

November 4th 2009: Regular Meeting

There was a regular meeting of the Board of Trustees of the Village of Tully on Wednesday, November 4th, 2009 at 7:00pm in the Municipal Building.

Present: Elizabeth Greenwood, Mayor
Theresa Flaherty, Deputy Mayor
Charles Yonko, Jr., Trustee
Daniel Poellot, Trustee
Kathryn Vernay, Trustee
Kevin Gilligan, Counsel
Harold Kiehl, DPW Superintendent
Kenneth Teter Engineer
Ruth Van Buskirk, Clerk/Treasurer

Absent: Ronald Ryan, Code Enforcement

Visitors: Tim Atkinson
Wendy Marsh
Gerald Haynes
Lee Bodah
Lyle Bodah
Daniel Gustafson
Paul Sheneman
Phil Potter
William Coffin
Rick Snavlin
Rich Villnave
John Snavlin
Arthur Berg
Bruce Graham
Frank Speziale

Pledge of Allegiance/Call to Order

Mayor Greenwood led the Pledge of Allegiance and called the meeting to order.

Upon motion of Trustee Vernay, 2nd by Trustee Flaherty it was unanimous to approve the minutes for September 2nd, 2009 and October 7th 2009 meeting.

Upon motion of Trustee Poellot, 2nd by Trustee Yonko, it was unanimous to accept the Treasurer's Report, subject to audit.

7:04pm public hearing for Local Law C and Local Law D was open.

Public Comment

DPW

Upon motion by Trustee Vernay, 2nd by Trustee Poellot, it was unanimous to approve outside user, David Earley, the opportunity to tie into the sewer system. Outside users contract would have to be reviewed to determine fees.

Upon motion by Trustee Flaherty, 2nd by Trustee Poellot, it was unanimous to purchase four new tires for the 08 Ford pickup. Cost would be 250.00 per tire thru state bid.

There was some damage at the WWTP due to a power surge. National Grid is not being responsive, therefore Harold will contact our insurance company to deal with National Grid. The Village will request that National Grid wires 2 more poles for Christmas wreaths. Sunday morning there was a water main break at the corner of Community and Grove Street. Upon motion by Trustee Poellot, 2nd by Trustee Vernay to bond for \$84,000.00 to purchase a tractor and truck thru state bid , in accordance with the attached resolution..

Roll Call Vote

Elizabeth Greenwood, Mayor	yes
Theresa Flaherty, Trustee	yes
Charles Yonko, Jr., Trustee	yes
Daniel Poellot, Trustee	yes
Kathryn Vernay, Trustee	yes

Counsel

Upon motion by Trustee Flaherty, 2nd by Trustee Vernay, it was unanimous to approve unlisted action by Village Zoning Board to review uncoordinated lead agency for the site plan of Tully Ag.

Upon motion by Trustee Vernay, 2nd by Trustee Poellot that the Village does not believe that Tully Ag will have a adverse environmental impact on the area. The Board issued a negative declaration. Four ayes carried , one abstention.

Upon motion by Trustee Flaherty, 2nd by Trustee Vernay authorization to code enforcement officer to issue building permit as per site and elevation plan. The Board approved the site plan for Tully Ag, in accordance with a plan prepared by Ryan Burns, dated 11/1/09, as revised to _____. The elevation plan dated 11/1/09 stamped Ryan Burns, and the landscaping plan for Tully Ag dated 10/27/09 stamped Ryan Burns, were also approved. Four ayes carried One abstention.

Attorney for Tully Ag requesting reimbursement of fees. The Board will wait for Ron Ryan to return to make a determination.

Mayor asked for any comments regarding Local Law C and/or D.

At 8:21pm public hearing for Local Law C and Local Law D was closed.

Upon motion of Trustee Poellot, 2nd by Trustee Vernay it was unanimous to enact Local Law C of 2009 in accordance with the attached enactment resolutions. All ayes carried.

Upon motion of Trustee Flaherty, 2nd by Trustee Vernay, it was unanimous to enact Local Law D of 2009 as attached. All ayes carried.

Engineer

Montrose is fully operational. Testing is complete. Punch list is still outstanding.

Upon motion of Trustee Poellot, 2nd by Trustee Yonko to authorize the recording of the finalized easement on Tully Hill. All ayes carried.

Montrose subdivision, easement and as built will be presented at the December Board meeting. The SEQR for Montrose was concluded at the time of the annexation, which covered environmental requirements.

Water assessments for outside users have not been billed for three cycles. KVS will enter new service into the computer and letters will be sent out in January informing outside users of the upcoming charges in April.

Regarding unpaid balance of \$215.00 for Who's Who listing, Scott Clark was notified and the Mayor is looking into small claims court.

New Business

The Village and Town are looking into combining the planning boards. Details are in the works. Trustee Flaherty is updating a employee handbook. She is also working on more cost efficient health care package.

Upon motion of Mayor Greenwood, 2nd by Trustee Vernay it was unanimous to support a Community Youth Center which meets Tuesday and Thursday, at no cost to the Village.

Upon motion of Trustee Flaherty, 2nd by Trustee Vernay it was unanimous to appoint Gary Malone as fire commissioner. All ayes carried.

Roll Call Vote

Elizabeth Greenwood, Mayor	yes
Theresa Flaherty, Trustee	yes
Charles Yonko, Jr, Trustee	yes
Daniel Poellot, Trustee	yes
Kathryn Vernay, Trustee	yes

Public Comment

Audit Bills

Upon motion of Trustee Vernay, 2nd by Trustee Flaherty to adjourn. All ayes carried.

9:12 pm

Respectfully Submitted

Ruth C. Van Buskirk
Clerk/Treasurer

**IN THE MATTER OF DESIGNATING
OFFICES TO BE FILLED AT THE
GENERAL ELECTION**

The Board of Trustees of the Village of Tully, met in regular session at the Municipal Building located at 5833 Meetinghouse Road, in the Village of Tully, Onondaga County, New York on the 4th day of November 2009, commencing at 7:00 PM local time, at which time and place the following members were:

PRESENT:	Elizabeth Greenwood	Mayor
	Theresa Flaherty	Trustee
	Daniel Poellot	Trustee
	Charles Yonko, Jr.	Trustee
	Kathryn Vernay	Trustee

The following resolution was moved by Trustee Flaherty ,seconded by Trustee Vernay and adopted.

WHEREAS, all interested persons had due notice of said meeting, and pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place thereof was duly given as required by law and

WHEREAS, Section 15-104 (3) (a) of the Election Law of the State of New York requires that a resolution be adopted by the Village Board of Trustees at least four months prior to the General Election which resolution designates the office or offices to be filled at said General Election and the terms thereof, NOW THEREFORE BE IT

RESOLVED, that the following offices are hereby designated to be filled at the General Election to be held on March 16, 2010, and the terms of said offices shall be set opposite:

- | | |
|------------|-----------------|
| 1. Trustee | One 4-year term |
| 2. Trustee | One 4-year term |

RESOLVED, that the Clerk be and she hereby is directed to publish a copy of this resolution in the Post Standard Newspaper on or before November 16, 2009.

The question of the adoption of the foregoing resolution was duly put to a roll call vote, which resulted as follows:

Elizabeth Greenwood _____ voting ___yes___

Theresa Flaherty _____ voting ___yes___

Charles Yonko, Jr. _____ voting ___yes___

Daniel Poellot _____ voting ___yes___

Kathryn Vernay _____ voting ___yes___

The resolution was thereupon declared to be duly adopted.

I, the undersigned Clerk of the Village of Tully, DO HEREBY CERTIFY, that the proceeding resolution was duly adopted by the Board of Trustees of the Village of Tully at a regular meeting of said Board duly called and held on November 4th 2009, that the said resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Tully, the day and year written below.

DATED: November 4th 2009
Tully, New York

Ruth C. Van Buskirk Village Clerk
Village Of Tully, Onondaga County
New York

RESOLUTION VILLAGE BOARD MEETING

VILLAGE OF TULLY

The following resolution was offered by _Trustee Poellot, who moved its adoption, seconded by Trustee Vernay, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. C of 2009, "A Local Law to Amend the Code of the Village of Tully to add a new Chapter 8A pertaining to the position of Codes Enforcement Officer in the Village of Tully", was presented and introduced at a regular meeting of the Village Board of the Village of Tully held on October 7, 2009; and said proposed local law having been in the possession of the members of the Village Board of the Village of Tully in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the proposed legislation is not an "action" within the meaning of the New York State Environmental Quality Review Act (SEQR); and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. C of 2009.

NOW, THEREFORE, it is

RESOLVED, that the Village Board of the Village of Tully, Onondaga County, New York, does hereby enact Proposed Local Law No. C of 2009 as Local Law No. 3 of 2009 as follows:

**VILLAGE OF TULLY
LOCAL LAW 3-2009**

**A LOCAL LAW AMENDING THE CODE OF THE
VILLAGE OF TULLY TO ADD A NEW CHAPTER 8A
PERTAINING TO THE POSITION OF CODES
ENFORCEMENT OFFICER IN THE VILLAGE OF TULLY**

Be it enacted by the Village of Tully, that this Local Law amends the Code of the Village of Tully to add a new Chapter 8A thereto, titled “Codes Enforcement Officer”, as follows:

Section 1.

“Codes Enforcement Officer

8A-1. Appointment.

The Village Board is hereby authorized to appoint and employ a Codes Enforcement Officer. Such Codes Enforcement Officer may be employed on a full or part-time basis, and the compensation of the Codes Enforcement Officer shall from time to time be determined by the Village Board. When relying upon the contracted-for services of an individual, partnership, business corporation or similar firm for the principal part of an administration and enforcement program, hereunder the Village Board shall satisfy itself that any such provider has qualifications comparable to those of an individual who has satisfied the requirements of Part 434 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

8A-2. Powers and Duties.

A. Except as otherwise specifically provided by law, ordinance or regulation or except as otherwise provided in this Code, the Codes Enforcement Officer shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code, and any other law, ordinance, rule and regulation applicable to building construction, alteration, repair, removal and demolition of buildings and structures and the installation of materials and equipment therein and the location, use, occupancy and maintenance thereof.

B. The Code Enforcement Officer shall act as Zoning Enforcement Officer, Fire Marshall and Building Inspector and shall possess all of the powers authorized to these officers by virtue of the Code of the Village of Tully or by any other law, ordinance, rule or regulation pertaining to the Village of Tully.

Section 2.

This local law shall take effect immediately upon its filing with the New York Secretary of State.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Kathy Vernay	Trustee	Voted	Yes/No
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Charles Yonko	Trustee	Voted	Yes/No
Theresa V. Flaherty	Trustee	Voted	Yes/No
Daniel Poellot	Trustee	Voted	Yes/No
Elizabeth Greenwood	Mayor	Voted	Yes/No

The foregoing Resolution was thereupon declared duly adopted.

VILLAGE OF TULLY

RESOLUTION VILLAGE BOARD MEETING November 4, 2009

The following resolution was offered by Trustee Flaherty, who moved its adoption, seconded by Trustee Vernay, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. D of 2009, "A Local Law Amending Chapter 56 of the Code of the Village of Tully Regulating Fire Prevention and Building Construction", was presented and introduced at a regular meeting of the Village Board of the Village of Tully held on October 8, 2009, and

WHEREAS, a public hearing was held on such proposed local law on the 4th day of November, 2009 by the Village Board of Trustees of the Village of Tully and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Village Board of the Village of Tully in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, that there are no other involved agencies, the Village Board of Trustees shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and it is further

WHEREAS, it is in the public interest to enact said Proposed Local Law No. D of 2009.

NOW, THEREFORE, it is

RESOLVED, that the Village Board of the Village of Tully, Onondaga County, New York, does hereby enact Proposed Local Law No. D of 2009 as Local Law No. 4 of 2009 as follows:

**VILLAGE OF TULLY
LOCAL LAW NO. 4-2009**

**A LOCAL LAW AMENDING CHAPTER 56 OF THE CODE OF THE VILLAGE OF
TULLY REGULATING FIRE PREVENTION AND BUILDING CONSTRUCTION**

Be it enacted by the Village of Tully, that this Local Law amends Chapter 56 of the Code of the Village of Tully (hereinafter referred to as the “Code”), titled “Fire Prevention and Building Construction,” to include 2007 amendments to Title 19 of the Official Compilation of Code, Rules and Regulations of the State of New York, effective January 1, 2007, as follows:

Section 1.

Chapter 56, Section 56-2(B) of the Code is amended so that it shall read in its entirety as follows:

“B. As used in this chapter, the following terms shall have the meanings indicated:

BOARD OF TRUSTEES - The Board of Trustees of the Village of Tully.

BUILDING PERMIT - A permit issued pursuant to section 56-4 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 - A certificate issued pursuant to section 56-9 of this chapter.

CERTIFICATE OF OCCUPANCY - A certificate issued pursuant to section 56-8 of this chapter.

CODE ENFORCEMENT OFFICER - The Code Enforcement Officer appointed pursuant to Chapter 8A of this Code.

COMPLIANCE ORDER - An order issued by the Code Enforcement Officer pursuant to section 56-13 of this chapter.

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

MAYOR - The Mayor of the Village of Tully.

OPERATING PERMIT - A permit issued pursuant to section 56-5J 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.

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

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

STOP WORK ORDER - An order issued pursuant to section 56-7 of this chapter.

TEMPORARY CERTIFICATE - A certificate issued pursuant to section 56-8 of this chapter.

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

VILLAGE - The Village of Tully."

Section 2.

So that Chapter 56, Section 56-3 of the Code is amended so that Subsection B is amended to read in its entirety as follows:

"B. Building Inspector.

(1) Except as otherwise specifically provided by law, ordinance, rule or regulation or except as otherwise provided in this chapter, the Building Inspector shall administer and enforce all the provisions of the Uniform Code, this chapter and any other law, ordinance, rule or regulation pertaining to requirements which apply to new construction and to plans, alterations, change in use, repair, removal, relocation and demolition of buildings and structures.

(2) The Building Inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced training and other training as the State of New York shall require for code enforcement personnel,

and the Building Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(3) The Building Inspector shall have the following powers and duties:

(a) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy/ Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(b) upon approval of such applications, to issue Building Permit, Certificates of Occupancy/ Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy/ Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Building Inspector may determine to be appropriate;

(c) to conduct inspections, inspections to be made prior to the issuance of Certificates of Occupancy/ Certificates of Compliance, 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;

(d) to issue Stop Work Orders;

(e) to review and investigate complaints;

(f) to issue orders pursuant to section 14 (violations) of this chapter;

(g) to pursue administrative enforcement actions and proceedings;

(h) in consultation with the Village 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

(I) to exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this chapter.”

Section 3.

So that Chapter 56, Section 56-3 of the Code is amended so that a new Subsection C(3) shall be added, so as to read as follows:

“(3) The Fire Marshal shall notify the Building Inspector of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.”

Section 4.

So that Chapter 56, Section 56-3 of the Code is amended so that a new Subsection E(3) shall be added, so as to read as follows:

“(3) When relying upon the contracted-for services of an individuals, partnership, business corporation or similar firm for the principal part of an administration and enforcement program, hereunder the Board of Trustees shall satisfy itself that any such provider has qualifications comparable to those of an individual who has satisfied the requirements of Part 434 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York.”

Section 5.

So that Chapter 56, Section 56-3 of the Code is amended so that a new Subsection H(3) and H(4) shall be added, so as to read as follows:

“(3) The Building Inspector and Fire Marshal shall annually submit to the Secretary of State, on a form prescribed by the Secretary, a report of their activities relative to administration and enforcement of the Uniform Code.

(4) Upon the request of the Department of State, the Building Inspector and Fire Marshal shall provide from the records and related materials they are required to maintain excerpts, summaries, tabulations, statistics and other information and accounts of their activities in connection with the administration and enforcement of the Uniform Code. Failure to produce the

requested materials shall permit an inference that the minimum standards of the Uniform Code have not been met.”

Section 6.

So that Chapter 56, Section 56-3 of the Code is amended so that a new Subsection J shall be added, so as to read as follows:

“J. Procedure for complaints. Procedures shall be established for addressing bona fide complaints which assert that conditions or activities fail to comply with the Uniform Code. The process for responding to such complaints shall include, when appropriate, provisions for inspection of the conditions and/or activities alleged to be in violation of the Uniform Code or this chapter or the laws and/or regulations adopted for administration and enforcement of the Uniform Code or this chapter.”

Section 7.

So that Chapter 56, Section 56-4 of the Code is amended so that Subsection B, as amended, shall read in its entirety as follows:

“B. No permit shall be required for:

(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 144 square feet (13.88m²);

(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 or 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) replacements of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
- (12) repairs, provided that such repairs do not involve:
 - (a) the removal or cutting away of a loadbearing 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
 - (d) the removal from service of all or part of a fire protection system for any period of time."

Section 8.

So that Chapter 56, Section 56-4 of the Code is amended so that Subsection D, as amended, shall read in its entirety as follows:

"D. The form of the permit and the application therefor shall be prescribed by resolution of the Board of Trustees. The application shall be signed by the owner or his authorized agent. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make the application. The application shall contain or be accompanied by at least the following:

- (1) The name and address of the owner.
- (2) The tax map number, street address and a description of the land on which the work is to be done.
- (3) A description of the use and the occupancy classification of the land and the existing or proposed building.
- (4) A description of the proposed work.
- (5) The estimated cost of the proposed work.
- (6) A statement that the work shall be performed in compliance with the Uniform Code and applicable state and local laws, ordinances and regulations.
- (7) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code.
- (8) The required fee.”

Section 9.

So that Chapter 56, Section 56-4 of the Code is amended so that Subsection F, as amended, shall read in its entirety as follows:

“F. Any plans, including plot plan, or specifications which comprise a portion of the application, whether submitted initially or subsequently upon requirement of the Building Inspector, shall not be accepted as part of an application for a Building Permit unless such documents:

- (1) Are stamped with the seal of an architect or professional engineer or land surveyor licensed in New York State and shall, in all respects, comply with § 7209 or 7307 of the Education Law of the State of New York, as the same may be amended from time to time;
- (2) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
- (3) Substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code; and

(4) Where applicable, include a site plan that shows any existing and proposed 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 structures and the lot lines.”

Section 10.

So that Chapter 56, Section 56-4 of the Code is amended so that Subsection G, as amended, shall read in its entirety as follows:

“G. The Building Inspector shall mark, in writing or by stamp, the construction documents accepted as part of a permit application. One (1) set of accepted construction documents shall be retained by the Building Inspector, as the officer responsible for the administration and enforcement of the Code, and one (1) set shall be returned to the applicant to be kept at the work site so as to be available for use by the Building Inspector. The applicant shall notify the Building Inspector of any change in the information contained in the application during the period the permit is in effect. A permit will be issued when the application has been determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein.”

Section 11.

So that Chapter 56, Section 56-4 of the Code is amended so that Subsection I, as amended, shall read in its entirety as follows:

“I. A Building Permit issued pursuant to this chapter shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application. A Building Permit may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition contained in such permit or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit or if the Building Permit was issued in error and should not have been issued in accordance with the Uniform Code and/or this chapter or if the person to whom a Building Permit has been issued fails or refuses to comply with a Stop Work Order issued by the Building Inspector or Fire Marshal. Such permit shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the Code.”

Section 12.

So that Section 56-5J is amended so the initial language reads as follows:

“Operating permits shall be obtained for the following:”

Section 13.

So that Chapter 56, Section 56-5J is amended to add new Subsections 29, 30 and 31 as follows:

“(29) Commercial and industrial operations which involve waste handling.

(30) The use of pyrotechnic devices in assembly occupancies.

(31) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Building Inspector or Fire Marshal.”

Section 14.

So that Chapter 56, Section 56-5 of the Code, is amended so that new a Subsection K shall be added, so as to read as follows:

“K. An inspection of a property or premises to which a fire prevention permit pertains, shall be conducted prior to the issuance of such permit.”

Section 15.

So that Chapter 56, Section 56-6 of the Code is amended so that it shall read in its entirety as follows:

“A. Work for which a Building Permit has been issued under this chapter shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction. It shall be the responsibility of the owner or authorized agent to inform the Building Inspector that the work is ready for inspection and to schedule such inspection. Provisions shall be made for inspection of the following elements of the construction process, where applicable:

- (1) work site prior to the issuance of a permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;

- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction and penetrations;
- (7) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (8) Energy Code compliance; and
- (9) a final inspection after all work authorized by the Building Permit has been completed.

B. 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. Construction work not in compliance with Code provisions shall be required to remain exposed until it has been brought into compliance with the Code, been reinspected, and been found satisfactory as completed.

C. Frequency of inspections.

(1) Existing buildings not subject to inspection under Subsection A of this section shall be subject to periodic inspections by the Fire Marshal for compliance with the Uniform Code in accordance with the following schedule:

(a) All areas of public assembly defined in the Uniform Code, all buildings or structures containing areas or public assembly and the common areas of multiple dwellings: every six (6) months.

(b) All buildings or structures open to the general public: every twelve (12) months.

(c) All other buildings: every twenty-four (24) months.

(2) Notwithstanding any requirement of this subsection to the contrary, no regular, periodic inspections of occupied dwelling units shall be required; provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare.

D. An inspection of a building, structure or dwelling unit shall be performed at any other time upon:

- (1) The request of the owner, occupant or authorized agent;
- (2) Receipt of a written statement specifying the ground upon which the subscriber believes a violation of the Uniform Code or this chapter exists; or
- (3) Other reasonable and reliable information that such violation exists.”

Section 16.

So that Chapter 56, Section 56-7 of the Code is amended so that Subsection B, as amended, shall read in its entirety as follows:

“B. Such Stop Work Order shall be in writing on a form prescribed by resolution of the Board of Trustees and shall state the reason for the Stop Work Order, together with the date of issuance and the conditions which must be satisfied before work will be permitted to resume. The Stop Work Order shall bear the signature of the Building Inspector or the Fire Marshal.”

Section 17.

So that Chapter 56, Section 56-8 of the Code is amended so that Subsection D, as amended, shall read in its entirety as follows:

“D. The owner or his or her agent shall make application to the Building Inspector for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plans or of the registered architect or licensed professional engineer who supervised construction of the work or of the superintendent of construction who supervised the work and who, by reason of his or her experience, is qualified to superintend the work for which the certificate of occupancy is sought. The affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought and that the structure has been erected in accordance with approved plans and, as erected, complies with the Uniform Code and

this chapter governing building construction, except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform code must be received prior to the issuance of the certificate.”

Section 18.

So that Chapter 56, Section 56-8 of the Code is amended so that Subsection H, as amended, shall read in its entirety as follows:

“H. The certificate of occupancy shall contain the following information:

- (1) the building permit number, if any;
- (2) the date of issuance of the building permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate 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 systems is required;
- (9) any special conditions imposed in connection with the issuance of the building permit;
- (10) an acknowledgment that the work is completed and that the proposed use and occupancy is in conformity with the provisions of the Uniform Code and applicable laws, ordinances, rules and regulations; and
- (11) the signature of the Building Inspector issuing the certificate and the date of issuance.”

Section 19.

So that Chapter 56, Section 56-8 of the Code is amended so that Subsection I, as amended, shall read in its entirety as follows:

“I. Upon request, the Building Inspector may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit has been completed, provided that such portions as have been completed may be occupied safely without endangering life or the public health and welfare, any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and all required means of egress from the structure have been provided. A temporary certificate of occupancy shall remain effective for a period not exceeding three (3) months from its date of issuance. For good causes, the Building Inspector may allow a maximum of two (2) extensions for periods not exceeding three (3) months each.”

Section 20.

So that a new Subsection J is added to Chapter 56, Section 56-8 of the Code, to read in its entirety as follows:

“J. A certificate of occupancy issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within a specified period of time.”

Section 21.

So that Chapter 56, Section 56-9 of the Code is amended so that Subsection C, as amended, shall read in its entirety as follows:

“C. A certificate of compliance shall be issued, where appropriate, within thirty (30) days after written application therefor is made. A certificate of compliance issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within a specified period of time.”

Section 22.

This local law shall take effect immediately upon filing with the New York Secretary of State.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Kathy Vernay	Trustee	Voted	Yes/No
Charles Yonko	Trustee	Voted	Yes/No
Theresa V. Flaherty	Trustee	Voted	Yes/No
Daniel Poellot	Trustee	Voted	Yes/No
Elizabeth Greenwood	Mayor	Voted	Yes/No

The foregoing Resolution was thereupon declared duly adopted.