

FIRE PREVENTION AND BUILDING CODE

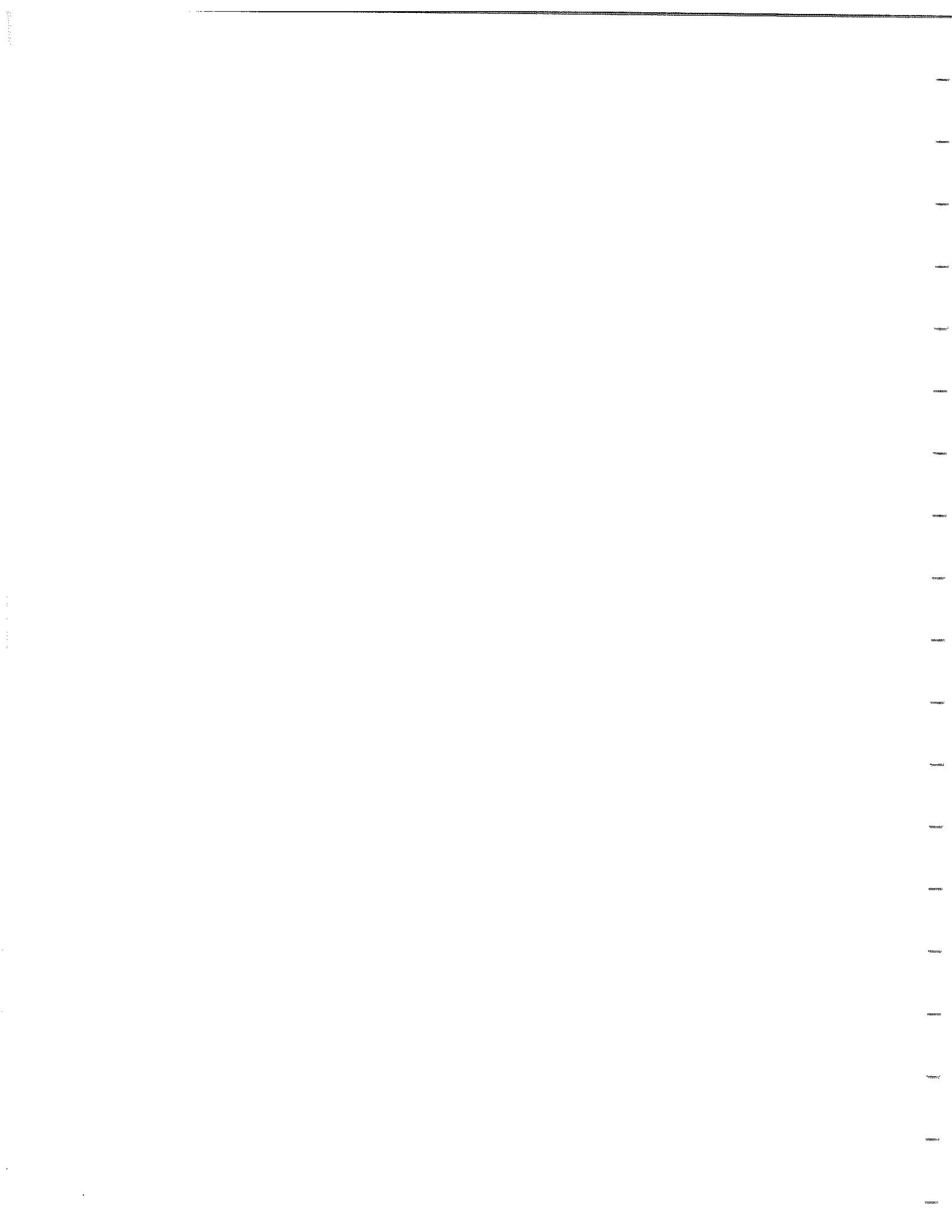
TOWN OF WASHINGTON

DUTCHESS COUNTY, NEW YORK

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TOWN OF WASHINGTON

FIRE PREVENTION AND BUILDING CODE

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A LOCAL LAW ADOPTING FIRE PREVENTION AND BUILDING CODES OF THE TOWN OF WASHINGTON.

ARTICLE I – PURPOSE & DEFINITIONS

Section 100. PURPOSE

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 the Town of Washington. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of the Fire Prevention and Building Code of the Town of Washington (the "Town Building Code"), all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of the Town Building Code.

Section 110. DEFINITIONS

For the purposes of this Fire Prevention and Building Code of the Town of Washington the following words shall have the meanings contained herein:

BUILDING INSPECTOR: The Building Inspector appointed pursuant to Section 200(2) of the Town Building Code.

BUILDING PERMIT: A permit issued pursuant to Article III of the Town Building Code. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of the Town Building Code.

CERTIFICATE OF OCCUPANCY: A certificate issued pursuant to Article VI of the Town Building Code.

CODE ENFORCEMENT PERSONNEL: The Building Inspector and all Inspectors.

COMPLIANCE ORDER: An order issued by the Building Inspector pursuant to Section 1200 of the Town Building Code.

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

INSPECTOR: An inspector appointed pursuant to subdivision (4) of Section 200 of the Town Building Code.

OPERATING PERMIT: A permit issued pursuant to Article VIII of the Town Building Code. The term "Operating Permit" shall also include an Operating Permit that is renewed, amended or extended pursuant to any provision of the Town Building Code.

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

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

STOP WORK ORDER: "Stop Work Order" shall mean an order issued pursuant to Article V of the Town Building Code.

TEMPORARY CERTIFICATE: A certificate issued pursuant to Section 603 of the Town Building Code.

TOWN BUILDING CODE: This Fire Prevention and Building Code of the Town of Washington as currently in effect and as hereafter amended from time to time.

UNIFORM CODE: The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

ZONING CODE: The Zoning Code of the Town of Washington.

ARTICLE II – CODE ENFORCEMENT PERSONNEL

Section 200. Building Inspector

1. The Building Inspector shall administer and enforce all the provisions of the Uniform Code, the Energy Code and the Town Building Code. The Building Inspector shall have the following powers and duties:
 - a. to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
 - b. upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits such terms and conditions as the Building Inspector may determine to be appropriate;
 - c. to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of the Town Building Code;
 - d. to issue Stop Work Orders;
 - e. to review and investigate complaints;
 - f. to issue orders pursuant to Section 1201 of the Town Building Code;

- g. to maintain records;
 - h. to collect fees as set by the Town Board;
 - i. to pursue administrative enforcement actions and proceedings;
 - j. 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 the Town Building Code, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or the Town Building Code;
 - k. The Building Inspector may, from time to time, promulgate such application forms, rules and regulations as deemed necessary by him or her for the proper administration and enforcement of the Town Building Code; and
 - l. to exercise all other powers and fulfill all other duties conferred upon the Building Inspector by the Town Building Code and Zoning Code.
2. The Building Inspector shall be appointed by resolution of the Town Board. The Building Inspector 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 Building Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
 3. In the event that the Building Inspector is unable to serve as such for any reason, an individual shall be appointed by resolution of the Town Board to serve as Acting Building Inspector. The Acting Building Inspector shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Building Inspector by the Town Building Code.
 4. One or more Inspectors may be appointed by resolution of the Town Board to act under the supervision and direction of the Building Inspector and to assist the Building Inspector in the exercise of the powers and fulfillment of the duties conferred upon the Building Inspector by the Town Building Code. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
 5. The compensation for the Building Inspector and Inspectors shall be fixed from time to time by the Town Board.

ARTICLE III – BUILDING PERMITS

Section 300. Building Permit Required

Except as otherwise provided in Section 301, 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 Building Inspector.

Section 301. Exemptions

1. No Building Permit shall be required for work in any of the following categories:
 - a. construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
 - b. installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - c. installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - d. installation of fences which are not part of an enclosure surrounding a swimming pool;
 - e. construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - f. construction of temporary motion picture, television and theater stage sets and scenery;
 - g. installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - h. installation of partitions or movable cases less than 5'-9" in height;
 - i. painting, wallpapering, tiling, carpeting, or other similar finish work;
 - j. installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - k. 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

1. repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.
2. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (1) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code, the Town Building Code or the Zoning Code.

Section 302. Applications for Building Permits

Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Building Inspector. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

1. a description of the proposed work;
2. the tax map number and the street address of the premises where the work is to be performed;
3. the occupancy classification of any affected building or structure;
4. where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
5. at least 3 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

Section 303. Review by Zoning Administrator

Upon receipt, the Building Inspector will then transmit the application to the Zoning Administrator who will review the application and, if required, refer the application to the Planning Board or Zoning Board of Appeals for further action. If such referral is not required, the Zoning Administrator will transmit the application back to the Building Inspector and shall recommend issuance or denial of the Building Permit.

Section 304. 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 Section 302(5) of the Town Building Code. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Building Inspector in writing or by stamp. One set of the accepted construction documents shall be retained by the Building Inspector, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued. The third set of documents shall be filed in the Town of Washington Assessor's office.

Section 305. Issuance of Building Permits

1. After transmittal back from the Zoning Administrator, the Building Inspector shall examine an application for a Building Permit to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Building Inspector shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code and in compliance with applicable laws and regulations of the Town of Washington.
2. A Building Permit shall be issued by Building Inspector only when the following conditions have been satisfied:
 - a. All buildings will be located on buildable land as defined in this Zoning Code.
 - b. The proposal set forth in the application conforms to the use, area, bulk, and applicable overlay district, environmental protection district, and wetland regulations of Zoning Code, unless a variance has been granted by the Zoning Board of Appeals.
 - c. All required reviews and actions have been complied with.
 - d. All necessary approvals have been secured.
 - e. Any public or private road or common driveway providing access to the proposed building has been suitably improved to the

satisfaction of the Town Highway Superintendent or designated engineer to provide safe access as required by the Town Building Code, the Zoning Code and the Land Subdivision Regulations.

- f. All water supply and sewage disposal facilities conform to the Dutchess County Department of Health Regulations, the New York Public Health Law, any applicable regulations of the New York State Department of Environmental Conservation, and the requirements of Zoning Code.
- g. Where the Building Permit relates to a commercial, industrial, or office project, or a mobile home park, as such terms are defined in the Zoning Code, the Building Permit for any building or buildings as the same shall be shown on the approved subdivision plat or site plan shall be issued by the Building Inspector only when the following additional conditions have been satisfied:
 - (1) All roads, sidewalks, curbs, and gutters, as the same shall be shown on the approved subdivision plat or site plan, have been installed, and if the same are to be dedicated to the Town, offered to the Town for dedication, and accepted by the Town.
 - (2) All drainage easements, storm sewers, catch basins, and other drainage facilities as the same shall be shown on the approved subdivision plat or site plan have been installed and, if the same are to be dedicated to the Town, offered to the Town for dedication, and accepted by the Town.
 - (3) All sanitary sewer lines, sewage disposal plants, water lines, water plants, wells, or other sources of water supply as the same shall be shown on the approved subdivision plat or site plan, have been constructed, and if the same are to be dedicated to the Town, offered to the Town for dedication, and accepted by the Town.
 - (4) All public or private recreational facilities as shown on the approved subdivision map or site plan have been constructed, and certificates of occupancy, to the extent that the same are required for such facilities, have been issued.
 - (5) At the discretion of the Town Board, and as an alternative to the completion of the improvements set forth in Subparagraphs (1) through (4) above, a performance bond may be furnished to the Town by the owner, said bond to be sufficient to cover the full costs of said improvements, as estimated by the Planning Board or other appropriate Town Departments designated by the Planning Board. The Town Board may require that such performance bond shall be issued by the owner with security acceptable to the Town Board as to form, sufficiency, and manner of execution. Such performance bond shall run for a term to be fixed by the Town Board, but in no case for a longer

term that three (3) years, provided, however, that the term of such performance bond may be extended by the Town Board with the consent of the parties thereto. In the event that any required improvements have not been installed as provided in this Subparagraph (5) within the term of such performance bond, the Town Board may thereupon declare the said performance bond to be in default and collect the sum payable thereunder, and upon the receipt of the proceeds thereof, the Town shall install such improvements as are covered by such performance bond, but not exceeding in cost the amount of such proceeds.

- (6) Anything contained in this Section 305(2) of the Town Building Code to the contrary notwithstanding, the Building Inspector shall have the right to issue a Building Permit if the same shall be required by the Town Building Code or the Zoning Code, for any of the construction referred to in Subparagraphs (1) through (4) above.
3. Upon receipt of written order from the Zoning Administrator, pursuant to section 410(3) of the Town of Washington Zoning Code, that a violation of the Zoning Code exists at a property, no Building Permit shall be issued for any use for such property.

Section 306. Denial of a Building Permit

If the Building Inspector is not satisfied that the applicant's proposed development will meet the requirements of the Town Building Code or the Zoning Code, the Building Inspector shall refuse to issue a Building Permit. The applicant may appeal such a decision to the Zoning Board of Appeals.

Section 307. Building Permits to be displayed

Building Permits shall be issued in duplicate and one (1) copy shall be posted conspicuously on the premises affected and shall remain visible until the authorized work has been completed. No owner, contractor, workman, or other person shall perform any site work or building construction of any kind unless the required Building Permit is displayed.

Section 308. 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 Building Inspector of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Building Inspector 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.

Section 309. Time limits

1. A Building Permit shall expire six (6) months from the date of issuance if the applicant fails to commence the work in accordance with the application as filed with the Building Inspector. For good cause shown, the Building Inspector may allow a maximum of two (2) extensions for periods not exceeding three (3) months each for the commencement of work.
2. Building Permits shall expire twelve (12) months after the date of issuance. For good cause shown, the Building Inspector may allow a maximum of two (2) extensions for periods not exceeding six (6) months each for the completion of work. 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 Building Inspector.

Section 310. Revocation or suspension of Building Permits

If the Building Inspector determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code, the Energy Code, the Town Building Code or the Zoning Code, or the work is being performed in an unsafe or dangerous manner, or that work is being done upon the premises in a way differing materially from that called for in the filed application, the Building Inspector shall revoke the Building Permit and issue a Stop Work Order pursuant to Article V of the Town Building Code. Thereupon it shall be the duty of the person holding the same to surrender the permit and all copies thereof to the Building Inspector. No owner, contractor, workman, or other person shall perform any building operation of any kind after the posting of said stop order and notification that a Building Permit has been revoked. The Building Permit shall not be reissued 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.

Section 311. Appeal

If no other approvals are required and no notice has been provided pursuant to 410(3) of the Zoning Code and the Building Inspector refuses to issue a Building Permit, the applicant may appeal to the Zoning Board of Appeals.

ARTICLE IV – CONSTRUCTION INSPECTIONS

Section 400. Work to remain accessible and exposed

Work shall remain accessible and exposed until inspected and accepted by the Building Inspector or by an Inspector authorized by the Building Inspector. The Permit Holder shall notify the Building Inspector when any element of work described in Section 401 is ready for inspection.

Section 401. Elements of work to be inspected

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

1. work site prior to the issuance of a Building Permit;
2. footing and foundation;
3. preparation for concrete slab;
4. framing;
5. building systems, including underground and rough-in;
6. fire resistant construction;
7. fire resistant penetrations;
8. solid fuel burning heating appliances, chimneys, flues or gas vents;
9. Energy Code compliance; and
10. a final inspection after all work authorized by the Building Permit has been completed.

Section 402. Inspection results

After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

ARTICLE V – STOP WORK ORDERS

Section 500. Authority to issue

The Building Inspector is authorized to issue Stop Work Orders pursuant to this section. The Building Inspector shall issue a Stop Work Order to halt:

1. any work that is determined by the Building Inspector 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 Building Inspector, 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.

Section 501. Content of Stop Work Orders

Stop Work Orders shall

1. be in writing,
2. be dated and signed by the Building Inspector,
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.

Section 502. Service of Stop Work Orders

The Building Inspector 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, return receipt requested. The Building Inspector 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, return receipt requested; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

Section 503. 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.

Section 504. Remedy not exclusive

The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in Section 500 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 Article XII of the Town Building Code 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.

ARTICLE VI – CERTIFICATES OF OCCUPANCY

Section 600. Certificates of Occupancy required

A Certificate of Occupancy 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.

Section 601. Issuance of Certificates of Occupancy

1. Application.
 - a. All Certificates of Occupancy shall be applied for promptly after the completion of the erection of, addition to or structural alteration of the building or structure for which a Building Permit has been issued. Said Certificate shall be issued within ten (10) business days after the erection or alteration shall have been approved as complying with the provisions of the Town Building Code and the Zoning Code.
 - b. If a Certificate of Occupancy is applied for more than two (2) months after the completion of the erection of, addition to or structural alteration of the building or structure for which a Building Permit has been issued, the applicant shall incur an additional fee, as indicated at the time of application for the Certificate of Occupancy on the Town of Washington Fee Schedule, on file with the Town Clerk.
2. Issuance. The Building Inspector shall issue a Certificate of Occupancy 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 Building Inspector or an Inspector authorized by the Building Inspector shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy. 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 Building Inspector, at the expense of the applicant for the Certificate of Occupancy, shall be provided to the Building Inspector prior to the issuance of the Certificate of Occupancy:

- a. a written statement of structural observations and/or a final report of special inspections, and
 - b. flood hazard certifications.
3. No Certificate of Occupancy shall be issued unless a driveway has been completed in accordance with any conditions of the Planning Board approval and the applicable provisions of this Zoning Code.
 4. Upon receipt of written order, pursuant to section 410(3) of the Zoning Code, from the Zoning Administrator that a violation of the Zoning Code exists at a property, no Certificate of Occupancy shall be issued for any use for such property.
 5. Record. The Building Inspector shall maintain a record of all applications and Certificates of Occupancy and copies or summaries thereof shall be furnished upon request to any person having a proprietary, tenancy, contractual or security interest in the building affected.

Section 602. Contents of Certificates of Occupancy

A Certificate of Occupancy 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, address and tax map number of the property;
4. if the Certificate of Occupancy is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy is issued;
5. the use and occupancy classification of the structure;

6. the type of construction of the structure;
7. the assembly occupant load of the structure, if any;
8. if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
9. any special conditions imposed in connection with the issuance of the Building Permit; and
10. the signature of the Building Inspector issuing the Certificate of Occupancy and the date of issuance.

Section 603. Temporary Certificate

The Building Inspector shall be permitted to issue a Temporary Certificate 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 Building Inspector issue a Temporary Certificate unless the Building Inspector determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Building Inspector may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Building Inspector and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

Section 604. Revocation or suspension of certificates

If the Building Inspector determines that a Certificate of Occupancy or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.

ARTICLE VII – UNSAFE BUILDING AND STRUCTURES

Section 700. Unsafe structures and equipment

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures contained in this Article VII of the Town Building Code

Section 701. Defects constituting unsafe buildings

All buildings or structures which have any or all of the following defects shall be deemed "unsafe buildings":

1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Town.
5. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein.
6. Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.
8. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
9. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this Town.
10. Any building or structure which remains vacant and unattended continuously for a period of five years.

Section 702. Standards for repair, vacation or demolition

The following standards shall be followed in substance by the Building Inspector and the Town Board in ordering repair, vacation or demolition:

1. If the unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of the Town Building Code it shall be ordered repaired.
2. If the unsafe building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants it shall be ordered to be vacated.
3. In any case where an unsafe building is 50% damaged or decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of the Town Building Code, it shall be demolished. In all cases where an unsafe building is a fire hazard existing or erected in violation of the terms of the Town Building Code or any other local law or statute of the State of New York, it shall be demolished.

Section 703. Nuisances

All unsafe buildings within the terms of Section 701 of the Town Building Code are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

Section 704. Duties of Building Inspector with respect to unsafe buildings and equipment

The Building Inspector shall:

1. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may exist in violation of the Town Building Code.
2. Inspect any building, wall or structure reported (as hereinafter provided for) by fire protection and law enforcement authorities within the Town as probably existing in violation of the terms of the Town Building Code.
3. Notify personally or in writing the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property, by certified mail, return receipt requested, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Town Assessor or in the office of the County

Clerk of any building found by him or her to be an unsafe building within the standards set forth in Section 701 of the Town Building Code.

4. Set forth in the notice provided for in Subsection 705(3) of the Town Building Code a description of the building or structure deemed unsafe and a statement of the particulars which make the building or structure an unsafe building and an order requiring the same to be put in such condition as to comply with the terms of the Town Building Code within such length of time, not exceeding 30 days, as is reasonable. The notice shall also inform the recipient, as appropriate, that:
 - a. the owner must vacate, or repair or demolish said building in accordance with the terms of the notice and the Town Building Code.
 - b. the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession.
 - c. any mortgagee, agent or other persons having an interest in said building may at his or her own risk repair, vacate or demolish said building or have such work or act done, provided that any person notified under this section to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
5. Report to the Town Board any noncompliance with the notice provided for in Section 705(3) and (4) of the Town Building Code.
6. Appear at all hearings conducted by the Town Board and testify as to the condition of unsafe buildings.
7. Place a notice on all unsafe buildings reading as follows: "This building has been found to be an unsafe building by this Building Inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property, by certified mail, return receipt requested, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having vested or contingent interest in the same, as shown by the records of the Town Assessor or in the office of the County Clerk, of any building found by me to be an unsafe building within the standards set forth in 701 of the Town of Washington Fire Prevention and Building Code. It is unlawful to remove this notice until compliance with such notice has been achieved."
8. For the filing of a copy of such notice in the office of the county clerk of the county within which such building or structure is located, which notice

shall be filed by such clerk in the same manner as a notice of pendency pursuant to article sixty-five of the civil practice law and rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the town attorney. The clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

Section 705. Duties of Town Board with respect to unsafe buildings and equipment.

The Town Board shall:

1. Upon receipt of a report of the Building Inspector as provided for in Section 704(5) of the Town Building Code, give written notice to the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property, by certified mail, return receipt requested, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Town Assessor or in the office of the County Clerk, of any building found by the Building Inspector to be an unsafe building within the standards set forth in Section 701 of the Town Building Code, to appear before the Board on the date specified in the notice to show cause why the building or structure reported to be an unsafe building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein in Section 704(4) of the Town Building Code.
2. Hold a hearing and hear such testimony as the Building Inspector or the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property as shown by the records of the Town Assessor or in the office of the County Clerk shall offer relative to the unsafe building.
3. Make written findings of fact from the testimony offered pursuant to Section 705(2) of the Town Building Code as to whether the building in question is an unsafe building within the terms of Section 701 of the Town Building Code.
4. Issue an order based upon findings of fact made pursuant to Section 705(3) of the Town Building Code commanding the owner or some one of the owner's executors, legal representatives, agents, lessees or any other

person having a vested or contingent interest in the property as shown by the records of the Town Assessor or in the office of the County Clerk to repair, vacate or demolish any building found to be an unsafe building within the terms of the Town Building Code, provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said unsafe building, or any person not the owner of said unsafe building but having an interest in said building may demolish said unsafe building at his or her own risk to prevent the acquiring of a lien against the land upon which said unsafe building stands by the Town as provided in Section 705(5) of the Town Building Code.

5. If such person fails to comply with the order provided for in Section 705(4) of the Town Building Code, within 10 days, cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 702 of the Town Building Code, and with the assistance of the Town Attorney, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax rolls as an assessment or to be levied as a special tax against the land upon which the building stands or did stand or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety or general welfare of the people of this Town, the Building Inspector shall notify the Town Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.
6. Report to the Town Attorney the names of all persons not complying with the order provided for in Section 705() of the Town Building Code.

Section 706. Emergency cases

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless an unsafe building as defined herein is immediately repaired, vacated or demolished, the Building Inspector shall report such facts to the Town Board, and the Town Board shall cause the immediate repair, vacation or demolition of such unsafe building. The costs of such emergency repair, vacation or demolition of such unsafe building shall be collected in the same manner as provided in Section 705(5) of the Town Building Code.

Section 707. Absentee owners

In cases, except emergency cases, where the owner, occupant or lessee is absent from the Town, all notices or orders provided for herein shall be sent by certified mail, return receipt requested to the party in interest as described Section 704(3) of the Town Building Code to the last known address of such party in interest, and a copy of such notice shall be posted in a conspicuous place on the unsafe building to which it relates. Such mailing and posting shall be deemed adequate

service.

Section 708. Administrative liability

No officer, agent or employee of the Town of Washington shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties under this Article VII of the Town Building Code. Any suit brought against any officer, agent or employee of the Town of Washington as a result of any act required or permitted in the discharge of official duties under this Article VII of the Town Building Code shall be defended by the Town Attorney until the final determination of the proceeding therein.

Section 709. Reporting by Fire Department and Law Enforcement

1. The chief of any fire department providing fire fighting services for a property within this Town or any law enforcement official may make a report, in writing, to the Building Inspector of any building or structures which are, may be, or are suspected to be unsafe buildings within the terms of this section.
2. The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Building Inspector of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

ARTICLE VIII – OPERATING PERMITS

Section 800. Operation Permits required

Any person who proposes to undertake any activity or to operate any type of building listed in this Section 800 of the Town Building Code shall be required to obtain an Operating Permit prior to commencing such activity or operation:

1. manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled “Fire Code of New York State” and incorporated by reference in 19 NYCRR section 1225.1;
2. hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
3. use of pyrotechnic devices in assembly occupancies;
4. buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

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

Section 801. Applications for Operating Permits

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

Section 802. Inspections

The Building Inspector or an Inspector authorized by the Building Inspector shall inspect the subject premises prior to the issuance of an Operating Permit.

Section 803. Multiple Activities

In any circumstance in which more than one activity listed in Section 800 of the Town Building Code is to be conducted at a location, the Building Inspector may require a separate Operating Permit for each such activity, or the Building Inspector may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

Section 804. Duration of Operating Permits

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

Section 805. Revocation or suspension of Operating Permits

If the Building Inspector 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.

ARTICLE IX – FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

Section 900. Inspections required

Fire safety and property maintenance inspections of buildings and structures shall be performed by the Building Inspector or an Inspector designated by the Building Inspector at the following intervals:

1. Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
2. Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
3. Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this Section, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this Section, shall be performed at least once every thirty-six (36) months.

Section 901. Inspections permitted

In addition to the inspections required by Section 900 of the Town Building Code, 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 Building Inspector or an Inspector designated by the Building Inspector 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 Building Inspector 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 Building Inspector of any other information, reasonably believed by the Building Inspector 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.

Section 902. OFPC Inspections

Nothing in this section or in any other provision of the Town Building Code shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary:

1. the Building Inspector shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
2. the Building Inspector shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
3. the Building Inspector shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in Section 900(3) of the Town Building Code; and
4. the Building Inspector shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in Section 900(3) of the Town Building Code.

ARTICLE X – COMPLAINTS

Section 1000. Investigation of Complaints

The Building Inspector shall review and investigate complaints received in writing and signed by the complainant which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, the Town Building Code, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Building Inspector 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 1200 of the Town Building Code;

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.

ARTICLE XI – RECORD KEEPING & REPORTING

Section 1100. Record Keeping

The Building Inspector shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

1. all applications received, reviewed and approved or denied;
2. all plans, specifications and construction documents approved;
3. all Building Permits, Certificates of Occupancy, 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 other features and activities specified in or contemplated by Section 300 through Section 1000, inclusive, of the Town Building Code; and
9. all fees charged and collected.

Section 1101. Public Inspection

All such records shall be public records open for public inspection during normal business hours.

Section 1102. Records retention

All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

Section 1110. Program Review & Reporting

The Building Inspector shall be responsible for the following submissions:

1. The Building Inspector shall make a report to the Town Board, in writing, at least once every three (3) months, reporting the number and type of Building Permits and Certificates of Occupancy issued, and listing all reported or continuing violations of this Town Building Code and the Zoning Code and the disposition or pending action on such violations.
2. The Building Inspector shall annually submit to the Town Board a written report and summary of all business conducted by the Building Inspector and the Inspectors, including a report and summary of all transactions and activities described in Section 1100 of the Town Building Code and a report and summary of all appeals or litigation pending or concluded.
3. The Building Inspector 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.
3. The Building Inspector shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

ARTICLE XII – VIOLATIONS

Section 1200. Compliance Orders

The Building Inspector 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 the Town Building Code. Upon finding that any such condition or activity exists, the Building Inspector shall issue a Compliance Order. The Compliance Order shall:

1. be in writing;
2. be dated and signed by the Building Inspector;
3. specify the condition or activity that violates the Uniform Code, the Energy Code, or the Town Building Code;
4. specify the provision or provisions of the Uniform Code, the Energy Code, or the Town Building Code which is/are violated by the specified condition or activity;

5. specify the period of time which the Building Inspector deems to be reasonably necessary for achieving compliance;
6. direct that compliance be achieved within the specified period of time; and
7. state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Building Inspector shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail, return receipt requested. The Building Inspector shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail, return receipt requested; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

Section 1201. Violations

It shall be unlawful for any owner, person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of the Town Building Code or in violation of any rule promulgated by the Building Inspector in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the Building Inspector, or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy. Violations of this section shall be punishable by a maximum fine of \$500. Each day that a violation continues shall be deemed a separate offense.

Section 1202. Appearance Tickets

The Building Inspector and any Inspectors as may be appointed by the Town Board shall have the authority to issue appearance tickets, under Article 150 of the Criminal Procedure Law of this state, for purposes of enforcement of the Uniform Code, the Energy Code and the Town Building Code.

Section 1203. Civil Penalties

In addition to those penalties prescribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or the Town Building Code, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Building Inspector pursuant to any provision of the Town Building Code, shall be liable to a civil penalty of not more than \$200 for each day or part

thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.

Section 1204. 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, the Town Building Code, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Building Inspector pursuant to any provision of the Town Building Code. 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, the Town Building Code, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or the Town Building Code, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board. The Town may also recover, in such action, its reasonable and necessary attorneys' fees and court costs in prosecuting such claim.

Section 1205. 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 Article V of the Town Building Code, in any other section of the Town Building Code, 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 Article V of the Town Building Code, in any other section of the Town Building Code, 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.

ARTICLE XIII –FEES

Section 1300. Fees

All applications submitted pursuant to the Town Building Code shall be accompanied by the applicable fee that shall be used to cover review and administrative costs. The fees shall be set forth in the fee schedule established annually by resolution of the Town Board. The fee schedule shall be available at the Town Hall.