

**Village Board  
Meeting Minutes  
March 6, 2023  
Unapproved**

Present: Mayor Lee  
Trustees, Fowler, Farrell, Speer, Zabelny  
Village Manager Shari Wilson-Pearce  
Treasurer Maryalice Edwards  
Deputy Clerk Amy Harter  
DPW Superintendent Jeff Pearce  
Code Enforcement Officer Mark Mazzucco  
Asst. Superintendent Chad McManus

Guests: Tom Venniro, Linda Viney, Kyle Mullen, Brad Helmer, Dave Harris, Debra Hebing, Ignatio Ladelfa

Mayor Lee called the meeting to order at 5 p.m. with the Pledge of Allegiance and a moment of silence. The meeting was held in the Board Room and was available on Zoom.

**Recreation**

Department Update: Tom Venniro updated the Board on the recent events held by their department.

Room 203: Tom reported the room has been remodeled for their preschool program, it will be opening within the next few weeks. This will be open to all families at no cost.

**Code Enforcement**

62 Gorton Avenue: Mark Mazzucco has been in touch with the property owner to discuss the condition of the building and items within the parking lot. Items to be addressed by the owner include; the building to the east is in need of repair, a dilapidated fence and scrap metal/appliances. Mark is expecting a letter next week detailing a timeline of the planned repairs.

14 Peach Blossom Road North: The property owner is due in court for the third time later this month for property maintenance violations. The Judge requested the District Attorney's office to represent him, Mark will be notified if that happens.

284 South Avenue: The property owner has reserved a dumpster from the Village later this week.

Hilton Baptist Church will be reinspected next week for their violation.

## **Treasurer**

**Resolution** to authorize the Treasurer to renew CD's for 30 days with Canandaigua National Bank at 4.45%. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried 5-0.

**Resolution** to make the following budget adjustments, motion to approve made by Trustee Speer, seconded by Mayor Lee. Carried 5-0.

Reclassify expense from office renovation to office maintenance (move phones)

A-1-1325.4C \$2250.87

A-1-1325.20 \$2250.87

Reclassify expense from office renovation to Community Center maintenance (electrical work)

A-1-1620.4A \$2720.00

A-1-1325.20 \$2720.00

## **DPW Superintendent**

Wages: Jeff Pearce is recommending wage increases for two employees based on the wage schedule:

**Resolution** to increase the wages of Nick Mucci by \$1.30 per hour. Motion made by Trustee Speer, seconded by Trustee Farrell. Carried 5-0.

**Resolution** to increase the wages of Zack Klein by \$1.50 per hour. Motion made by Trustee Farrell, seconded by Trustee Zabelny. Carried 5-0.

Training: There are training opportunities for the DPW, Jeff Pearce is seeking approval for attendance. Deco-Crete Supply Inc is offering training for \$650 per person May 4-5<sup>th</sup>.

**Resolution** to authorize the DPW Superintendent and one additional employee to attend class May 4<sup>th</sup> – 5<sup>th</sup> at Deco-Crete Supply at a cost of \$650 per person. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried 5-0.

Safety Class: Jeff is recommending he and five employees attend a class provided by the NYS Urban Forestry League for safety while working around power lines. Specifically, while working from a bucket truck.

**Resolution** to authorize the DPW Superintendent and five DPW employees to attend the NYS Urban Forestry League safety class on April 20<sup>th</sup> at a cost of \$75 per person. Motion made by Trustee Fowler, seconded by Trustee Farrell. Carried 5-0.

**Resolution** to hire Antonio Collazo as a seasonal laborer. He worked at DPW in the summer of 2022. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried 5-0.

## Manager

Newsletter: The board and staff are encouraged to gather content for a spring/summer issue of the Village newsletter; Trustee Farrell will compose the newsletter for publication in May. The intent is to produce the newsletter bi-annually. The next edition will include information for the fall and winter season.

Water Main Project: Shari Pearce provided the required Short Environmental Assessment Form for the repair project scheduled for this summer. The board reviewed the application as required and determined there is no negative environmental impact for this project.

**Resolution** to approve a negative declaration for the South Avenue watermain repair. Motion made by Trustee Fowler, seconded by Mayor Lee. Carried 5-0.

Easements: Shari reported she is meeting with Tops Market and with the owner of 64/68 South Avenue on Tuesday, March 14<sup>th</sup> to address the need for easements for the watermain project.

Workers Comp: Shari explained the Village will receive a refund of \$54,060; the program had an exceptional year. The Village Manager and Treasurer are recommending \$10,000 of the refund be used to purchase new concrete planters on Main St and the remaining balance be deposited into the water fund. Trustee Speer noted his gratitude for all involved in the program for their excellent safety record.

**Resolution** to authorize the Treasurer to deposit into \$10,000 in the general for the purchase of planters and the remainder into the water fund to offset costs for repairs and breaks. Motion made by Trustee Zabelny, seconded by Trustee Farrell seconded. Carried 5-0.

Recreation rent: Shari reported as per the intermunicipal agreement between the Village and Town, the rent for the Recreation Department was supposed to increase by 2% in January 2023 but was overlooked.

**Resolution** to increase the rent for Hilton Parma Recreation by 2% based on the current Intermunicipal Agreement effective March 1<sup>st</sup>. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried 5-0.

Property Agreement: Shari explained the agreement between the Village and Kevin Hall, owner of 175 Collamer Road, is completed and ready for signatures. The Village owns 165 Collamer Road which is adjacent to Mr. Hall's property. This allows Mr. Hall to utilize a portion of the property that connects to his existing driveway. The agreement expires in the event of the transfer of ownership of Mr. Hall's property.

**Resolution** to authorize Mayor Lee to sign the property agreement between the Village of Hiton and Mr. Kevin Hall. Motion made by Trustee Farrell seconded by Trustee Speer. Carried 5-0.

**Resolution** to re-appoint Linda Fowler to the Hilton Parma Recreation Commission for a four-year term through December 2026. Motion made by Trustee Speer, seconded by Mayor Lee 4-0-1, Trustee Fowler abstained.

Budget update: The budget team is working to complete annual budget. Meetings are scheduled on March 16<sup>th</sup> and March 20<sup>th</sup>. Trustee Fowler stated the process is running smoothly with many requests being considered.

Ambulance Meeting update: A meeting was held February 13<sup>th</sup> to review the January data from Monroe Ambulance. They provided a written summary known as “Incident Request and Response Statistics”. Trustee Zabelny gave an overview of the outcome of the meeting. In the month of January, there were 49 calls within the Village, with 4 exceptions and 100% coverage of all calls. Parma had 32 calls with 3 exceptions and 100% coverage. The next meeting will be held in April. Monroe has been asked to provide details of the exceptions in the next report. Overall, the response and coverage was excellent.

### **Minutes**

**Resolution** to approve the February 7<sup>th</sup> meeting minutes as presented. Motion made by Trustee Fowler, seconded by Trustee Speer. Carried 5-0.

### **Public Hearing**

Mayor Lee opened the public hearing at 6 p.m. to consider Local Law #3, 2023:

To delete Chapter 95 of the Hilton Village Code in its entirety and replace with updated language per New York State Uniform Code. This chapter 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 Village. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions in this chapter.

Monroe County Department of Planning and Development provided their response and had no comments. This item is considered a local matter.

There were no comments from the public. Mayor Lee closed the public hearing at 6:07 p.m.

**Resolution** to adopt Local Law 3, 2023 as presented. Motion made by Trustee Speer, seconded by Trustee Farrell. Carried 5-0.

American Legion: Kyle Mullen was present to seek approval to hold a parade in observance of Memorial Day, Monday May 29<sup>th</sup> beginning at 10:30 a.m. with a presentation at the Gazebo at 11 a.m. The DPW Superintendent clarified there is no need for a DOT permit, however Sheriff’s Department, Hilton Fire Dept and Monroe Ambulance shall be notified. The Hilton Parma Special Police will be asked to be in attendance for traffic control.

**Resolution** to authorize the use of Village streets for the annual Memorial Day parade. Motion made by Trustee Fowler, seconded by Mayor Lee. Carried 5-0. motion made by Trustee Fowler, seconded by Mayor Lee, 5-0.

Flags: Kyle Mullen presented the Village Board with an authentic Space Force flag to be displayed in the Community Center on the wall of honor. He commented these flags are available to the public as they are an official branch of the military.

### **Vouchers**

**Resolution** to the vouchers with the following additions: Runnings \$2.98, HCSD \$5012.21, Home Depot \$107.17, United Business Systems \$41.95, NY Legal Publishing \$270.00, Aimee Doser \$15.00, Maryalice Edwards \$15.00, Amy Harter \$15.00, Debbie Jones \$15.00, Vicky Taylor \$15.00. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried 5-0.

### **Adjournment**

Being no further business, there was a motion to adjourn at 6:29 p.m. made by Trustee Fowler, seconded by Trustee Zabelny. Carried 5-0.

Respectfully Submitted,

Amy Harter  
Deputy Clerk

## Chapter 95 Construction Codes, Uniform

### **Section 95-1 Purpose and intent.**

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

### **SECTION 95-2 Definitions As used in this chapter, the following terms shall have the meaning indicated:**

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

**Building Permit** shall mean a permit issued pursuant to § 95-4 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended, or extended pursuant to any provision of this chapter.

**Certificate of Compliance** shall mean a document issued by the Village of Hilton stating that work was done in compliance with approved construction documents and the Codes pursuant to Section 95-7B of this chapter.

**Certificate of Occupancy** shall mean a document issued by the Village of Hilton certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Village of Hilton, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy Section 95-7B of this chapter.

**Code Enforcement Officer** shall mean the Code Enforcement Officer appointed pursuant to Section 95-3B of this chapter.

**Code Enforcement Personnel** shall include the Code Enforcement Officer and all Inspectors.

**Codes** shall mean the Uniform Code and Energy Code.

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

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

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

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

**Inspector** shall mean an inspector appointed pursuant to § 95-3D of this chapter.

**Operating Permit** shall mean a permit issued pursuant to § 95-10 of this chapter. The term "Operating Permit" shall also include an operating permit which is renewed, amended, or extended pursuant to any provision of this chapter.

**Order to Remedy** shall mean an order issued by the Code Enforcement Officer, pursuant to Section 95-17A of this chapter.

**Permit Holder** shall mean the person to whom a building permit has been issued.

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

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

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

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

**Stop-Work Order** shall mean an order issued pursuant to § 95-6 of this chapter.

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

**Temporary Certificate** shall mean a certificate issued pursuant to § 95-7D of this chapter.

**Uniform Code** shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law as currently in effect and as hereafter amended from time to time.

**Village** shall mean the Village of Hilton

**Section 95-3 Code Enforcement Officer and Inspectors.**

- A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this chapter. The Code Enforcement Officer shall have the following powers and duties:
- (1) To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
  - (2) Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, and Operating Permits;
  - (3) 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 this chapter;
  - (4) To issue Stop-Work Orders;
  - (5) To review and investigate complaints;
  - (6) To issue orders pursuant to Subsection A of § 95-17, (Enforcement; penalties for offenses), of this chapter;
  - (7) To maintain records;
  - (8) To collect fees as set by the Village Board of Trustees of this Village;
  - (9) To pursue administrative enforcement actions and proceedings;
  - (10) In consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code,



and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this chapter; and

- (11)** To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.
- B.** The Code Enforcement Officer shall be appointed by the Village Board of Trustees. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for Code Enforcement Personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- C.** In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Village Board of Trustees to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.
- D.** One or more Inspectors may be appointed by the Village Board of Trustees to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. 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.
- E.** The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Village Board of Trustees of this Village

#### **SECTION 95-4 Building Permits**

- A.** Building Permits required. Except as otherwise provided in Subsection 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)** Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (2)** Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (3)** Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (4)** Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
- (5)** Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (6)** Installation of partitions or movable cases less than five feet nine inches in height;
- (7)** Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (8)** Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (9)** 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, or similar uses, provided the gross floor area does not exceed 25 square feet;
- (10)** 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
- (11)** Repairs, provided that such Repairs do not involve:
  - (a)** The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
  - (b)** The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

- (c) The enlargement, alteration, replacement, or relocation of any building system; or
- (d) The removal from service of all or part of a fire protection system for any period of time

**C.** Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a Building Permit for work in any category set forth in Subsection **B** of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

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

- (1) A description of the location, nature, extent and scope of the proposed work;
- (2) The Tax Map number and the street address of 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:
  - (a) Describe the location, nature, extent, and scope of the proposed work.
  - (b) Show that the proposed work will conform to the applicable provisions of the Codes.
  - (c) Show the location, construction, size, and character of all portions of the means of egress.
  - (d) Show a representation of the building thermal envelope.
  - (e) Show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information.
  - (f) Show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building.
  - (g) Include a written statement indicating compliance with the Energy Code.
  - (h) Include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing

structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations.

- (i) Evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firmname (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.
- E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in Subsection **D(5)** of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued
- F. Issuance of Building Permits. An application for a Building Permits 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 Permits 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 six 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 subsection 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 § 95-18, (Fees) of this chapter must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

### **SECTION 95-5 Constructions Inspections**

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in Subsection 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 structural, electrical, mechanical, and other similar service systems of the building

(6) Fire-resistant construction;

(7) Fire-resistant penetrations;

(8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;

(9) Inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls.

(10) Installation, connection, and assembly of factory manufactured buildings and manufactured homes; and

(11) A final inspection after all work authorized by the Building Permit has been completed.

C. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to 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.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 95-18, (Fees) of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

## **SECTION 95-6 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 Stop-Work Orders 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;

(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 Stop-Work Orders, 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 Orders, 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 Orders.

- D.** Effect of Stop-Work Orders. Upon the issuance of a Stop-Work Orders, 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 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 Subsection **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 § **95-17**, (Enforcement; penalties for offenses), of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop-Work Order.

### **Section 95-7 Certificates of Occupancy and Certificates of Compliance**

- A.** Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.
- B.** Issuance of Certificates of Occupancy or Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such Person or Persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance.



- (1) A written statement of structural observations and/or a final report of special inspections; and
- (2) Flood hazard certifications.
  
- (3) A written statement of the results of tests performed to show compliance with the Energy Code, and
  
- (4) Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

**C. Contents of Certificate of Occupancy or Certificate of Compliance.** A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) The Building Permit number, if any;
- (2) The date of issuance of the Building Permit, if any;
- (3) The name, address, and Tax Map number of the property;
- (4) If the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The Assembly Area occupant load of the structure, if any;
- (8) If an automatic sprinkler system is required, a notation as to whether the sprinkler system is provided;
- (9) Any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) The signature of the Code Enforcement Officer issuing Certificate of Occupancy or Certificate of Compliance and the date of issuance.

**D. Temporary Certificate of Occupancy.** The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer

issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the Persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

- E.** Revocation or suspension of Certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy or Certificate of Compliance 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 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 § 95-18, (Fees) of this chapter must be paid at the time of submission of an application for a Certificate of Occupancy/Certificate of Compliance or for a temporary Certificate.

#### **Section 95-8 Notification regarding fire or explosion.**

The chief of any fire department providing firefighting services for a property within this Village shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, building system that is damaged, fuel-burning appliance, chimney, or gas vent.

#### **Section 95-9 Unsafe building and structures.**

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the following procedures: whenever it is found that a building or structure or part thereof may be an imminent danger to life and safety of the public for any reason, the Code Enforcement Officer may require the occupants of any such building or structure or any part thereof to vacate the premises forthwith. No Person shall use or occupy such building or structure or part thereof until it is made safe. No unauthorized Person shall enter premises which have been ordered vacated unless authorized to perform inspections or Repairs or to demolish and remove such building or structure or part thereof.

## **SECTION 95-10 Operating Permits**

**A.** Operating Permits required. Any Person who proposes to undertake any activity or to operate any type of building listed in this Subsection **A** shall be required to obtain an Operating Permit prior to commencing such activity or operation. 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 the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
- (2)** Buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
  - (a)** Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
  - (b)** Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
  - (c)** Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
  - (d)** Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
  - (e)** Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
  - (f)** Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
  - (g)** Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

- (h) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an Operating Permit is not required where work is conducted under the authorization of a Building Permit or where performed by the occupant of a detached one- or two-family dwelling;
  - (i) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a Sugarhouse;
  - (j) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law Section 270;
  - (k) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
  - (l) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with Assembly Areas or educational occupancies;
- (3) Energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
  - (4) Buildings containing one or more Assembly Areas with an occupant load of 50 persons or more
  - (5) Facilities that store, handle, or use Hazardous Production Materials.
  - (6) Parking Garages as defined in subsection **A** of § **95-13** of this chapter
  - (7) Buildings whose use or occupancy classification may pose a potential hazard to public safety, as determined by resolution adopted by the Village Board of Trustees of this Village.
  - (8) Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Village Board of Trustees of this Village.
- 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.** The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the Operating Permit shall be issued, or the Operating Permit Holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.
- D. Multiple activities.** In any circumstance in which more than one activity listed in Subsection 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 a specified period of time consistent with local conditions, but in no event to exceed as follows:
- (1)** 180 days for tents, special event structures, and other membrane structures identified in § 95-10A of this chapter.
  - (2)** 60 days for days for alternative activities at a Sugarhouse;
  - (3)** 1 year for the activities, structures, and operations determined per paragraph 7 of § 95-10A of this chapter.
  - (4)** 1 year for all other activities, structures, § 95-10A of this chapter.
- 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 § **95-18**, (Fees) of this chapter must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

### **SECTION 95-11 Fire Safety and Property Maintenance Inspections**

- A.** Inspections required. Fire Safety and Property Maintenance Inspections of buildings and structures shall be performed by the Code Enforcement Officer, or an Inspector designated by the Code Enforcement Officer at the following intervals:
- (1)** Fire Safety and Property Maintenance Inspections of buildings or structures which containing an Assembly Area shall be performed at least once every 12 months
  - (2)** Fire Safety and Property Maintenance Inspections for private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities shall be performed at least once every 12 months.
  - (3)** Fire Safety and Property Maintenance Inspections of all multiple dwellings not included in Subsection **A(1)** or **(2)** of this section, and all nonresidential buildings, structures, uses and occupancies not included in Subsection **A(1)** or **(2)** of this section shall be performed at least once every 36 months.
- B.** Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform Fire Safety and Property Maintenance Inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- C.** Inspections permitted. In addition to the inspections required by Subsection **A** of this section, a Fire Safety and Property Maintenance Inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the 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; 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 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; Notwithstanding the foregoing, however, nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

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

**E.** Fee. The fee specified in or determined in accordance with the provisions set forth in § 95-18, (Fees) of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

### **SECTION 95-12. 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 chapter, 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 § 95-17, (Enforcement; penalties for offenses), of this chapter;

**C.** If appropriate, issuing a Stop-Work Order;

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

### **SECTION 95-13 Condition Assessments of Parking Garages**

**A. Definitions.** For the purposes of this section:

**Condition Assessment** shall mean an on-site inspection and evaluation of a Parking Garage for evidence of Deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such Parking Garage is an unsafe structure;

**Deterioration** shall mean the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

**Parking Garage** shall mean any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (a) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
- (b) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
- (c) A townhouse unit with attached parking exclusively for such unit;

**Professional Engineer** shall mean an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

**Responsible Professional Engineer** shall mean the Professional Engineer who performs a Condition Assessment, or under whose supervision a Condition Assessment is performed, and who seals and signs the Condition Assessment report. The use of the term Responsible Professional Engineer shall not be construed as limiting the professional responsibility or liability of any Professional Engineer, or of any other licensed professional, who participates in the preparation of a Condition Assessment without being the Responsible Professional Engineer for such Condition Assessment.

**Unsafe Condition** includes the conditions identified as “unsafe” in Section PM304.1.1, Section PM305.1.1, and Section PM306.1.1 of the PMCNYS; and

**Unsafe Structure** shall mean a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.



**B.** Condition Assessments – general requirements. The owner operator of each Parking Garage shall cause such Parking Garage to undergo an initial Condition Assessment as described in Subsection (C) of this section, periodic Condition Assessments as described in Subsection (D) of this section, and such additional Condition Assessments as may be required under Subsection (E) of this section. Each Condition Assessment shall be conducted by or under the direct supervision of a Professional Engineer. A written report of each Condition Assessment shall be prepared and provided to the Village of Hilton in accordance with the requirements of Subsection (F) of this section. Before performing a Condition Assessment (other than the initial Condition Assessment) of a Parking Garage, the responsible Professional Engineer for such Condition Assessment shall review all available previous Condition Assessment reports for such Parking Garage.

**C.** Initial Condition Assessment. Each Parking Garage shall undergo an initial Condition Assessment as follows:

**(1)** Parking Garages constructed on or after August 29, 2018, shall undergo an initial Condition Assessment following construction and prior to a Certificate of Occupancy or Certificate of Compliance being issued for the structure.

**D.** Periodic Condition Assessments. Following the initial Condition Assessment of a Parking Garage, such Parking Garage shall undergo periodic Condition Assessments at intervals not to exceed 3 years.

**E.** Additional Condition Assessments.

**(1)** If the latest Condition Assessment report for a Parking Garage includes a recommendation by the Responsible Professional Engineer that an additional Condition Assessment of such Parking Garage, or any portion of such Parking Garage, be performed before the date by which the next periodic Condition Assessment would be required under Subsection (D) of this section, the owner or operator of such Parking Garage shall cause such Parking Garage (or, if applicable, the portion of such Parking Garage identified by the Responsible Professional Engineer) to undergo an additional Condition Assessment no later than the date recommended in such Condition Assessment report.

**(2)** If the Village of Hilton becomes aware of any new or increased Deterioration which, in the judgment of the Village indicates that an additional Condition Assessment of the entire Parking Garage, or of the portion of the Parking Garage affected by such new or increased Deterioration, should be performed before the date by which the next

periodic Condition Assessment would be required under Subsection (D) of this section, the owner or operator of such Parking Garage shall cause such Parking Garage (or, if applicable, the portion of the Parking Garage affected by such new or increased Deterioration) to undergo an additional Condition Assessment no later than the date determined by the Village to be appropriate.

F. Condition Assessment Reports. The Responsible Professional Engineer shall prepare, or directly supervise the preparation of, a written report of each Condition Assessment, and shall submit such Condition Assessment report to the Village within **30 days**. Such Condition Assessment report shall be sealed and signed by the Responsible Professional Engineer, and shall include:

- (1) An evaluation and description of the extent of Deterioration and conditions that cause Deterioration that could result in an Unsafe condition or Unsafe Structure;
- (2) An evaluation and description of the extent of Deterioration and conditions that cause Deterioration that, in the opinion of the Responsible Professional Engineer, should be remedied immediately to prevent an Unsafe Condition or Unsafe Structure;
- (3) An evaluation and description of the Unsafe Conditions;
- (4) An evaluation and description of the problems associated with the Deterioration, conditions that cause Deterioration, and Unsafe Conditions;
- (5) An evaluation and description of the corrective options available, including the recommended timeframe for remedying the Deterioration, conditions that cause Deterioration, and Unsafe Conditions;
- (6) An evaluation and description of the risks associated with not addressing the Deterioration, conditions that cause Deterioration, and Unsafe Conditions;
- (7) The Responsible Professional Engineer's recommendation regarding preventative maintenance;
- (8) Except in the case of the report of the initial Condition Assessment, the Responsible Professional Engineer's attestation that he or she reviewed all previously prepared Condition Assessment reports available for such Parking Garage, and considered the information in the previously prepared reports while performing the current Condition Assessment and while preparing the current report; and
- (9) The Responsible Professional Engineer's recommendation regarding the time within which the next Condition Assessment of the Parking Garage or portion thereof should be performed. In making the recommendation regarding the time within which the next Condition Assessment of the Parking Garage or portion thereof should be performed, the Responsible Professional Engineer shall

consider the Parking Garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the Responsible Professional Engineer in their professional judgment.

- G.** Review Condition Assessment Reports. The Village shall take such enforcement action or actions in response to the information in such Condition Assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Village shall, by Order to Remedy or such other means of enforcement as the Village may deem appropriate, require the owner or operator of the Parking Garage to Repair or otherwise remedy all Deterioration, all conditions that cause Deterioration, and all Unsafe Conditions identified in such Condition Assessment report pursuant to paragraphs (2) and (3) of Subsection (F). All Repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Village to take any other enforcement action, including but not limited to suspension or revocation of a Parking Garage's Operating Permit, as may be necessary or appropriate in response to the information in a Condition Assessment report.
- H.** The Village of Hilton shall retain all Condition Assessment reports for the life of the Parking Garage. Upon request by a Professional Engineer who has been engaged to perform a Condition Assessment of a Parking Garage, and who provides the Village with a written statement attesting to the fact that he or she has been so engaged, the Village shall make the previously prepared Condition Assessment reports for such Parking Garage (or copies of such reports) available to such Professional Engineer. The Village shall be permitted to require the owner or operator of the subject Parking Garage to pay all costs and expenses associated with making such previously prepared Condition Assessment reports (or copies thereof) available to the Professional Engineer.
- I.** This section shall not limit or impair the right or the obligation of the Village of Hilton:

  - (1)** To perform such construction inspections as are required by § 95-5 (Construction Inspections) of this chapter;
  - (2)** To perform such periodic Fire Safety and Property Maintenance Inspections as are required by § 95-11 (Fire safety and Property Maintenance Inspections) of this chapter; and/or
  - (3)** To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Village means of its own inspections or observations, by means of a complaint, or by any other means other than a Condition Assessment or a report of a Condition Assessment.

**SECTION 95-14. Climatic and Geographic Design  
Criteria**

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

- (1)** Design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
- (2)** Heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
- (3)** Flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
  - (a)** The accompanying Flood Insurance Rate Map (FIRM);
  - (b)** Flood Boundary and Floodway Map (FBFM); and
  - (c)** Related supporting data along with any revisions thereto.

**B.** The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

**SECTION 95-15 Record Keeping**

**A.** The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) All applications received, reviewed, and approved or denied;
- (2) All plans, specifications and construction documents approved;
- (3) All Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop-Work Orders, and Operating Permits issued;
- (4) All inspections and tests performed;
- (5) All statements and reports issued;
- (6) All complaints received;
- (7) All investigations conducted;
- (8) All other features and activities specified in or contemplated by § 95-4 through § 95-14, inclusive, of this chapter; 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

#### **SECTION 95-16 Program Review and Reporting**

**A.** The Code Enforcement Officer shall annually submit to Village Board of Trustees of this Village a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in § 95-15, (Recordkeeping) of this chapter 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 Village, on a form prescribed by the Secretary of State, a report of the

activities of this Village relative to administration and enforcement of the Uniform Code.

- C. Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Village is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

**Section 95-17 Enforcement; Penalties for Offenses.**

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

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

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the

owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Order to Remedy.

- B. Appearance Tickets.** The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
  
- C. Penalties.** In addition to such other penalties as may be prescribed by State law,
  - (1)** Any Person who violates any provision of this chapter or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop-Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be punishable by a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding 1 year or both; and
  
  - (2)** Any Person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop-Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to pay a civil penalty of not more than \$500 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted by the Village.
  
- D. Injunctive relief.** An action or proceeding may be instituted by the Village, 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 chapter, or any term or condition of any Building Permit, Certificate of Compliance, Certificate of Occupancy, Temporary Certificate, Stop-Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. 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 chapter, or any Stop-Work Orders or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced by the Village, 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 subsection shall be commenced without the appropriate authorization from the Village Board of Trustees of this Village.

- E.** Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty 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 § [95-6](#), (Stop-work Orders) of this chapter, in any other section of this chapter, 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 § [95-6](#), (Stop-Work Orders) of this chapter, in any other section of this chapter, 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 § 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 § 382 of the Executive Law.

### **Section 95-18 Fees**

- A.** A fee schedule shall be established by resolution of the Village Board of Trustees of this Village. 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, Temporary Certificates, Operating Permits, Fire Safety and Property Maintenance Inspections, and other actions of the Code Enforcement Officer described in or contemplated by this chapter.
  
- B.** Prior to occupancy of any newly constructed residential dwelling, the owner thereof shall pay or cause to be paid to the Village, a recreation fee as determined by resolution of the Village Board, which shall be utilized for the construction, preservation, maintenance and advancement of recreation and recreational facilities and activities serving the Village. No Certificate of Occupancy shall be issued until said fee has been paid. Nothing herein shall limit or otherwise modify any obligation with respect to open space or park land requirements in any residential subdivision.



**Section 95-19 Intermunicipal Agreements.**

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

**SECTION 95-20. Partial Invalidity**

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

**SECTION 95-21. Effective Date**

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