

A regular meeting of the Village of Newport – February 16, 2015

The village of Newport regular meeting was called to order on February 16, 2015 @ 7:02PM by Mayor Hennings with the following members present:

Mayor – Ashley Hennings
Trustee – Steven Woods
Trustee – Heidi Worden

Tricia Foster (clerk), Cathy Asaro (deputy clerk), Michael Woods (water superintendent), Barb Curran (historian), Herm Harris (street superintendent), George Farley (codes & Zoning)

Pledge of Allegiance

Approval of minutes from January 12, 2015 (fire codes workshop)

Motion made by Trustee Worden to accept the minutes as written for the fire codes workshop held on January 12, 2015, seconded by Trustee Woods.

All in favor: Mayor Hennings, Trustee Woods, Trustee Worden

Opposed: None

Motion passed

Approval of minutes from January 19, 2015

Motion made by Trustee Woods to accept the minutes as written for the regular meeting held on January 19, 2015, seconded by Trustee Worden.

All in favor: Mayor Hennings, Trustee Woods, Trustee Worden

Opposed: none

Motion carried

Dept. heads reports:

History center:

Barb Curran gave her report and it will be placed on file.

Street superintendent:

Herm Harris gave his report and it will be placed on file.

Trustee Worden asked if we had a snow blower for the bobcat and why we don't use it. Herm told us that it depends on how much snow we get and he is using it now because the snow banks are so high. Trustee Worden also said that the town did help with the snow removal this week and wondering if this is something that is going to continue, Herm said that they would when they could. Trustee Worden also asked if the town should be the ones removing the snow on Bridge St. Was told the most of the removal is done by the business owners with it being the business owner's responsibility. Herm also told us that he spent 4 hours by C&D'S Market on Saturday.

Water Superintendent:

Michael Woods gave his report and it will be placed on file. Mayor Hennings said this report will also serve as the water project update.

Trustee Worden asked about the Telemetry unit and asked if there is a print out, Mike told us no it stores the information and that the battery backup for the system is the generator.

Zoning & Codes:

George Farley gave his report and it will be placed on file.

Trustee Worden asked if have copy of the annual report that is sent to Dept. of health, George said that he will bring one in. Trustee Worden also asked to see a copy of the last 2 years of yearly reports that were sent to the assessor. Trustee Worden also asked if a 2nd notice was sent to the property owner with the retaining wall, George told that he was not sure but with the snow there isn't much they can do right now and will look at it again when the snow is gone.

Recreation committee:

Received notice from county for summer help, will fill out send back.

Treasurer:

Michelle gave her report and it will be placed on file.

Water abs. 9 vouchers 45-48 \$1141.08 checks 3226-3229

Abs 9 vouchers 180-197 \$14809.01 checks 10115-10134

Water project update:

Mike Woods has water project update on his report.

Resolution # 41

Motion made by Mayor Hennings, Seconded by Trustee woods, RESOLVED, to move that we extend current water improvement project to allow for additional work to complete all piping to be continuous within village water system, to be funded by the additional grant money available not to exceed \$50,000.00

All in favor: Mayor Hennings, Trustee Woods, Trustee Worden

Opposed: none

Motion carried

East School/East Street:

Resolution # 42

Motion made by Mayor Hennings, Seconded by Trustee woods, RESOLVED, to hire a professional grant writing firm to allow us to move forward with the East Street project and seek funding.

All in favor Mayor Hennings, Trustee Woods, Trustee Worden

Opposed: None

Motion carried

Fire code prevention law:

Local Law #1

Motion made by Mayor Hennings, seconded by Trustee Woods, RESOLVED, that with the public hearing on Sept 22, 2014 and it being more than 30 days from that date and 30 days posted so be it resolved that we pass the Administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

All in favor: Mayor Hennings, Trustee Woods

Opposed: Trustee Worden

Motion carried

This was passed in NYS in 2007; Trustee Worden doesn't feel like we can handle the scope of this. Wanted to know why this wasn't done in 2012 when it was brought up again, Mayor Hennings said that she can't speak about what the previous administration did but know it needs to be passed now.

Fee Schedule adoption:

Resolution # 44

Motion made by Mayor Hennings, Seconded by Trustee Woods, RESOLVED, to move to adopt the newly revised building permit and inspection fee schedule.

All in favor: Mayor Hennings, Trustee Woods

Opposed: Trustee Worden

Motion carried

Village parking:

Mayor Hennings found the most up to date ordinance from 1980 effective August 1, 1980

Mayor Hennings read the whole thing to us. No overnight parking from 12am to 7am

The 6 entrances to the village will have to have signs changed; Mayor Hennings is hoping to add a 1 in front of the 2. Will look into this

Trustee Worden asked about the snowmobile signs, Mayor Hennings said that the sign on Bridge St should be removed. Mayor Hennings also told us that she has contacted Mohawk valley printing (same place that prints our election ballots) about getting a new parking ticket made up.

Sidewalks: Mayor Hennings said that we have been put on notice about the sidewalks on Bridge St. because of the slope until spring. Until the snow is gone the village is going to provide a sand/salt mix to the business from the post office to the other side of the flower shop, because there is nothing that we can do right now to fix this until spring. Herm told us that he doesn't think plans on this project, county won't come and look at it.

Public comment:

Started at 7:39PM not to exceed 30 minutes

Barb Curran would like us to know that she likes how the sidewalk in front of where the post office is. She doesn't have to step up and she hasn't felt like she was going to fall.

Motion made by Mayor Hennings to close the meeting @ 7:46PM, Seconded by Trustee Worden.

All in favor: Mayor Hennings, Trustee Woods, Trustee Worden

Opposed: none

Motion carried

The vouchers were reviewed and signed and the bank statements and balance sheet were reviewed.

Respectfully submitted,

Tricia L Foster

Village Clerk

**A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

Local Law # 1 of 20 15 .

Be it enacted by the Board of Trustees of the Village of NEWPORT, in the County of HERKIMER, as follows:

SECTION 1. PURPOSE AND INTENT

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

SECTION 2. DEFINITIONS

In this local law:

"Board of Trustees" shall mean the governing body of the Village of Newport which consists of two (2) Trustees and the Mayor.

"Building Permit" shall mean a permit issued pursuant to section 4 of this local law. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Certificate of Occupancy" shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors, if any.

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

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

"Inspector" shall mean an inspector appointed pursuant to subdivision (d) of section **3** of this local law.

"Operating Permit" shall mean a permit issued pursuant to section 10 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

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

"Person" shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

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

"Temporary Certificate" shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

"Town" shall mean the Town of Newport.

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

"Village" shall mean the Village of Newport.

SECTION 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 local law. 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, 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, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, 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 local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

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

(7) to maintain records;

(8) to collect fees as set by the 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 local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by a majority vote of the 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 there under.

(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 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 local law.

(d) One or more Inspectors may be appointed the 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 local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board of Trustees of this Village.

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required: Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

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

(1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a description of the proposed work;

(2) the tax map number and the street address of the premises where the work is to be performed;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

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

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

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

(h) Work to be in accordance with construction documents: All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building

Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits: Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

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

(k) Fee: The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

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

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

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

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

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

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

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

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY

(a) Certificates of Occupancy required. A *Certificate of Occupancy* shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a *Certificate of Occupancy*.

(b) Issuance of *Certificates of Occupancy*. The Code Enforcement Officer shall issue a *Certificate of Occupancy* if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a *Certificate of Occupancy*. 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*, shall be provided to the Code Enforcement Officer prior to the issuance of the *Certificate of Occupancy*.

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.

(c) Contents of *Certificates of Occupancy*: A *Certificate of Occupancy* shall contain the following information:

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

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

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

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a *Certificate of Occupancy* or for Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

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

SECTION 9. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the following procedures:

(a). Unsafe Building and Structures. When a building, structure or equipment is found to be unsafe, or when a building or structure is found unfit for human occupancy, or is found unlawful, such building or structure shall be condemned pursuant to the provisions of the Uniform Code, the Village of Newport Zoning Law and this Local Law.

1. Unsafe building or structure. An unsafe building or structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the building or structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such building or structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or such faulty construction or unstable foundation, that partial or complete collapse is possible.

2. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the building or structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

3. Building or structure unfit for human occupancy. A building or structure is unfit for human occupancy whenever such building or structure is unsafe, unlawful or, because of the degree to which the building or structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the Uniform Code, or because the location of the building or structure constitutes a hazard to the occupants of the building or structure or to the public.

4. Unlawful building or structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the Uniform Code, or was erected, altered or occupied contrary to law.

5. The Code Enforcement Officer shall be responsible for carrying out the obligations and duties set forth as follows:

(A) Inspection. No person, firm or corporation or association, who or which is the owner or a building or structure in the Village of Newport, shall cause, suffer, allow or permit the said building or structure to become dangerous or unsafe to the public. In the event that any building or structure now is or hereafter becomes dangerous or unsafe to the public, from any cause whatsoever, the said owner or occupant shall repair or remove said building or structure. In the event of the failure of the owner of any such building or structure to repair or remove same, the Code Enforcement Officer shall make a complete inspection and report the condition to the Village Board of Trustees. Notice shall thereafter be served on the owner or if jointly owned, one of the owners, executors, legal representative, agents, lessees or any other person have a vested or contingent interest in the building or structure. The notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the building or structure to be made safe and secure or removed. The notice shall also provide for the time within which the person served shall commence and complete the securing or removal of the building or structure. In the event of the neglect or refusal of the person so served with said notice to comply with same, a survey of the premises shall be made by an independent building inspector and architect, named by the Village Board of Trustees, and a particular builder, engineer or architect appointed by the person so notified as indicated above, and in the event of the refusal or neglect of the person so notified to appoint such persons, the two (2) appointed by the Village shall make the inspection and submit the report to the Enforcement Officer and the Village Board of Trustees. In the event that this report further provides that the building or structure constitutes an unsafe condition to the public, the Village Attorney will be directed to petition the Supreme Court, for an order determining the building or structure to be a public nuisance and directing that it shall be repaired and secured or proper demolition procedures be taken.

(B) Posting of survey report. A signed copy of the report rendered by the inspectors appointed by the Village Board of Trustees shall be posted on the building.

(C) Costs of Notice. All costs and expenses incurred by the Village in connection with any and all of the proceedings indicated to include the cost of demolishing and removal of the building or structure shall be assessed against the owner or owners of the building, structure and land on which the building or structure is located.

(D) Cost of Removal. If such owner, owners or person served shall fail to pay the costs and expenses incurred by the Village within ten (10) days after being notified of the costs thereof by certified mail, the Village Clerk shall file, immediately preceding the time for preparing the annual assessment roll, a certificate of such actual costs and expenses with a statement as to the property upon which such cost and expense were incurred. Such Certificate relative to the building(s) or structure(s) or other obstructions removed shall be filed with the Village of Newport Assessor, who shall in the preparation of the next assessment roll of general villages taxes, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property assessed as the general village tax and as a part thereof.

(E) Reporting unsafe buildings. Any report received by the Code Enforcement Officer, Village Board of Trustees or any elected or appointed official of a suspected unsafe building or structure will be immediately inspected by the Code Enforcement Officer and other inspectors as deemed necessary by the Code Enforcement Officer. A report of findings along with recommendations will be submitted to the Village Board as soon as possible after inspection.

(F) Imminent danger. When there is imminent danger of failure of collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or defective or dangerous equipment the occupants shall vacate

the premises forthwith. There shall be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Code Enforcement Officer." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

- (G) Emergency Provisions. In cases of great emergency, where the delay of proceedings, as therein provided, would result in probably loss of life or property, the Mayor shall have the power to direct the Code Enforcement Officer to proceed at once to take such action as is needed to guard the safety of persons and property.

SECTION 10. OPERATING PERMITS.

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

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

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

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village.

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

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

(c) Inspections. 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.

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

(e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed five (5) years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

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

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

SECTION 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 contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every 36 (thirty six) months.

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

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

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

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

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary:

(1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

(4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

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

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

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

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

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

SECTION 13. RECORD KEEPING.

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

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

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

SECTION 14: PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the 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 section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this 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) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

SECTION 15: VIOLATIONS

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

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties prescribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Village.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this 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 local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in

violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this 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 subdivision shall be commenced without the appropriate authorization from the Board of Trustees of this Village.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section **382** of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section **382** of the Executive Law.

SECTION 16: FEES

A fee schedule shall be established by resolution of the 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 local law.

SECTION 17: INTERMUNICIPAL AGREEMENTS

The 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 local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18. 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 19. 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.

VILLAGE OF NEWPORT
 BUILDING PERMIT AND INSPECTION FEE SCHEDULE
 ADOPTED February 16, 2015

General rules regarding fees:

- Permit application fees are doubled if work is started without a permit
- \$100.00 – No Show fee
 - If an inspection must be cancelled, notice must be made by the property owner/manager to the Code Enforcement Office at least 24 hours in advance

BUILDING PERMIT FEE

Residential (1 and 2 Family-MIN FEE \$100.00)

\$15.00 per 100 sq. ft. up to 3,000 sq ft
 Additional \$.20 per sq ft over 3,000 sq ft

Residential Additions ft.*	\$15.00 per 100 sq.
Accessory Building (Residential and Commercial) ft.*	\$10.00 per 100 sq.
Alterations and/or Renovations (Residential and Commercial) ft.*	\$10.00 per 100 sq.

In-ground Pool	\$75.00
Above-ground Pool	\$30.00
All Decks and porches	\$50.00
Septic System: Including alterations to an old system	\$30.00

Commercial Structures

(INCLUDES: New Construction, Additions, Alterations and Conversions to Industrial, Places of Assembly, Institutional, Business, Mercantile, Commercial Storage and Multiple Dwellings of 3 or more units) - Permit application fees based upon area of actual work area excluding crawl spaces

\$15.00 per 100 sq. ft. (MIN FEE
 \$150.00)

Signs	\$50.00 per face
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Demolition – Residential	\$ 50.00
Demolition – Commercial	\$150.00

Permit Renewals (one time only)	50 % of original permit fee
New permit required in the event building permit expires	100% of original permit fee

CERTIFICATE OF OCCUPANCY OR COMPLIANCE

Completion or Compliance with building permit	No Charge
Replacement of prior issue Certificate of Occupancy	\$50.00

OPERATING PERMITS

Issued, Reissued or Renewed	\$50.00
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Fireworks and Pyrotechnics

\$150.00 – per one time event
\$500.00 – per seasonal permit
(Fire Departments are exempt)

FIRE CODE INSPECTIONS**

Public Assembly (includes churches)	\$50.00
Multiple Dwelling	\$25.00 per dwelling unit (\$100 minimum, \$300 Maximum)
Commercial:	
Up to 5,000 sq. ft.	\$150.00
5,001 to 10,000 sq. ft.	\$200.00
10,001 to 50,000 sq. ft.	\$400.00
50,001 to 100,000 sq ft.	\$550.00
100,001 sq ft. and over	\$750.00

Fire Inspections – Follow-up Inspection(s) for inspection of corrections

- No Charge – first follow-up inspections
- \$50.00 – second follow-up inspection
- \$100.00 – each subsequent inspection

Zoning Permit

Common Fee	\$20.00
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* Minimum fee \$50.00

** No fee will be charged for an inspection related to a complaint alleging Uniform Code violations, or for inspections of municipally owned buildings, or for inspections of buildings owned by Fire Departments.