

**MINUTES of the REGULAR MEETING  
SALINA TOWN BOARD  
Monday, December 12, 2022**

The Town Board of the Town of Salina held a regular meeting on Monday, December 12, 2022 at 6:30 p.m. at the Town Hall, 201 School Road, Liverpool, New York with the following members present:

Nicholas Paro	Supervisor
Jason Recor	Councilor
Matt Cushing	Councilor
David Carnie	Councilor
Joe Frateschi	Town Attorney
Jason Hoy	Town Engineer
Daniel Ciciarelli	Absent

**RESIDENTS WISHING TO SPEAK – TOWN BOARD COMMENTS**

Dominick Ciciarelli of Brookfield Rd. spoke about a Neighborhood Watch Meeting.  
Ellen Mullen of Richfield Blvd. had questions about a public hearing for the new trash contract.  
Diane Burton of Wright Ave. had questions regarding Syracuse Haulers and contract information.

Matt Cushing commented that the Town Board takes the complaints from the previous trash company seriously.

David Carnie commented on Public Safety Committee shortages and instructed people to call the Sheriff's Office for Traffic complaints.

Nicholas Paro answered all resident questions regarding Syracuse Haulers and the new trash contract.

**PUBLIC HEARING- LOCAL LAW 2022-CEASE FULL VALUE ASSESSMENTS IN THE TOWN OF SALINA**

A motion was made by Jason Recor to open the Public Hearing and seconded by Matt Cushing.

Dominick Ciciarelli of Brookfield Rd spoke in opposition of ceasing full value assessments.  
Jason Recor commented on fairness and equity between municipalities.

**APPROVE LOCAL LAW 2022-18 CEASE FULL VALUE ASSESSMENTS IN THE TOWN OF SALINA**

A motion was made by Jason Recor to adopt Local Law #2022-18 Cease Full Value Assessments in the Town of Salina. The motion was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Abstain, Nicholas Paro: Yes

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**IN THE MATTER**

**Of**

**Local Law 2022-\_\_\_\_**

**RESOLUTION ENACTING  
LOCAL LAW**

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**A LOCAL LAW REGARDING FULL VALUE  
ASSESSMENTS FOR 2023**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 12<sup>th</sup> day of December 2022, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro	Supervisor
Jason Recor	1 <sup>st</sup> Ward Councilor
Matthew Cushing	2 <sup>nd</sup> Ward Councilor
Daniel Ciciarelli	3 <sup>rd</sup> Ward Councilor
David Carnie	4 <sup>th</sup> Ward Councilor

The following resolution was moved, seconded and adopted:

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law 2022-\_\_\_, entitled “A Local Law Regarding Full Value Assessments for 2023,” the text of which is as follows:

**LOCAL LAW 2022-\_\_\_ REGARDING FULL VALUE ASSESSMENTS FOR 2023**

**BE IT ORDAINED AND ENACTED** by the Town Board of the Town of Salina, County of Onondaga, State of New York, as follows:

Section 1. That Chapter 215 is hereby added to the Town of Salina Code as follows:

Article XI Full Value Assessments

Section 215-42 Full Value Assessments for 2023

The Town Board of the Town of Salina hereby ceases the practice of full value assessments within the Town of Salina during calendar year 2023.

Section 2. This local law shall take upon the filing with the Secretary of State.

**WHEREAS**, all of the neighboring municipalities to the Town of Salina (the “**Neighboring Municipalities**”) assess properties at a fraction of the properties’ full market values

(“**Fractional Value Assessment**”);

**WHEREAS**, each taxpayer’s share of the overall tax burden is based, at least in part, upon the assessed value of the taxpayer’s property;

**WHEREAS**, despite blunt instruments such as equalization rates being imposed, the disparity in assessment methods (i.e., Full Value Assessment versus Fractional Value Assessment) regularly results in equally situated Town of Salina taxpayers bearing a larger share of the overall tax burden when compared to like taxpayers in the Neighboring Municipalities;

**WHEREAS**, the Town of Salina believes that its taxpayers should not be punished and bear a larger share of the overall tax burden solely as a result of the Neighboring Municipalities’ policy decisions; and

**WHEREAS**, the Town of Salina believes that, to alleviate the above-referenced disparity and inequity, the Town of Salina should adopt tax policies similar to those of the Neighboring Municipalities.

**WHEREAS**, on December 12, 2022, the Town Board held a public hearing regarding the proposed Local Law.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Local Law 2022-\_\_\_ is hereby approved and enacted; and be it further

**RESOLVED**, that the Town Clerk is directed to file Local Law 2022-\_\_\_ with the Secretary of State within 20 days of the date set forth herein.

I, **RODNEY-DAVID LOWE**, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 12<sup>th</sup> day of December, 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Salina, this 12<sup>th</sup> day of December, 2022.

DATED: December 12, 2022  
Liverpool, New York

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**Rodney-David Lowe**  
**Town Clerk of the Town of Salina**  
**Onondaga County, New York**

**CONSIDER THE APPROVAL OF MINUTES FOR THE NOVEMBER 28, 2022 REGULAR TOWN BOARD MEETING**

A motion was made by Matt Cushing to approve the minutes for the November 28, 2022 Town Board Meeting. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

**RESOLUTION DECLARING SURPLUS EQUIPMENT TO BE AUCTIONED**

A motion was made by Jason Recor to approve list of surplus equipment to be auctioned. The motion was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

<b>Item No.</b>	<b>Description</b>	<b>Property Tag</b>
1.	Supply Cabinet with 6 shelves (6'Hx4'Wx3'D)	-
2	Supply Cabinet with 4 shelves (6.5'Hx 3'Wx 18"D)	001489
3	Metal Desk 5 drawers (5'W x 36"D)	
4	Brown metal folding chairs (25)	1930,1841,1934,1865,1850,1901 1953,1103,1852,1853,1873,1959 1962,1825,1102,1958,1822,1823 1903,1899,1881,1840, 3 no ID#
5	Miscellaneous hand tools & hardware	
6	AMF Regulation Pool table with pool cues & balls (5'x9')	
7	Envoy Black File Cabinet (4 drawer Letter size)	
8	Arm chair brown cloth with wood arms	
9	Stacking plastic & metal chairs (Blue-4, Purple-2, Brown -5) Total 11	
10	Wrought iron small table with glass top	
11	Hon Beige File Cabinet (4 drawer letter size)	
12	Envoy Green File Cabinet (4 drawer letter size)	
13	Krueguer Brown & metal stacking chairs (16)	
14	Milton cafeteria folding lunch tables woodgrain (12'L x 3'W x 30" H) (2)	
15	Oval woodgrain conference table (6'x48")	
16	Book cases (15) with 5 shelves light wood grain (6'H x 27" W x 12" D)	
17	Book cases (1) with 6 shelves dark wood grain (6'H x 27" W x 12" D)	
18	Halex Pool Table with pool cue, balls, ping pong top, net and paddles (8'D x 4.5' W x 30" H)	
19	Folding metal chairs (43) gray	1999,1906,1878,1923 39 with no ID#

20	Corcraft Black Coat Locker (6'H x 4'W x 24'D)	
21	Lifetime plastic banquet tables (25)	
22	Supply Cabinet gray with 3 shelves (6'H x 36"W x 18"D)	001490
23	Supply Cabinet beige with 4 shelves (6'H x 36"W x 18"D)	
24	Metal brown folding chairs (111)	1024, 1786-1789, 1816-1819, 1824, 1826, 1828-1829, 1830- 1834, 1836-1837, 1839, 1842-1845, 1847-1848, 1851, 1854,1856-1859, 1861-1864, 1866, 1870, 1874-1876, 1879, 1882-1885, 1887-1889 1892, 1895-1896, 1898, 1900, 1902, 1904-1905, 1908-1911, 1913-1916, 1918 1920-1921,1924, 1926-1927, 1931, 1933, 1935-1936, 1938-1947, 1949-1950, 1952, 1954-1956, 1961, 1963-1966, 1993, 12 no ID#
25	Brown Cloth/metal chairs (20)	

**AUTHORIZE THE APPOINTMENT OF RICHARD BILL TO PARKS LABORER AT \$21.28/HOUR**

A motion was made by Jason Recor to approve the appointment of Richard Bill to Parks Laborer at \$21.28/hr. The motion was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

**RESOLUTIONS FOR THE LINCOURT AND MATTYDALE SANITARY SEWER INFLOW AND INFILTRATION STUDY PROGRAM**

Mr. Paro stated the board has in front of them two resolutions authorizing the town to enter into agreements with the NYS Environmental Facilities corporation for two \$30,000 engineering planning grants for sanitary sewer inflow and infiltration studies.

- One resolution each for Mattydale and Lyncourt.
- 20% town match - \$6,000
- The planning grants identify where groundwater and or storm water enter the sanitary sewer system. These are sources of clean water that get unnecessarily treated in wastewater plant like metro.
- These studies lead to large scale funding opportunities.

A motion was made by David Carnie to approve the Resolutions for the Lyncourt and Mattydale Sanitary Sewer Inflow and Infiltration Study Project. The motion was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

Mr. Hoy asked the board to authorize him to begin the architecture/engineer selection process once agreements are fully executed. A motion was made by Jason Recor and seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

**RESOLUTION AUTHORIZING THE SALE OF 2826 LEMOYNE AVENUE, SYRACUSE, NEW YORK 13211 TO 2826 LEMOYNE LLC**

A motion was made by Jason Recor to approve the Resolution Authorizing the sale of 2826 Lemoyne Ave Syracuse, New York 13211 to 2826 Lemoyne LLC. The motion was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Abstain, Nicholas Paro: Yes

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**IN THE MATTER**

**Of**

**APPROVING THE SALE OF THE SALINA CIVIC CENTER**

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**RESOLUTION APPROVING PURCHASE CONTRACT**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 12<sup>th</sup> day of December 2022, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro	Supervisor
Jason Recor	1 <sup>st</sup> Ward Councilor
Matthew Cushing	2 <sup>nd</sup> Ward Councilor
Daniel Ciciarelli	3 <sup>rd</sup> Ward Councilor
David Carnie	4 <sup>th</sup> Ward Councilor

The following resolution was moved, seconded and adopted:

**Resolution Approving a Purchase Contract for the Sale of the Salina Civic Center  
Between the Town of Salina and 2826 Lemoyne LLC**

WHEREAS, the Town of Salina is the current owner of real property consisting of Town of Salina Tax Parcel #063.-01-03.1 which has a +/-10,480 square foot structure thereon, and, Town of Salina Tax Parcel #063.-02-16.0 which is a parking lot (collectively, the "**Premises**"); and

WHEREAS, the Town Board of the Town of Salina (the "Town Board") desires to sell the Premises to 2826 Lemoyne LLC in accordance with that certain Purchase Contract attached hereto as **Exhibit A** (the "Purchase Contract") and made a part hereof for the reasons set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Salina that:

1. The Town Board hereby approves the Purchase Contract in substantially the form presented to the Town Board for the following reasons:

- An appraisal was completed of the Premises by Appraisal Research, Inc. on April 6, 2022 valuating the Premises at \$365,000.00;
- The Town listed the Property shortly thereafter and received no legitimate offers for the Premises until this Purchase Contract was received;
- The Premises and its upkeep and maintenance continues to be an on-going expense for the Town;
- The Town has taken substantial steps towards constructing and opening a new, state of the art civic center (the "New Civic Center") including, but not limited to, acquiring real property and hiring a professional design team to design the New Civic Center; and
- Selling the Premises in accordance with the Purchase Contract is in the best interest of the Town and offers the Town the best value for the Premises because (i) it eliminates the on-going carrying costs related to the Premises, and (ii) the monetary proceeds from the sale will aid in the design and construction of the New Civic Center at a critical time for the Town (i.e., during the developmental stages).

2. The Town Supervisor, Nicholas Paro, is hereby authorized to do all acts and things required or provided for by the provisions of the Purchase Contract, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in his opinion desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Town of Salina with all of the terms, covenants and provisions of the Purchase Contract binding upon the Town of Salina.

3. This resolution is subject to permissive referendum pursuant to New York Town Law §64(2), and shall not take effect until thirty days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the Town voting on such proposition, if within thirty days after its adoption there be filed with the Town Clerk a petition signed, and acknowledged or proved, or authenticated by electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in the Town at the last general election held for the election of state officers.

4. Within ten days after the adoption this resolution, the Town Clerk, in the same manner as provided for notice of a special election, shall post and publish a notice which shall set forth the date of the adoption of the resolution containing an abstract of this resolution and that such resolution was adopted subject to a permissive referendum.

PASSED AND ADOPTED this 12<sup>th</sup> day of December, 2022 by the Town Board of the Town of Salina.

**I, RODNEY-DAVID LOWE**, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 12<sup>th</sup> day of December, 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said



meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Salina, this 12<sup>th</sup> day of December, 2022.

DATED: December 12, 2022  
Liverpool, New York

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**Rodney-David Lowe**  
Town Clerk of the Town of Salina  
Onondaga County, New York

**SCHEDULE PUBLIC HEARING FOR A LOCAL LAW 2022-TO REPEAL CHAPTER 121 OF THE TOWN CODE TITLED FIRE PREVENTION AND BUILDING CONSTRUCTION AND REPLACING IT WITH A NEW CHAPTER 121 TITLED FIRE PREVENTION AND BUILDING CONSTRUCTION**

A motion was made by David Carnie to schedule a Public Hearing on Wednesday December 28, 2022 at 6:31pm to consider Local Law 2022-To Repeal Chapter 121 of the Town Code Titled Fire Prevention and Building Construction and Replacing it with a New Chapter 121 Titled Fire Prevention and Building Construction. The motion was seconded by Matt Cushing and put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

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**IN THE MATTER**

**Of**

**A LOCAL LAW 2022-\_\_\_ TO REPEAL CHAPTER 121 OF THE TOWN CODE TITLED FIRE PREVENTION AND BUILDING CONSTRUCTION AND REPLACING IT WITH A NEW CHAPTER 121 TITLED FIRE PREVENTION AND BUILDING CONSTRUCTION**

**RESOLUTION CALLING FOR  
A PUBLIC HEARING**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 12<sup>th</sup> day of December 2022, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro

Supervisor

Jason Recor	1 <sup>st</sup> Ward Councilor
Matthew Cushing	2 <sup>nd</sup> Ward Councilor
Daniel Ciciarelli	3 <sup>rd</sup> Ward Councilor
David Carnie	4 <sup>th</sup> Ward Councilor

The following resolution was moved, seconded and adopted:

**WHEREAS**, the New York State has recommended that municipalities adopt updated procedures for following the New York State Fire and Building Code;

**WHEREAS**, the Attorney for the Town has reviewed the model code supplied by the New York State Department of State and has modified it to fit the Town of Salina;

**WHEREAS**, Local Law 2022-\_\_ has been presented to the Town Board, to wit:

LOCAL LAW 2022-\_\_, A LOCAL LAW TO REPEAL CHAPTER 121 OF THE TOWN CODE TITLED FIRE PREVENTION AND BUILDING CONSTRUCTION AND REPLACING IT WITH A NEW CHAPTER 121 TITLED FIRE PREVENTION AND BUILDING CONSTRUCTION

**Be it enacted by the Town Board of the Town of Salina, Onondaga County, New York as follows:**

Section 1. Chapter 121 of the Town Code Titled Fire Prevention and Building Code is hereby repealed and replaced with Local Law 2022-\_\_.

Section 2. A new Chapter 121 is hereby adopted pursuant to this Local Law 2022-\_\_ as set forth below:

**Part 1  
Uniform Fire Prevention and Building Code**

**ARTICLE 1  
Administration and Enforcement**

**§121-1. 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. The Uniform Code, the Energy Code and the International Residential Code, and all appendixes, supplements and the like, set forth in Title 19 NYCRR Parts 1219 through 1227, are hereby adopted by the Town of Salina. 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. The purpose of this is to provide for the administration and enforcement of the State Uniform Code and the State Energy Conservation Code adopted by this jurisdiction. The provisions of this shall serve as the administrative, organizational and enforcement rules and regulations for the State Uniform Code which regulate the site preparation and construction, alteration, moving, demolition, repair, use, maintenance, firesafety and occupancy of buildings, structures and building service equipment and the State Energy Conservation Code which regulates energy conservation systems

and equipment within the Town of Salina.

## **§121-2. 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 State Uniform Code and Energy Code.

“Director” shall mean the Director of Planning and Development appointed pursuant to Chapter 43 of this Code.

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

“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.

“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.

“Town” shall mean the Town of Salina.

### **§121-3. DIRECTOR OF PLANNING AND DEVELOPMENT, CODE ENFORCEMENT OFFICER AND INSPECTORS**

A. The Director of Planning and Development (sometimes hereinafter referred to as the “Director”) is hereby designated as the enforcement officer for the State Uniform Code, the Energy Code and this Part 1. He shall be assisted by such officers and employees of the Department of Planning and Development as he deems necessary for the proper administration

and enforcement of this Part 1, and they may exercise any portion of his duties as he shall hereafter set forth. The Director shall be responsible shall be supervisory and shall determine the areas of responsibility between Code Enforcement Officers, Deputy Code Enforcement Officers, Inspectors and Fire Marshals.

B. The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer(s) shall, at the direction of the Director of Planning and Development, administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. A Codes Enforcement Officer may be head of the Office of Planning and Development, as determined by the Town Board by Resolution. Any references contained in this chapter or in the Code of the Town of Salina to the Code Enforcement Officer may also mean the Director of the Office of Planning and Development, as the case may be. The Code Enforcement Officer(s) 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;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and
- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

B. Director of Planning and Development and the Code Enforcement Officer(s) shall be

appointed by the Town Board. Code Enforcement Officer(s) 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 Director of Planning and Development is unable to serve as such for any reason, another individual shall be appointed by the Town Board to serve as Acting Director of Planning and Development. The Acting Director of Planning and Development shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Director of Planning and Development 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 Director of Planning and Development to assist the Director of Planning and Development in the exercise of the powers and fulfillment of the duties conferred upon the Director of Planning and Development 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. No officer or employee of the Department of Planning and Development shall engage in any activity inconsistent with his/her duties or the interests of the Department, nor shall he/she, during the term of his/her employment, be engaged directly in any building business or in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans and specifications thereof within the Town of Salina, except that this section shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him/her to be used as a single-family dwelling for a permanent residence for such employee.

F. The Director of Planning and Development, or his designee, is authorized to make all inspections necessary to ensure compliance with provisions of the Uniform Code, this local law or any other law, ordinance or regulation. Such inspections may be made at any time and in any manner as such officials shall find convenient or necessary, with the consent of the person in possession or occupancy thereof. If admission is refused or cannot be obtained from the person in possession or occupancy, the Director is authorized to obtain a search warrant to make such inspection, provided that reasonable or probable cause is shown, except that in the case of an emergency, the enforcement officer may, without a warrant, enter any premises or parts of premises to inspect, at any time, without the permission of the person in possession or occupancy.

G. The Director may request and shall receive, so far as may be necessary in the discharge of his/her duties, the assistance and cooperation of any police agency, fire department, County Health Department and the Highway Department or officers and of all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment herein.

H. The compensation for the staff of the Office of Planning and Development shall be fixed from time to time by the Town Board.

#### **§121-4. 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 Office of Planning and Development.

B. **Exemptions.** No Building Permit shall be required for work in any of the following categories:

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

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

**(3)** Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids or exceed 36" in height;

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

**(5)** Installation of partitions or movable cases less than five feet nine inches in height;

**(6)** Painting, wallpapering, tiling, carpeting, or other similar finish work;

**(7)** 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 such repairs do not involve:

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

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

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

**(d)** The removal from service of all or part of a fire-protection system for any period of time.

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

D. No building permit shall be issued for the construction of any new building, structure or use or enlargement of any existing building, structure or use that will change, alter or affect the existing grading plan of such building, structure or use, that is not otherwise subject to site plan or special permit approvals, unless there is supplied with the application for permit a grading plan that either shows compliance with an approved subdivision plan or, where no approved subdivision grading plan exists, such plan shall depict the existing and proposed elevations for both the parcel to be modified and, where access is possible, five feet inside the boundary line of the adjacent parcels, and such plan shall be certified by a New York State licensed land surveyor or professional engineer.

E. Upon completion of construction, no certificate shall be issued unless there is submitted to the Department of Planning and Development an as-built plan, by such licensed professional identified in Subsection D herein, showing compliance with the approved plan submitted in Subsection D herein; alternatively, a modified grading plan may be submitted that indicates compliance with the general grading plan of this subdivision.

F. **Applications for Building Permits.** Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Director. 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 Director 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) the signature of the owner of the property where the work is to be performed;
- (2) a description of the location, nature, extent, and scope of the proposed work;
- (3) the tax map number and the street address of any affected building or structure;
- (4) the occupancy classification of any affected building or structure;
- (5) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (6) 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) if the work exceeds \$20,000, involves any work of a structural nature or involved any commercial or industrial work, 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.

G. 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 Office of Planning and Development, 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 Office of Planning and Development 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.

H. 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 Director or 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.

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. 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.

J. Time limits. Building Permits shall become invalid unless the authorized work is commenced within ninety (90) days following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid, or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Director of Planning and Development. Demolition permits shall expire 180 days after issuance.

K. Revocation or suspension of Building Permits. If the Director or 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 Director 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.

L. 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.

#### **§121-5. 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, a blower door test and high-performance lighting and controls;
10. installation, connection, and assembly of factor 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 Director or 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 Director and 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 Director and 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.

#### **§121-6. 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 certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy

thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, 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 (Enforcement) 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.

#### **§121-7. 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 six (6) 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 Director or 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.

#### **§121-8. NOTIFICATION REGARDING FIRE OR EXPLOSION.**

The Chief of any fire department providing fire-fighting services for a property within this Town shall promptly notify the Director of any fire or explosion involving:

- (1) Any structural damage;
- (2) Any fuel-burning appliance;
- (3) A chimney or gas vent;
- (4) Any electrical system; or
- (5) Any fire-protection system.

#### **§121-9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER**

A. Buildings or structures regulated by this Part 1 and the State Uniform Code which are structurally inadequate or have inadequate egress or which constitute a fire hazard or are otherwise dangerous to human life and are, for the purpose of this section, unsafe buildings.

B. Building service equipment regulated by such codes which constitutes a fire, electrical, health hazard, insanitary condition, or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Any use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

C. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are hereby designated as unsafe building appendages.

D. Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Unsafe Buildings Law, Chapter 85, of this Code.

#### **§121-10. 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, as applicable:
  - (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 section 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 Code, as now in effect or as hereafter amended from time to time.

(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 100 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; 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. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision 121-10 shall be required to obtain an Operating Permit prior to commencing such activity or operation.

C. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Director. Such application shall include such information as the Director deems sufficient to permit a determination by the Director that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Director of Planning and Development 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 Director of Planning and Development, at the expense of the applicant.

D. Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision A of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this local law, as applicable.



E. Inspections. The Code Enforcement Officer or an Inspector authorized by the Director 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 Director or an Inspector authorized by the Director, 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 Director or Inspector authorized by the Director 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.

F. 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 Director 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.

G. 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) 180 days for tents, special event structures, and other membrane structures;
- (2) 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.

H. Revocation or suspension of Operating Permits. If the Director 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.

I. 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.

## **§121-11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS**

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Director or his designee 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 Director, 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 Director 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 Director 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 Office of Planning and Development 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.

## **§121-12. COMPLAINTS**

A. The Director 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, 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 Director may deem to be appropriate:

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

#### **§121-13. 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:
  - (a) buildings in which the only level used for parking or storage of motor vehicles is on grade;
  - (b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
  - (c) 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:

(a) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

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

(c) 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 six (6) months after the effective date of this local law].

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 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 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 the specified time as fixed by the Town. 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.

#### **§121-14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.**

A. The Director 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:

(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 Director 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 Director, and shall make such record readily available to the public.

#### **§121-15. RECORD KEEPING.**

A. The Director or the Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Planning and Development Office 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.

#### **§121-16. PROGRAM REVIEW AND REPORTING**

A. The Director shall annually submit to the Town Board 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 121-15 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

B. The Director 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 Director 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.

#### **§121-17. ENFORCEMENT OF VIOLATIONS.**

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



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

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

B. Appearance Tickets. The Director, 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 \$1000.00 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 \$1000.00 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 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.

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.

#### **§121-18: FEES**

A fee schedule shall be established by resolution of 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.

#### **§121-19. INTERMUNICIPAL AGREEMENTS**

The Town Board may, by resolution, authorize the Supervisor to enter into an agreement, in the name of the 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.

#### **§121-20. (Reserved)**

#### **§121-21. (Reserved)**

#### **§121-22. (Reserved)**

#### **§121-23. (Reserved)**

ARTICLE II  
Hazardous Materials

**§121-24. Purpose**

This article provides for the reimbursement and replacement of expended resources and nonreusable equipment maintained or procured in case of fire, leakage or spillage involving any hazardous material. This article entitles the Town to reimbursement for the costs of replacing nonreusable equipment and expended resources utilized by the Town or any of its departments or agencies in stopping or containing any release of a hazardous material during an emergency response action.

**§121-25. Definitions**

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

EMERGENCY RESPONSE ACTION- All of the activities conducted by the Town and/or any Town Fire Department to clean up, remove, prevent, contain or mitigate a discharge of hazardous materials that poses an immediate threat to the environment or to the public health, safety or welfare.

EXPENDABLE ITEMS - Any items used to extinguish any fire or stop or contain any leak or spill involving any hazardous material which cannot be reused or cannot be replenished without cost after that particular fire, leak or spill. These include but are not restricted to fire-fighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums and specialized protective equipment, to include but not be restricted to acid suits, acid gloves, goggles and protective clothing.

FIRE DEPARTMENT - The Fire Department or Fire Company having jurisdictional control over that portion of the Town Fire District, Fire Protection District or the specific premises.

HAZARDOUS MATERIAL - Any material solid, liquid or gas listed as such under the National Fire Protection Association Guide of Hazardous Materials or the Department of Transportation Emergency Guide Book.

TOWN - Includes that portion of the Town of Salina located outside the corporate limits of the Village of Liverpool.

VEHICLE - Any motorized equipment, registered or unregistered, including but not limited to passenger cars, motorcycles, trucks, tractor-trailers, construction equipment and farm machinery.

VESSEL - Any container, drum, box cylinder or tank used to hold or contain or carry or store any hazardous material.

**§ 121-26. Responsibility.**

Reimbursement to the Town for any expendable items used shall be made by the following parties:

A. The owner or operator of any vehicle responsible for any fire, leak or spill of hazardous material.

B. The owner or person responsible for any vessel containing hazardous material involved in any fire, leak or spill on public or private property, whether stationary or in transit, whether accidental or through negligence.

C. The owner or person responsible for any property from which any leak or spill of hazardous material emanates, whether accidental or through negligence.

D. Any person responsible for any fire, leak or spill of hazardous material on public or private property, whether accidental or through negligence.

§ 121-27. Reimbursement for services.

Any person or company responsible for or contributing to any release, leak or spill involving a hazardous material must provide reimbursement directly to the Town for services rendered by any recovery company, towing company, Fire Department or other technical assistance required by the Town to handle or mitigate such incident. Such reimbursement shall also include the full cost of replacing any nonusable equipment or expended resources used in an emergency response action concerning such incident. Such reimbursement payment shall be within 45 days after receipt of a bill for such items from the Town of Salina.

§ 121-28. Civil penalty upon failure to pay costs.

Any person, owner or company responsible for or contributing to any release, leak or spill involving a hazardous material or threatened release of hazardous materials who fails to reimburse the Town of Salina within the time set forth in this article shall be subject to a civil penalty, including the actual costs involved in any incident, plus 50% administrative fees for collection.

§ 121-29. Conflict with other provisions.

Nothing in this article shall be construed to conflict with any state or federal laws requiring persons causing or responsible for any release or threatened release of hazardous material to engage in remediation activities or pay the costs thereof, or both.

ARTICLE III  
Secured Key Access

§ 121-30. **Secured key access required.**

A. Any building other than a residential building of less than six units within a single building which has a fire alarm system or other fire-protection or fire-suppression system shall provide a secure key box installed in a location accessible to the Fire Department in case of emergency. The key box shall contain keys to fire alarm control panels and other keys necessary to gain access to and operate any fire-protection or fire-suppression systems.

B. The key box shall be a type approved by the Fire Prevention Bureau of the Town of Salina and shall be located and installed as approved by the Fire Marshal.

§ 121-31 **Notification.**

Any building owner or business owner shall install a secured key access as required in 121-30 upon notification, in writing, by the Fire Marshal within the time specified in such notice. Such notice shall be served as provided in §121-17 of Part 1 of this chapter.

§ 121-32. **Penalties for offenses.**

Any building owner or business owner who fails to install a secured key access after receiving notice by the Fire Marshal shall be punished as provided in Chapter 1, Article II, General Penalty, of this Code. Each week that such violation shall continue shall constitute a separate violation of this article.

### **§121-33. 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 3. 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.**

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Salina, County of Onondaga, State of New York, shall hold a Public Hearing on said proposed Local Law 2022 - \_\_\_\_, and that such Hearing shall be held at the Town Hall of the Town of Salina, located at 201 School Road, Liverpool, New York, on December \_\_\_\_, 2022 at 6:32 p.m. and be it further;

**RESOLVED**, that the Town Clerk give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing.

**I, RODNEY-DAVID LOWE**, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 12<sup>th</sup> day of December, 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said

meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Salina, this 12<sup>th</sup> day of December, 2022.

DATED: December 12, 2022  
Liverpool, New York

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**Rodney-David Lowe**  
**Town Clerk of the Town of Salina**  
**Onondaga County, New York**

**RESOLUTION ACCEPTING SOLAR PROPOSAL FOR LEY CREEK SITE**

A motion was made by David Carnie to accept the Solar Proposal for Ley Creek Site with AC Power, LLC. The motion was seconded by Matt Cushing and put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

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**IN THE MATTER**  
**Of**  
**AUTHORIZING NEGOTIATIONS FOR AN**  
**OPTION TO LEASE AND LEASE**  
**AGREEMENT WITH AC POWER, LLC**

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**RESOLUTION AUTHORIZING**  
**NEGOTIATIONS FOR AN**  
**OPTION TO LEASE AND**  
**LEASE AGREEMENT**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 12<sup>th</sup> day of December 2022, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro	Supervisor
Jason Recor	1 <sup>st</sup> Ward Councilor
Matthew Cushing	2 <sup>nd</sup> Ward Councilor
Daniel Ciciarelli	3 <sup>rd</sup> Ward Councilor
David Carnie	4 <sup>th</sup> Ward Councilor

The following resolution was moved, seconded and adopted:

**Resolution Authorizing Negotiations for an Option to Lease and Lease Agreement with AC Power, LLC for a Solar Farm at the Town of Salina Ley Creek Landfill Site**

WHEREAS, the Town of Salina is the current owner of real property consisting of Town of Salina Tax Parcel Nos. 073.-01-10.2, 073.-01-10.4, 073.-01-13.0 and 074.03-03.3 being the former Town of Salina Ley Creek Landfill Site (collectively, the “Premises”);

WHEREAS, the Town Board of the Town of Salina (the “Town Board”) released a request for proposals for a solar farm at the Premises in September 2022;

WHEREAS, the Town Board received four (4) proposals for a solar farm on the Premises from the following developers: (i) Sunlight General Capital, (ii) East Light Partners, (iii) AC Power, LLC, and (iv) TJA Energy and Bullrock; and

WHEREAS, the Town Board desires to authorize the Town to enter into negotiations for an option to lease and lease agreement with AC Power, LLC (“AC Power”) for the reasons set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Salina that:

5. The Town Board hereby authorizes relevant personnel of the Town including, but not limited to Town Supervisor Nick Paro and Town Attorney Joseph Frateschi, Esq. to negotiate an option to lease and lease agreement with AC Power (collectively, the “Lease Agreement”) for the following reasons:

- Pursuing a Lease Agreement with AC Power is in the best interest of Town residents and offers best value to the Town for the Premises because:
  - o The AC Power proposal offers the potential for a \$230,375.00 annual lease payment to the Town for twenty-five (25) years for the Premises (with an annual escalator), as compared to the next closest proposal which offers a \$140,000.00 annual lease payment to the Town;
  - o AC Power has indicated in their proposal a willingness to negotiate a payment-in-lieu of tax payment to the Town which would provide an additional revenue stream above and beyond the aforementioned annual lease payment;
  - o AC Power has demonstrated experience with developing solar farms on capped landfill sites, and, has also demonstrated a familiarity with this particular Premises in their proposal; and
  - o The AC Power proposal contains substantial revenue streams that will offset various carrying costs related to the Premises; and
  - o The AC Power proposal constitutes a beneficial re-use of the Premises that will meet critical infrastructure needs of Town of Salina residents and Town of Salina businesses on a site that otherwise has limited use.

6. The Town Board shall be presented with the Lease Agreement (once negotiated) for final consideration.

PASSED AND ADOPTED this 12<sup>th</sup> day of December, 2022 by the Town Board of the Town of Salina.

**I, RODNEY-DAVID LOWE, Town Clerk of the Town of Salina, DO HEREBY**

**CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 12<sup>th</sup> day of December, 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Salina, this 12<sup>th</sup> day of December, 2022.

DATED: December 12, 2022  
Liverpool, New York

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**Rodney-David Lowe**  
**Town Clerk of the Town of Salina**  
**Onondaga County, New York**

### **RESOLUTION REGARDING THE RESTORE NY URBAN/VILLAGE PROJECT**

A motion was made by David Carnie to authorize the submittal of an application for funding to the Restore NY Communities Initiative Municipal Grant Program. The motion was seconded by Jason Recor and put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

#### **RESOLUTION**

#### **TOWN OF SALINA BOARD**

#### **RESOLUTION OF THE TOWN OF SALINA BOARD AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDING TO THE RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM; AND AUTHORIZING THE SUPERVISOR OR HIS DESIGNEES TO SIGN AND SUBMIT ALL REQUIRED DOCUMENTATION FOR THE APPLICATION AND GRANT AGREEMENT DOCUMENTS**

WHEREAS the Town of Salina is eligible for grant funding (the "Grant") under the Restore NY Communities Initiative Municipal Grant Program (the "Grant Program"), and

WHEREAS the Town Board has considered projects that qualify for funding under the Grant Program and selected one project to be included in an application that will be submitted to Empire State Development Corporation (ESDC) as follows:

Redevelopment of 100 Buckley Road, Town of Salina, County of Onondaga, State of New York, the project will renovate a vacant and abandoned candle factory into a mixed-use building containing commercial use on the first floor and market rate apartments (the "Project")



WHEREAS the Project is consistent with all existing local plans, the proposed financing is appropriate for the Project, the Project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources and the Project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities in Town of Salina.

**NOW THEREFORE BE IT RESOLVED AND DETERMINED**, that the Supervisor or his designees are authorized to execute any and all applications, contracts and other documents necessary and to take such actions as are necessary to bring about the Grant and to fulfill the Grant Program.

The question of adoption of the forgoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Nicholas Paro	[	]	Aye	[	]	Nay	[	]	Abstain
Jason Recor	[	]	Aye	[	]	Nay	[	]	Abstain
Matthew Cushing	[	]	Aye	[	]	Nay	[	]	Abstain
Daniel Ciciarelli	[	]	Aye	[	]	Nay	[	]	Abstain
David Carnie	[	]	Aye	[	]	Nay	[	]	Abstain

The foregoing resolution was thereupon declared duly adopted.

Dated: \_\_\_\_\_

I hereby certify that this resolution was adopted on \_\_\_\_\_ and is recorded in the Meeting Minutes of the Town Board.

\_\_\_\_\_  
Karen Shenandoah, Deputy Town Clerk

### **COMPTROLLER'S REPORT**

A motion was made by Matt Cushing to close the Highway Salt Shed Capital Project. The motion was seconded by Jason Recor and put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

A motion was made by David Carnie to adopt a resolution approving the transfer submitted by the Comptroller. The motion was seconded by Jason Recor and put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

**BUDGET TRANSFER**

FROM:	001.9060.0800	HEALTH INSURANCE	\$ (28,000.00)
TO:	001.1680.0441	IT SERVICES	\$ 28,000.00

***TO UPGRADE SERVICES FOR CYBER SECURITY FOR  
CYBER INSURANCE PROTECTION***

**SUPERVISOR’S REPORT**

Supervisor submitted his report.

**AUTHORIZED ISSUANCE OF CLEAN-UP ORDERS**

A motion was made by Matt Cushing to adopt a resolution declaring that as to clean-up orders issued to a parcel at 623 Boston Rd. (Tax Map #060.-03-03.0); 1799 Brewerton Rd. (Tax Map #053.-06-10.0); 202 Crestwood Dr. (Tax Map #044.-12-14.0); 309 Leonard St. (Tax Map #044.-12-14.0); 106 Lind Ave. (Tax Map #063.-07-08.0); pursuant to provisions of Chapter 180 of the Salina Town Code, the requirements of § 180-5, 180-6 and as such may apply, §180-5B have been complied with and satisfied, and authorizing the costs incurred by the Town in performance of the work, including any quantifiable internal administrative costs to be paid for out of the general Town funds appropriated by the Town Board for such purpose with reimbursement made to the Town for the cost of the work performed or services rendered by direction of the Town Board, and for penalties assessed under §180-6B hereof by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered with the expenses so assessed to constitute a lien and charge on the real property on which they are levied until paid or otherwise satisfied or discharged which costs and expenses to be collected in the same manner and at the same time as other Town charges. The motion was seconded by David Carnie and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

**ADJOURNMENT**

A motion was made by Jason Recor to adjourn the meeting and was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, David Carnie: Yes, Nicholas Paro: Yes

Respectfully submitted,

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Karen Shenandoah, Deputy Town Clerk