform Code, the Energy Code, the Town Zoning Law, the Town Land Development Regulations, and other applicable federal, state and local laws, ordinances, rules and regulations, are being observed, and shall be accompanied by satisfactory evidence that the line of the bounding street has been accurately located and staked on the ground.

- 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 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 CEO 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 CEO, 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. **Proof of Property Interest.** The applicant shall also furnish such other information as may be required by the CEO, including proof of the applicant's property interest in the land.
- g. **Issuance.** A Building Permit shall be issued if the proposed construction, enlargement, alteration, improvement, moving, removal, demolition or excavation as set forth in the application is in conformity with the provisions of this law, the Uniform Code, the Energy Code, the Town Zoning Law, the Town Land Development Regulations, and other applicable federal, state or local laws, ordinances, rules, and regulations.
- h. **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.
- i. **Refusal.** If a Building Permit is refused, the CEO shall state such refusal in writing, with the cause, specifying whether refusal is based upon this law, the Town Zoning Law, the Town Land Development Regulations or otherwise, and shall immediately mail notice of such refusal to the applicant at the address indicated on the application.
- j. **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 CEO of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the CEO 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.
- k. **Effect.** The issuance of a Building Permit shall in no case be construed as waiving any provision of this law, the Town Zoning Law, or the Town Land Development Regulations. Further, issuance of a permit does not constitute any representation, guarantee, or certification of the Town that the applicant's proposal complies with the Uniform Code, the Energy Code, the Town Zoning Law, the Town Land Development Regulations, or other applicable federal, state or local laws, ordinances, rule or regulations, or is functional or safe to use or enter.
- l. **Term.** Building Permits shall become invalid unless the authorized work is commenced within six months. Building Permits shall expire twelve months from the date of issuance unless substantial progress has been made since that date on the project described therein, provided however, that the permit may be renewed for an additional twelve months upon application for a renewal with the payment of the required fee.
- m. **Revocation or Suspension of Building Permits.** If the CEO determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete

information, or that the work for which a Building Permit was issued violates the Uniform Code, the Energy Code, the Town Zoning Law, the Town Land Development Regulations, the Property Maintenance Law or other applicable federal, state or local laws, ordinances, rules, and regulations, the CEO shall revoke 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 other laws mentioned above (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code and all other laws mentioned above.

## **5. Construction Inspections.**

- a. The progress of work for which a permit has been issued shall be inspected at such times and intervals as may be necessary and appropriate to determine whether the work is being performed in compliance with the Uniform Code, the Town Zoning Code, the Energy Code, and other applicable laws and regulations.
- b. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the CEO or by an Inspector authorized by the CEO. The Permit Holder shall notify the CEO when any element of work described in subdivision (c) of this section is ready for inspection.
- c. Such inspections shall be carried out prior to enclosing or covering of the particular portions or phase of building construction, including but not limited to, where applicable:
  - i. Work site prior to the issuance of Building Permit;
  - ii. Footing and foundation;
  - iii. Preparation for concrete slab;
  - iv. Framing;
  - v. Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;, including underground and rough-in;
  - vi. Fire resistant construction;
  - vii. Fire resistant penetrations;
  - viii. Solid fuel burning heating appliances, chimneys, flues or gas vents;
  - ix. 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;

- x. installation, connection, and assembly of factor manufactured buildings and manufactured homes; and
  - xi. a final inspection after all work authorized by the Building Permit has been completed.
- d. The inspection shall be made by the CEO, his or her deputy, or his or her agent, including private firms which may be retained by the Town Board.
- e. It shall be the duty and responsibility of the permit holder or his or her authorized agent to inform the CEO that the work is ready for each phase of inspection.
- f. After inspection, the work or a portion of work shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code, the Energy Code, the Town Zoning Law, the Town Land Development Regulations, the Property Maintenance Law or other applicable laws and regulations, 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.
- g. Entry by the CEO shall be permitted for the purpose of inspection as follows:
- i. Where permits are required, the CEO may at all reasonable hours enter any building or premises within the Town for the purpose of making the required inspections.
  - ii. The CEO may at any reasonable hour enter any building, with the exception of a single or two-family dwelling, for the purpose of making any inspection or investigation to ensure compliance with the provisions of this law, the Uniform Code, the Town Zoning Code, the Energy Code, or other applicable laws and regulations.
  - iii. Should entrance to make an inspection be refused or permission to enter not be obtained, application may be made for a warrant to make such inspection to any court of competent jurisdiction.

## **6. Certificates of Occupancy or Compliance.**

- a. **Requirement.** Certificates of Occupancy or 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 concerted from one use of 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 CEO 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 CEO or an Inspector authorized by the CEO 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 CEO, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance shall be provided to the CEO prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:
- i. a written statement of structural observations and/or a final report of special inspections,
  - ii. flood hazard certifications,
  - iii. a written statement of the results of tests performed to show compliance with the Energy Code, and
  - iv. 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:
- i. the Building Permit number, if any;
  - ii. the date of issuance of the Building Permit, if any;
  - iii. the name (if any), address and tax map number of the property;
  - iv. 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;

- v. the use and occupancy classification of the structure;
  - vi. the type of construction of the structure;
  - vii. the occupant load of the assembly areas in the structure, if any;
  - viii. any special conditions imposed in connection with the issuance of the Building Permit; and
  - ix. the signature of the CEO issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.
- d. **Temporary Certificate of Occupancy.** The CEO 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 CEO issue a Temporary Certificate of Occupancy unless the CEO 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 CEO 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 three (3) months, which shall be determined by the CEO 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 CEO 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 CEO within such period of time as shall be specified by the CEO, the CEO shall revoke or suspend such certificate.
- f. **Fee.** The fee specified in or determined in accordance with the provisions set forth in section 18 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

- g. **Issuance.** Within five business days after receipt of written notification that land, or a building or structure is ready for occupancy or use, it shall be the duty of the CEO, or his or her deputies or agents, to make a final inspection and issue a Certificate of Occupancy if the land, building, or structure is found to conform with the provisions of this law, the Uniform Code, the Energy Code, the Town Zoning Law, and the Town Land Development Regulations. Where applicable, the CEO may require the preparation and submission of a written statement of structural observations, final report of special inspections, and/or flood hazard certifications, prepared in accordance with the Uniform Code.
- h. **Refusal.** If the CEO, after such final inspection, refuses to issue a Certificate of Occupancy or Certificate of Compliance, such refusal, with the cause, specifying whether refusal is based upon this law, the Town Zoning Law, the Town Land Development Regulations, the Uniform Code, Energy Code or otherwise, shall be stated in writing, and notice of such refusal, immediately be sent via certified mail to the applicant at the address indicated on the application.
- i. **Effect.** The issuance of a Certificate of Occupancy or Certificate of Compliance shall in no case be construed as waiving any provision of this law, the Town Zoning Law, or the Town Land Development Regulations or other applicable law. Further, issuance of a Certificate of Occupancy or Certificate of Compliance does not constitute any representation, guarantee, or certification of the Town that the applicant's use, land, building or structure complies with applicable federal, state or local laws, ordinances, rules or regulations, or is functional or safe to use or occupy.

## 7. **Operating Permit.**

- a. **Requirement.** Any person who proposes to undertake any of the following activities or to operate any type of the following buildings shall be required to obtain an Operating Permit prior to commencing such activity or operation.
  - i. 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;
  - ii. 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:
    - (A) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
    - (B) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

- (C) Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
- (D) 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;
- (E) 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;
- (F) Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
- (G) 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;
- (H) 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;
- (I) Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;
- (J) 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 §270;
- (K) Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces;
- (L) 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

(M) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by the Town Board.

- iii. 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.
  - iv. buildings containing one or more assembly areas;
  - v. outdoor events where the planned attendance exceeds 1,000 persons;
  - vi. facilities that store, handle or use hazardous production materials;
  - vii. parking garages;
  - viii. buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by Town Board; and
  - ix. other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board.
- 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 CEO. Such application shall include such information as the CEO deems sufficient to permit a determination by the CEO that quantities, materials, and activities conform to the requirements of the Uniform Code. If the CEO 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 CEO, at the expense of the applicant.
- c. **Inspections.** The CEO or an Inspector authorized by the CEO shall inspect the subject premises prior to the issuance of an Operating Permit.
- d. **Multiple Activities.** In any circumstance in which more than one activity listed in subdivision 7(a) of this law is to be conducted at a location, the CEO may require a separate Operating Permit for each such activity, or the CEO may, in his or her discretion, issue a single Operating Permit to apply to all such activities.
- e. **Duration of Operating Permits.** 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:
- i. 30 days for tents, special event structures, and other membrane structures;

- ii. 60 days for alternative activities at a sugarhouse;
  - iii. three (3) years for the activities, structures, and operations determined per paragraph ix of subdivision (a) of this section, and
  - iv. one (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.
- f. **Revocation or suspension of Operating Permits.** If the CEO 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.

**8. Fire Prevention and Property Maintenance Inspections.**

- a. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the CEO or an Inspector designated by the CEO at the following intervals:
  - i. at least once every twelve (12) months for buildings which contain an assembly area;
  - ii. at least once every twelve (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
  - iii. at least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.
- b. Such an inspection shall be performed by the CEO, his or her deputy, or his agent, including private firms retained by the Town Board.
- c. In addition to the inspections required, 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 CEO at any time upon:
  - i. The request of the owner of the property to be inspected or an authorized agent of such owner;
  - ii. Receipt by the CEO of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
  - iii. Receipt by the CEO of any other information, reasonably believed by the CEO 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.

- d. Nothing in this section shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- e. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under New York Executive Law §156-e or New York Education Law §807-b.
- f. The chief of any fire department providing firefighting services for a property within the Town shall promptly notify the CEO of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.
- g. Fee. The fee determined by the Town Board for such inspections must be paid prior to or at the time each inspection is performed. This subdivision shall not apply to inspections performed by OFPC.

**9. 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:
  - i. 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;
  - ii. 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
  - iii. 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
  - iv. Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(A) the accompanying Flood Insurance Rate Map (FIRM);

(B) Flood Boundary and Floodway Map (FBFM); and

(C) 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.

#### **10. Variance and Review.**

- a. A request for a variance from the Uniform Code shall be filed with the regional Board of Review, with a copy to the CEO, as provided in 19 N.Y.C.R.R. Part 1205, and shall not be within the jurisdiction of the Town of Huron Zoning Board of Appeals.
- b. A request for a variance from the Town Zoning Law, and an appeal to review a determination of or failure to render a determination by the CEO with respect to the Town Zoning Law, shall be filed with the Town of Huron Zoning Board of Appeals, as provided in the Town Zoning Law.

#### **11. Review and Investigation of Complaints.**

The CEO shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with this law, the Uniform Code, the Energy Code, the Town Zoning Law, or the Town Land Development Regulations or the Town Dock and Mooring Law. The process for responding to a complaint shall include such of the following steps as the CEO 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 or entity 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 14 of this 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.

## **12. Recordkeeping and Reporting.**

The CEO shall keep permanent official records of all transactions and activities conducted by the CEO and his or her deputies. 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, shall be retained for at least the minimum time period so required by state law and regulation. This section shall apply to the following:

- a. All applications received, reviewed and approved or denied;
- b. All plans, specifications and construction documents approved;
- c. All Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders or Orders to Remedy, and Operating Permits issued;
- d. All inspections and tests performed;
- e. All statements and reports issued;
- f. All complaints received;
- g. All investigations conducted;
- h. All other activities of the CEO or Deputy CEOs specified in this law; and
- i. All fees charged and collected.

## **13. Reporting.**

- a. The CEO shall annually submit to the Town Board a written report and summary of all business conducted by the CEO and the Inspectors, including a report and summary of all transactions and activities described in this law, and a report and summary of all appeals or litigation pending or concluded.
- b. The CEO shall annually submit to the Secretary of State, on behalf of the Town, on a form prescribed by the Secretary of State, a report of the activities of the Town relative to administration and enforcement of the Uniform Code.
- c. The CEO shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Town in connection with administration and enforcement of the Uniform Code.

#### 14. Enforcement.

- a. **Violations Unlawful.** It shall be unlawful for any person, firm or corporation to construct, alter, repair, remove, move, demolish, equip, use, occupy or maintain any building or structure or portion of a building or structure in violation of any provisions of this law or fail in any manner to comply with any notice, directive or order of the CEO or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.
- b. **Orders to Remedy.** The CEO is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, premises or equipment in violation of this law, the Uniform Code, the Energy Code, the Town Zoning Law, or the Town Land Development Regulations, or that is unsafe. Upon finding that any such condition or activity exists, the CEO shall issue an Order to Remedy. The Order to Remedy shall:
  - i. Be in writing;
  - ii. Be dated and signed by the CEO;
  - iii. Specify the condition or activity that violates this law, the Uniform Code, the Energy Code, the Town Zoning Law, or the Town Land Development Regulations, or that is unsafe;
  - iv. Specify the provision or provisions of this law, the Uniform Code, the Energy Code, the Town Zoning Law, or the Town Land Development Regulations which is/are violated by the specified condition or activity, or that is unsafe;
  - v. Specify the period of time which the CEO deems to be reasonably necessary for achieving compliance;
  - vi. Direct that compliance be achieved within the specified period of time;
  - vii. State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time;
  - viii. Be served on the owner of the affected property personally or by certified mail within five (5) days of the date of the Order to Remedy; and
  - ix. May also be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this paragraph 11(b)(ix) shall not

affect the efficacy of the Order to Remedy.

- c. **Appearance Tickets.** The CEO and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- d. **Stop Work Orders.** The CEO is authorized to issue Stop Work Orders pursuant to this subdivision.
  - i. **Issuance.** The CEO shall issue a Stop Work Order to halt:
    - (A) Any work that is determined by the CEO to be contrary to any applicable provision of law, the Uniform Code, the Energy Code, the Town Zoning Law, the Town Land Development Regulations, the Dock and Mooring Law or Property Maintenance Law without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
    - (B) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the CEO, 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
    - (C) 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.
  - ii. **Content.** A Stop Work Orders shall be in writing, shall be dated and signed by the CEO, shall state the reason or reasons for issuance, and if applicable, shall state the conditions which must be satisfied before work will be permitted to resume.
  - iii. **Service of Stop Work Orders.** The CEO shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The CEO shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

- iv. **Effect.** Upon the issuance of a Stop Work Order, the owner of the affected property, the permit holder and any other Person or entity 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 CEO to correct the reason for issuing the Stop Work Order.
- v. **Remedy not exclusive.** The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (i) 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 14 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.
- e. **Civil Action.** In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this law, the Town Board may bring an appropriate civil action or proceedings in State 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 this law, the Uniform Code, the Energy Code, the Town Zoning Law, and/or the Town Land Development Regulations to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land to prevent any illegal act, conduct, business, or use in or about such premises.
- f. **Penalties.**
  - i. **Criminal.** Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this law or any written order of CEO directing compliance with this law shall be guilty of any offense, and upon conviction thereof shall be subject to a fine of not more than **five hundred dollars**, or imprisonment for a period of not more than fifteen days, or both such fine and imprisonment for each offense. However, a person, firm or corporation convicted of a second or other repeated violation of this law, with at least one previous violation occurring within the period of five years immediately preceding the latest violation, shall be guilty of a misdemeanor, and shall be subject to a fine of not more than one thousand dollars, or imprisonment for not more than six months, or both such fine and imprisonment for each offense.
  - ii. **Civil.** Any Person who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this law or any written order of the CEO directing compliance with this law shall be deemed to have

violated this law, and shall be liable to pay the Town a civil penalty of up to one thousand dollars for each such violation. Such a civil penalty may be assessed in any action or proceeding brought by the Town, pursuant to the New York Town Law or New York Executive Law, to enforce the provisions of this law.

- iii. **Continuous Violations.** Each day a violation or offense is continued or not corrected shall be deemed a separate violation or offense.
- iv. **Injunctive Relief.** An action or proceeding may be instituted in the name of this Town in the New York Supreme Court, 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.

#### **15. Threats to Public Health, Safety or the Environment; Unsafe Buildings, Structures and Equipment.**

The CEO may cause the correction, repair, remediation, or removal, or otherwise make secure, any building, structure or condition on any property that poses a threat to public health, safety or the environment, including unsafe or collapsed buildings as provided by New York Town Law §130(16), and also including any damaged, destroyed, abandoned, or vacant structure or equipment, provided:

- a. The CEO inspects the property, and upon observing a condition that is found to be a threat to public health, safety or the environment, provides notice of such finding to the property owner and seeks corrective action by the property owner. Within thirty (30) days of receipt (or within a shorter time if specified by the CEO due to the exigency of the situation), the property owner shall deliver to the CEO a written response either: (A) committing to a schedule for corrective actions sufficient to eliminate the threat or potential threat; or (B) specifying any disagreement with the finding of the CEO. In the event the CEO is unsuccessful in obtaining sufficient

corrective action by the property owner, the CEO may file a written report with the Town Clerk finding the building, structure or other condition to be unsafe or collapsed, or otherwise a threat to public health, safety or the environment.

- b. The CEO causes a notice to be served on the owner or one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by certified mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the Receiver of Taxes and/or in the office of the Wayne County Clerk, containing a description of the property, a statement of the particulars in which the building, structure or condition is unsafe or dangerous or otherwise a threat to public health, safety or the environment, and an order requiring same to be corrected, repaired, remediated, secured, or removed; and if such service is made by certified mail, a copy of such notice shall be posted on the property.
- c. The notice referred to in paragraph 15(b) must allow the person served with such notice at least ten days to correct, repair, remediate, secure, or remove the building, structure or other condition, unless there is an imminent threat to public health or safety, in which case a shorter time period shall be allowed as may be deemed necessary by the CEO under the circumstances.
- d. The notice referred to in paragraph 15(b) shall be filed in the Office of the Wayne County Clerk, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the New York Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as provided in that Article 65, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one year from the date of filing, provided, however that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Town Attorney or the attorney for the Town. The Wayne County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.
- e. A hearing on the proposed correction, repair, remediation, security or removal shall be held before the Town Board, and the notice shall also specify the time and place of the hearing.
  - i. At the hearing the Town Board may take testimony, and shall review the written report of the CEO. If it finds that (a) the procedure of this subdivision has been complied with; (b) the building, structure or condition poses a threat to public health, safety, welfare or the environment, including a building that is unsafe or collapsed; and (c) correction, repair, remediation, security or removal of the building, structure or condition would protect public health, safety, welfare or the environment, and would be in the public interest; it

shall approve the correction, repair, remediation, security or removal of the building, structure or condition.

- ii. In the event the owner fails or refuses to correct, repair, remediate, secure or remove the building, structure or condition within the time provided, and the Town Board has authorized such action as provided in paragraph 15(e)(i), the CEO may cause the correction, repair, remediation, security or removal of the building, structure or condition.
- iii. The Town Board may, by resolution, assess all costs and expenses incurred by the Town in connection with the proceedings to correct, repair, remediate, secure or remove, including the cost of actually correcting, repairing, remediating, securing or removing the building, structure or condition, against the property on which the building, structure or condition is located.

**16. Remedies Not Exclusive.** No remedy or penalty specified in this law shall be the exclusive remedy or penalty available to address any violation described, 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 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 any other section of this 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 remedies and penalties specified in New York Executive Law §382, 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 New York Executive Law §382).

**17. Zoning Law.** Except where any provision of this law or the Uniform Code is directly contrary to a provision of the Town Zoning Law, that law shall remain in full force and effect, and administered, to the greatest extent possible, in harmony with this law and the Uniform Code. When a Building Permit or Certificate of Occupancy is required by both this law and the Town Zoning Law, only one application need be submitted, and one permit or certificate need be issued, and such application, permit or certificate shall satisfy the requirements of both such law, as long as it complies with the requirements of each such law.

**18. Fees.** A fee schedule shall be established by resolution of the Town Board. 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.

19. **Separability.** If any section, subsection, sentence, clause or phrase of this law is for any reason held to be unconstitutional or invalid, such decision shall not affect its remaining portions. The Town Board hereby declares it would have passed this law and each section and subsection thereof irrespective of the fact that any one or more of its sections, subsections, clauses, or phrases may be found by court to be unconstitutional or otherwise invalid.
20. **Short Title.** This law shall be known as and may be cited and referenced to as “Town Building Law.”
21. **Effective Date.** This law, as amended, shall take effect upon filing with the Secretary of State.