

A regular meeting of the Town Board of the Town of Sweden was held at the Town Hall, 18 State Street, Brockport, New York, on Tuesday, March 25, 2008.

Town Board Members present were Supervisor Lester, Councilperson Connors, Councilperson Ferris and Councilperson Windus-Cook. Councilperson Carges was absent. Also present were Finance Director Leisa Strabel, Director of Buildings and Grounds Jeremy Oakden, Town Attorney Jim Bell, Fire Marshal Charles Sanford, Building Inspector Jim Butler and Town Clerk Karen Sweeting.

Visitors present were residents Jim Hamlin, Ed Spade and Mike Ferris.

Supervisor Lester called the meeting to order at 7:30 p.m. and asked everyone present to say the Pledge to the Flag. Supervisor Lester then acknowledged the presence of visitors and asked if there was anyone that would like to speak. No one spoke.

APPROVAL OF MINUTES

Councilperson Connors made a motion that was seconded by Councilperson Ferris to accept the minutes of the regular Town Board meeting held on March 8, 2008. All voted in favor of the motion – four ayes. Motion adopted.

SUPERVISOR'S CORRESPONDENCE

2008	Received From:	Comments:
*1.	Fred Perrine, Superintendent of Highways	Request for Federal Surplus Purchase
*2.	Fred Perrine, Superintendent of Highways	Recommendation – Yearly Brush Grinding
*3.	Channon Stratton	Resignation

*Board has copies

RE: #1 Councilperson Connors made a motion that was seconded by Councilperson Ferris to grant the request of Superintendent of Highways Fred Perrine to purchase one 1996 Chevrolet Pickup Truck offered through the Federal Surplus Property Program at a cost of \$1,000. All voted in favor of the motion – four ayes. Motion adopted.

RE: #2 Councilperson Ferris made a motion that was seconded by Councilperson Windus-Cook to approve the recommendation of Superintendent of Highways Fred Perrine to contract with Terry Tree Service in the amount of \$10,800 (cost to the Town of Sweden is \$5,400) for the yearly brush grinding of stockpiled brush utilized by both the Town of Sweden and Village of Brockport. All voted in favor of the motion – four ayes. Motion adopted.

RE: #3 Councilperson Connors made a motion that was seconded by Councilperson Windus-Cook to accept with regrets the resignation of Channon Stratton as Laborer. All voted in favor of the motion – four ayes. Motion adopted.

Supervisor Lester added that he had received correspondence from residents Tom and Darlene Lang regarding road repairs on Redman Road. Mr. Lester stated he was surprised by the tone of the correspondence. Redman Road is a state road. Mr. Lester sent the correspondence to the NYS DOT regional director.

REPORTS

Director of Buildings and Grounds Jeremy Oakden had no report.

Building Inspector Jim Butler reported that he attended the FLBOA (Finger Lakes Building Officials Association) training conference.

Fire Marshal Charles Sanford reported that he also attended the FLBOA training conference and added that he was impressed with the session on “green communities”. Several ideas were presented that Mr. Sanford felt would be helpful in dealing with potential builders/developers of “green communities” in the Town.

Town Attorney Jim Bell reported updates of pending litigation.

Councilperson Connors had no report.

Councilperson Ferris reported that he attended a Sweden Community Foundation meeting and also met with two representatives from SUNY Brockport to discuss the next steps in the regional marketing plan proposal.

Councilperson Windus-Cook reported that she attended the Easter breakfast held at the Sweden Clarkson Community Center and wanted to thank Jill Wisnowski and her family for all their hard work and involvement with the celebration. Ms. Windus-Cook attended a meeting with Recreation Director Dave Scott and the Sweden Senior Association group at the Senior Center to answer questions and discuss the recent consolidation. She felt that Mr. Scott did a good job clarifying the many rumors circulating. The consolidation would result in the addition of programs and extended hours of the Senior Center. The Town Board has no intention of shutting the center down. Ms. Windus-Cook and Finance Director Leisa Strabel attended the Village of Brockport meeting to also clarify rumors of a particular position being cut. The Village pays a share of the Seasonal Recreation staff position not the individual. Ms. Windus-Cook and Finance Director Leisa Strabel also met with Assemblyman Bill Reilich to discuss a request for funds to make improvements to the lower level of the barn located at the Farmers’ Museum on Lake Road.

Supervisor Lester reported that he attended several meetings and appointments.

RESOLUTIONS

RESOLUTION NO. 43

Adopt Local Law No. 3 of 2008 –
Amending Section 175-7 Zoning
Definition – Shopping Plaza

WHEREAS, the Sweden Town Board desires to define a Shopping Plaza for use in Sweden Town Code Section 175; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board pursuant to the provisions of Section 265 of Town Law, at the Town Hall, 18 State Street, Brockport, New York on March 25, 2008, at 7:15 PM, to hear all persons interested in the adoption of Local Law No. 3 of 2008 – Amending Section 175-7 Zoning Definition – Shopping Plaza; and

WHEREAS, all persons desiring to be heard were heard, and due deliberation having been had.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby adopts Local Law No. 3 of 2008 – Amending Section 175-7 Zoning Definition – Shopping Plaza in the Sweden Town Code.

Sec. 2. That the text of Local Law 3 of 2008 be as follows:

175-7 SHOPPING PLAZA – A group of at least four (4) or more *existing or proposed* non-residential establishments managed as a unit and which are usually within the same building, or in contiguous units or in separate units that are using integrated parking facilities and have a common access to the public way.

Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 3 of 2008 with the Secretary of State, as required by law.

Sec. 4. That this resolution shall take effect immediately upon the filing in the office of the Secretary of State.

MOTION for adoption of this resolution by Councilperson Windus-Cook
Seconded by Councilperson Connors

Discussion: Based upon brief discussion at the public hearing, Councilperson Ferris made a motion that was seconded by Councilperson Connors to amend the text of the proposed definition of shopping plaza to include “existing or proposed”. All voted in favor of the motion – four ayes. Motion adopted. **

VOTE BY ROLL CALL AND RECORD AS AMENDED:

Councilperson Carges	<u>Absent</u>	
Councilperson Connors	<u>Aye</u>	
Councilperson Ferris	<u>Aye</u>	
Councilperson Windus-Cook	<u>Aye</u>	
Supervisor Lester	<u>Aye</u>	
Submitted – March 25, 2008		Adopted

RESOLUTION NO. 44

Adopt Local Law No. 4 of 2008 –
Amending Section 175-30 Signs in the
Sweden Town Code.

WHEREAS, the Town Board has determined that the intent of the Sign Ordinance would be better served if there were changes to two sections; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board pursuant to the provisions of Section 265 of Town Law, at the Town Hall, 18 State Street, Brockport, New York, on March 25, 2008, at 7:20 PM., to hear all persons interested in the adoption of Local Law No. 4 of 2008 – Amendments to Section 175-30 Signs in the Sweden Town Code; and

WHEREAS, all persons desiring to be heard were heard, and due deliberation having been had.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby adopts Local Law No. 4 of 2008 – Amendments to Section 175-30 Signs in the Sweden Town Code as follows:

Section 175-30E(2)(f) One such sign to serve as a plaza tenant directory sign, mounted beneath the plaza sign, said sign not exceeding 75 square feet with the

bottom edge no closer to the ground than six feet. ~~Directory signs are only allowed when one or more the plaza tenants do not face a public right of way.~~

Section 175-30E(2)(j) *For a filling station that features indoor retail shopping, one such sign, in addition to a building mounted sign, said sign not to exceed 20 feet in height, 40 square feet in area and no closer to the right of way than 10 feet identifying the business name and current retail fuel cost.*

Sec. 2. All Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 4 of 2008, with the Secretary of State, as required by law.

Sec. 4. That this resolution shall take effect immediately upon the filing in the office of the Secretary of State.

MOTION for adoption of this resolution by Councilperson Windus-Cook
Seconded by Councilperson Ferris

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – March 25, 2008

Adopted

RESOLUTION NO. 45

Adopt Local Law No. 5 of 2008 – Addition of
Conveyance Code to the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden desires to enact by Local Law a new chapter of the Sweden Town Code to provide for the public health and safety through the establishment of regulations relating to the installation, alteration, maintenance, required installation, and inspections of elevators, escalators, moving walks, lifts and other conveyances in the Town of Sweden; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board pursuant to the provisions of Section 265 of Town Law, at the Town Hall, 18 State Street, Brockport, New York, on March 25, 2008, at 7:10 PM., to hear all persons interested in the adoption of Local Law No. 5 of 2008 – Addition of Conveyance Code to the Sweden Town Code; and

WHEREAS, all persons desiring to be heard were heard, and due deliberation having been had.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby adopts Local Law No. 5 of 2008 – Addition of “Conveyance Code” to the Sweden Town Code.

Sec. 2. That the complete text of Local Law No. 5 of 2008 is attached as Exhibit A.

Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 5 of 2008 with the Secretary of State, as required by law.

Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Ferris
Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – March 25, 2008

Adopted

CONVEYANCE CODE

§ 80-1. Findings.

- A. This law shall be known and cited as the Town of Sweden Conveyance Code.
- B. It is the intent of this law to provide for the public health and safety through the establishment of regulations relating to the installation, alteration, maintenance, required installations, and inspections of elevators, escalators, moving walks, lifts and other conveyances in the Town of Sweden.
- C. The provisions of this local law shall apply to the installation, alteration, maintenance, required installations and inspections and testing of all conveyances in the Town of Sweden.
- D. In addition to the provisions of this local law, the Building Code of New York State and the Property Maintenance Code of New York State, henceforth referred to as Title 19 NYCRR, A.N.S.I A17.1, A.N.S.I. A18.1 and the Americans With Disabilities Act of 1990, shall be recognized as the standards regulating all conveyances in the town of Sweden.

§80-2 Word usage and definitions.

- A. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.
- B. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

Alteration – Any major change made on existing equipment other than repair or replacement of damaged, worn or broken parts necessary for normal operation and maintenance.

A.N.S.I. – The American National Standards Institute.

A.N.S.I. A17.1 – The edition of the American National Standards Institute Safety Code for Elevators and Escalators (includes requirements for elevators, escalators, dumbwaiters, moving walks, material lifts, and dumbwaiters with automatic transfer devices) as supplemented by the published amendments and additions as referenced by Title 19 NYCRR of the State of New York.

A.N.S.I A18.1 - Safety Standard for Platform Lifts and Stairway Chairlifts

Certificate of Compliance – The document issued by the Code Enforcement Officer/Building Inspector, which certifies each conveyance, defined herein as being in operating order and in compliance with this law.

Conveyance - Any elevator, escalator or other device as defined in A.N.S.I A17.1 and A.N.S.I A18.1.

Existing Installation – Any installation of a conveyance existing prior to the effective date of this law.

New Installation – Any conveyance newly installed or an existing conveyance, which has been moved to a new location subsequent to, the effective date of this law.

Secured Installation – A conveyance in a vacant or occupied building which has met the requirements of the Code as an “Installation Placed out of Service”.

Temporarily Out of Service Installation – A conveyance, which is locked at the top floor with it’s disconnect pulled and car and hoist way doors closed. Such a conveyance may remain out of service for not more than one year with inspections occurring in accordance with this law.

Inspection Certification – A certification issued in the form of an Inspection Report completed by a licensed inspector/licensed inspection company certifying the periodic safety tests and inspections of a conveyance are current, shall be filed at the required intervals with the Code Enforcement/Building Inspector by the owner, lessee, or occupant of any building or structure.

Inspection Report – The report of an inspection performed by a licensed inspector/inspection company certifying the conveyance has been inspected and tested as required by the Code and designating that the equipment is in operative condition, and approved for use.

Inspector – A person licensed by the Town of Sweden to witness safety tests and perform inspections on conveyances.

License - A document, which is issued by the Town of Sweden to an Inspector or Inspection Agency to engage in the trade of the inspections and witnessing of safety tests of conveyances.

Simple Repair – The replacement of existing work with the same or like materials used in the existing work.

§80-3. Administration

- A. The administration and enforcement of this law, and the provisions of Title 19 N.Y.C.R.R. and A.N.S.I. A17.1 and A18.1 applicable to conveyances, shall be in accordance with the requirements of this law and all other applicable laws. The Sweden Conveyance Law shall be administered by Town of Sweden Building Inspectors.

§80-4. Permits and Inspections

- A. In all cases where there is to be a new installation of a conveyance, or a move of an existing conveyance, a permit must be obtained by the installer or contractor. To obtain a permit, the applicant must provide plans for said installation. These plans must adequately satisfy the requirements of this code, the Building Code, ANSI A17.1 and A18.1.
- B. Installers must have proof of insurance coverage and provide proof of this coverage to the satisfaction of the Building Inspector.
- C. Permits must be displayed on the job site at all times while work is in progress. Failure to display a required conveyance permit shall be grounds for the issuance of a “Stop Work”

order by the Building Inspector. The only exception to the requirement for displaying a permit is during the installation of a conveyance in a new building also under construction.

- D. An inspector employed by a licensed conveyance Inspection Company licensed by the Town of Sweden to perform conveyance inspections must inspect all conveyance installations. After initial installation inspection, all conveyances shall be re-inspected at regular intervals as prescribed by Title 19 N.Y.C.R.R., A.N.S.I. A17.1 (Table N1) and A.N.S.I. A18.1. All existing installations of conveyances shall be subjected to inspections by a licensed Inspector employed by a licensed conveyance Inspection Company at intervals no longer than six (6) months for all conveyances except those located within a dwelling unit of a single or two family residence. An alternate interval may be required by the Building Inspector based on a report by a licensed conveyance inspector employed by a licensed conveyance Inspection Company or by a complaint of possible unsafe conditions.
- E. All conveyances must be tested at the intervals prescribed by ANSI A17.1 (Table N1) and ANSI A18.1. An inspector licensed by the Town Of Sweden shall witness these tests, and documentation of the tests, from the inspector/inspection agency, shall be provided in order to receive a Certificate of Compliance.
- F. An inspection report and certification must be submitted to the Building Inspector before issuance a Certificate of Compliance. It shall be the responsibility of the owner, lessee or occupant to submit the inspection report and certification to the Building Inspector,
- G. A certificate of Compliance is required prior to the operation or use of any conveyance in any building or structure in the Town of Sweden.
- H. A Certificate of Compliance is required for the continuing operation or use of any conveyance in any building or structure in the Town of Sweden, which has been placed out of service or secured.
- I. Any person, firm, association, partnership or corporation who is the owner, installer, lessee or occupant of a building or structure and who operates, installs, repairs, or causes to be operated therein any conveyance, shall be responsible for compliance with the provisions of this law.

§80-5. Licenses for Elevator Inspectors

- A. A company in the business of conveyance inspections must submit names, addresses, and current Qualified Elevator Inspection Certifications for all employees who will be performing conveyance inspections in the Town of Sweden.
- B. A fee, established by the Town Board of the Town of Sweden and changing as deemed necessary, will be required before issuance of a license to inspect conveyances.
- C. The Conveyance Inspection Agency shall maintain insurance policies in full force and effect while performing inspections and submitting certificates of inspection and compliance. Said policies shall include statutory workman's compensation for it's employees and work-persons and public liability insurance of at least \$1,000,000/\$3,000,000 for personal injury, \$1000,000 for property damage, and \$5,000 for excess liability. All policies must name the Town of Sweden as an additional insured, and a certificate of insurance showing coverage in the required amounts shall be submitted to the Town of Sweden. The terms of the policies shall be subject to the approval of the Town of Sweden.
- D. All licenses shall expire on the last day of December each year, and shall be renewed annually. Renewal will require necessary fees for each Licensee (Conveyance Inspection Agency), current Qualified Elevator Inspection Certificates, and proof of insurance.
- E. It is the responsibility of the license holder for renewal of the license. The Town will endeavor to send a renewal notice in advance, at the end of each year. However, failure to receive this notice does not relieve the license holder of their responsibility to renew the license.

§80-6. Violations

- A. If an inspection report is filed which indicates that a code violation exists, the Building Inspector shall serve or cause to be served a written notice upon the owner, lessee, and /or occupant, either personally or by regular mail. The notice shall specify the property address and each conveyance to be repaired, and shall require that the repairs listed be performed within the specified time limit from date of personal service or mailing of the notice. Except in life safety situations, the owner will have thirty days to submit documentation from a licensed Conveyance Inspection Agency that the conveyance is in compliance with all applicable codes.
- B. Where the work or repairs required is in the nature of an emergency, as determined by the Building Inspector, the neglect of which would endanger life, the equipment shall be sealed temporarily out of service and such work or repairs shall be ordered to be done at

once. After service of notice, it shall be the duty of the owner to make such repairs or changes as are necessary to place said conveyance in a safe condition. It shall be the duty of the owner to submit documentation that the conveyance is in compliance and to obtain a new Certificate of Compliance.

- C. If upon inspection of any device covered by this law, the equipment is found in a dangerous condition, or if there is a immediate hazard to life, or if the design or the method of operation in combination with devices used, is considered inherently dangerous in the opinion of the Elevator Inspector, he/she shall notify the owner as provided herein of such condition and seal temporarily out of service. The Building Inspector shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition. It shall be the duty of the owner to submit documentation that the conveyance is in compliance and to obtain a new Certificate of Compliance.

§80-7. Required Location

- A. All new buildings containing medical facilities, doctor's offices, treatment areas, hospitals, nursing homes, senior citizen living or care facilities shall be handicap accessible. If these areas are below grade or two or more stories above grade, a conveyance in compliance with this law, shall be installed.
- B. Any renovation or remodeling in the above-mentioned facilities, which are required to have building, permits, under Title 19 NYCRR or the Town of Sweden Building and Fire Prevention Code must also be made handicap accessible from the grade level to the renovated or remodeled space through means of a ramp or conveyance in compliance with this law.

§80-8. Penalties

- A. Any Person, who shall willfully fail to comply with this law, shall severally, for each and every such violation, be punishable by a fine of not more than one thousand dollars (\$1,000) per day of violation or imprisonment not exceeding one year, or both. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue, and all such persons shall be required to correct or remedy such violation or defects within a reasonable time, and when not otherwise specified, each day that he prohibited condition(s) or violation(s) continues shall constitute a separate offense. The

imposition of any such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy.

- B. An action or proceeding in the name of the Town of Sweden, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this law. Such remedy shall be in addition to penalties otherwise prescribed by law.

§80-9. Severability

- A. If any part or provision of this local law, or the application thereof to any persons or circumstances, shall be judged invalid, such judgment shall be confined to the part or application to be invalid. Such decision shall not affect the validity of this local law as a whole, or any part thereof, other than the part so decided to be invalid.
- B. If a court of competent jurisdiction finds the application of any provision of this local law to any building or conveyance to be invalid, in whole or part, the effect of such decision shall be limited to the building or conveyance involved, and the application of any such provisions to any other building or conveyance shall not be affected.

RESOLUTION NO. 46

Adopt Local Law No. 6 of 2008 – Addition
of Building Code to the Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden desires to enact by Local Law a new chapter of the Sweden Town Code to provide for the public health and safety through the establishment of regulations relating to 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; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board pursuant to the provisions of Section 265 of Town Law, at the Town Hall, 18 State Street, Brockport, New York, on March 25, 2008, at 7:00 PM., to hear all persons interested in the adoption of Local Law No. 6 of 2008 – Addition of Building Code to the Sweden Town Code; and

WHEREAS, all persons desiring to be heard were heard, and due deliberation having been had.

NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1. That the Town Board of the Town of Sweden hereby adopts Local Law No. 6 of 2008 – Addition of “Building Code” to the Sweden Town Code.
- Sec. 2. That the complete text of Local Law No. 6 of 2008 is attached as Exhibit A.
- Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 6 of 2008 with the Secretary of State, as required by law.
- Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Connors
Seconded by Councilperson Ferris

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – March 25, 2008

Adopted

Building Code
(Administration of New York State
Uniform Fire Prevention and Building Code)

§64-1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

§64- 2. DEFINITIONS

In this local law:

“Building Permit” shall mean a permit issued pursuant to section 4 of this local law. 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 Occupancy/Certificate of Compliance” shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

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

“Code Enforcement Personnel” shall include all Code Enforcement Officers.

“Compliance Order” shall mean an order issued by a Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

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

“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.

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

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

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

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

“Town” shall mean the Town of Sweden.

“Town Board” shall mean the legislative body of the Town of Sweden.

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

§64- 3. CODE ENFORCEMENT OFFICERS

(a) Code Enforcement Officers shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. Code Enforcement Officers 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, Conditional Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy / Certificates of Compliance, Conditional Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy/Certificates of Compliance, Conditional Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy/Certificates of Compliance, Conditional Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;

(7) to maintain records;

(8) to pursue administrative enforcement actions and proceedings;

(9) 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

(10) to exercise all other powers and fulfill all other duties conferred upon Code Enforcement Officers by this local law.

§64- 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 Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 100 square feet.

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

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

(4) installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(6) construction of temporary motion picture, television and theater stage sets and scenery;

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

(8) installation of partitions or movable cases less than 5'-9" in height;

(9) painting, wallpapering, tiling, carpeting, or other similar finish work;

(10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

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

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code 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 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where

applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 3 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (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.

§64- 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by a Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

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

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

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

§64- 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.

(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 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§64- 7. CERTIFICATES OF OCCUPANCY/CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy/Certificates of Compliance required. A Certificate of Occupancy/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 sub-classification 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/Certificate of Compliance.

(b) Issuance of Certificates of Occupancy/Certificates of Compliance. A Code Enforcement Officer shall issue a Certificate of Occupancy/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 sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. A Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy/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/Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Certificate of Compliance:

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

(c) Contents of Certificates of Occupancy/Certificates of Compliance. A Certificate of Occupancy/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, address and tax map number of the property;

(4) if the Certificate of Occupancy/Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/Certificate of Compliance 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 Code Enforcement Officer issuing the Certificate of Occupancy/Certificate of Compliance and the date of issuance.

(d) Conditional Certificate. A Code Enforcement Officer shall be permitted to issue a Conditional 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 a Code Enforcement Officer issue a Conditional Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Conditional 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. A Code Enforcement Officer may include in a Conditional 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 Conditional Certificate 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 Conditional Certificate. During the specified period of effectiveness of the Conditional 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.

(e) Revocation or suspension of certificates. If a Code Enforcement Officer determines that a Certificate of Occupancy/Certificate of Compliance or a Conditional Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (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 Conditional Certificate.

§64- 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 Code Enforcement Officer and Fire Marshall of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

§64- 9. UNSAFE BUILDING AND STRUCTURES

a) **Findings; purpose.** Unsafe buildings pose a threat to life and property. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this chapter to provide for the safety, health protection and general welfare of persons and property in the Town of Sweden by requiring that such unsafe buildings be repaired or demolished and removed.

b) **Definitions.** The following terms shall have the meanings indicated:

BUILDING — Any building, structure or portion thereof used for residential, business or industrial purposes.

BUILDING, DANGEROUS OR UNSAFE— A building or structure which is structurally unsound, unsanitary or not provided with adequate ingress or egress or which constitutes a fire hazard or which has become unsafe by reason of damage by fire, the elements, age or general deterioration or which, in relation to an existing use, constitutes a hazard to public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment or which is otherwise dangerous to human life.

c) Inspection; report. When in a Code Enforcement Officer's opinion or upon receipt of information that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to or an object of attraction to minors under 18 years of age or to vagrants or other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, the Code Enforcement Officer shall cause to be made or make an inspection thereof and prepare a notice to be served upon in the manner provided herein.

e) Contents of notice. The notice shall contain the following:

1. A description of the premises.
2. A statement of the particulars in which the building is unsafe or dangerous.
3. An order requiring the building to be made safe and secure or demolished and removed.
4. A statement that the securing or removal of such building shall commence within 10 days of the service of the notice and shall be completed within 30 days thereafter, unless for good cause shown such time shall be extended or reduced.

f) Service of notice. The notice to repair or demolish shall be served on the owner or one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in said property, by personal service or by certified mail addressed to the last known address, if any, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk or County Register. If service is made by certified mail, a copy of such notice shall be posted on the unsafe building.

g) Filing of notice. A copy of the notice to remove or demolish shall be filed with the Town Attorney, the Town Board and 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 65 of the Civil Practice Law and Rules of the State of New York, and shall have the same effect as a notice of pendency as therein provided. 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 record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

h) **Refusal to comply.** In the event of the refusal or neglect of the person so notified to comply with said order of the Code Enforcement Officer within the time provided, the Town shall remove such building or structure and assess all expenses incurred as hereinafter set forth.

i) **Emergency cases.** Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building is immediately repaired and secured or demolished, the Town Board may authorize the Superintendent of Highways to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be assessed as hereinafter provided.

j) **Assessment of expenses.** All costs and expenses incurred by the town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building or structure is located and shall be levied and collected in the same manner as provided in Article ___ of the Town Law of the State of New York for the levy and collection of a special ad valorem levy.

§64- 10. OPERATING PERMITS.

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

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled “Fire Code of New York State” and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 50 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.

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

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed

or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. A Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid upon issuance of an Operating Permit, amended Operating Permit, or renewal of an Operating Permit.

§64- 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by a Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraph (1) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraph (1) of this subdivision, shall be performed at least once every 24 months. (or as local conditions dictate)

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by a Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this 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 under Executive Law section 156-e and Education Law section 807-b.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law, if applicable, 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.

§64- 12. COMPLAINTS

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

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

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

§64- 13. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy/Certificates of Compliance, Conditional 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 sections 4 through 12, inclusive, of this local law, including; and
- (9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

§64-14. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall monthly submit to the Town Board a written report and summary of all business conducted by Code Enforcement Personnel, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, 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 connection with administration and enforcement of the Uniform Code.

§64- 15: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding

that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) 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; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that the compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. Code Enforcement Officers are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties proscribed by State law, 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, Conditional Certificate, Stop Work Order, Operating Permit or other notice or order issued by a Code Enforcement Officer pursuant to any provision of this local law, 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 the Town of Sweden.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the Town of Sweden, 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, Conditional Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this 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, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board.

(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.

§64- 16: FEES

A fee schedule shall be established by resolution of the Town Board. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy/Certificates of Compliance, Conditional Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of Code Enforcement Officers described in or contemplated by this local law.

§64- 17. 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.

RESOLUTION NO. 47Authorize Wage Increase – Gay

WHEREAS, Terri Gay has satisfactorily completed the probationary period for a full-time employee; and

WHEREAS, Sweden Town Justice, the Honorable William J. Cody, has recommended a wage increase for Mrs. Gay.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden hereby authorizes an increase in the hourly rate of pay for Terri Gay to \$13.00 per hour.

Sec. 2. That this resolution shall take effect March 29, 2008.

MOTION for adoption of this resolution by Councilperson Connors
Seconded by Councilperson Ferris

Discussion: The Board members feel she is very deserving of the increase.

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – March 25, 2008

Adopted

RESOLUTION NO. 48

Authorize Expenditure from Parks
and Recreation Reserve Fund

WHEREAS, a Parks and Recreation Reserve Fund was established on December 29, 2004 for the purpose of making improvements to town-owned parks and recreation facilities; and

WHEREAS, the Brockport Integrated Service Clubs Organization, the Brockport Rotary Club and the Brockport Kiwanis have donated funds to the Town to be used for the completion of a regulation-size baseball field at the Sweden Town Park; and

WHEREAS, the donated funds were deposited in the Town of Sweden Parks and Recreation Reserve Fund.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden does hereby authorize the expenditure of the donated funds, totaling \$10,800, from the Parks and Recreation Reserve Fund for Type capital improvements to the baseball field at the Sweden Town Park.

Sec. 2. That pursuant to Section 6-C of the General Municipal Law, this expenditure is subject to permissive referendum.

Sec. 3 That the Town Clerk is directed to publish a public notice as required by law.

Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Windus-Cook
Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Absent</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – March 25, 2008

Adopted

APPROVAL FOR PAYMENT OF BILLS

All of the Board members reviewed the invoice audit journal. Councilperson Ferris made a motion that was seconded by Councilperson Connors authorizing payment of the bills in Abstract 3 dated March 26, 2008 in the amount of \$130,970.02. All voted in favor of the motion – four ayes. Motion adopted.

General Fund: In the amount of \$73,205.80 as set forth in Abstract 3 dated March 26, 2008.

Highway Fund: In the amount of \$46,341.66 as set forth in Abstract 3 dated March 26, 2008.

Special Fund: In the amount of \$11,422.56 as set forth in Abstract 3 dated March 26, 2008.

DISCUSSION AND ANNOUNCEMENTS

Workshop meeting scheduled for Tuesday, April 1, 2008 at 7:00 p.m.

EXECUTIVE SESSION

Supervisor Lester made a motion that was seconded by Councilperson Ferris to go into executive session at 8:12 p.m. to discuss personnel. All voted in favor of the motion – four ayes. Motion adopted.

No action taken.

Councilperson Ferris made a motion that was seconded by Councilperson Connors to leave executive session and return to the regular meeting at 9:49 p.m. All voted in favor of the motion – four ayes. Motion adopted.

ADJOURNMENT

As there was no further business to come before the Board, Councilperson Ferris moved to adjourn the March 25, 2008 meeting of the Sweden Town Board at 9:50 p.m. Councilperson Connors seconded the motion. All voted in favor of the motion – four ayes. Motion adopted.

Respectfully submitted,

Karen M. Sweeting
Town Clerk