

CHAPTER 27

HOUSING CODE

ARTICLE I

RESIDENTIAL PREMISES

Part 1

General Provisions

§27.1 **Purpose**

The purpose of this article is to provide basic and uniform standards, in terms of performance objectives implemented by specific requirements, governing the condition, occupancy and maintenance of residential premises, and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof.

§27.2 **Scope**

This article shall apply to residential premises as follows:

- A. Lots, plots or parcels of land on which residential buildings, buildings of mixed occupancy or accessory structures are located.
- B. Residential buildings, including one- and two-family dwellings and multiple dwellings, except as specifically excluded in §27.3.
- C. Residential occupancies in buildings of mixed occupancy.
- D. Accessory structures, accessory to residential occupancies.

§27.3 **Non-applicability**

This article shall not apply to mobile homes and mobile home courts or to transient type occupancies and uses including, but not limited to, nursing and convalescent homes, hotels, motels, tourist camps, farm labor camps, travel trailers and trailer parks, and other forms of temporary housing.

§27.4 **Application**

- A. The provisions of this article shall supersede local laws, ordinances, codes or regulations to the extent that such laws, ordinances, codes or regulations are inconsistent with

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the provisions of this article; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this article, and such more restrictive requirements or higher standard shall govern during the period in which it is in effect.

- B. Where a provision of this article is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or requirement which is the more

restrictive or which establishes the higher standard shall prevail.

§27.5 **Reference to New York State Building Construction Code and other laws**

Installations, alterations and repairs to residential premises and materials, assemblies and equipment utilized in connection therewith, shall be reasonably safe to persons and property, and in conformity with applicable statutes of the State of New York and orders, rules and regulations issued by authority thereof. Conformity of such work, materials, assemblies or equipment with the applicable requirements of the New York State Building Construction Code shall be prima facie evidence that the same is reasonably safe to person and property.

§27.6 **Definitions**

As used in this article:

1. "Accessory structure" shall mean a structure, the use of which is incidental to that of the residential building and which is located on the same premises.
2. "Accessory use" shall mean a use, occupancy or tenancy customarily incidental to the principal use or occupancy of a residential building. Such accessory uses may include, among others, the following:
 - a. offices for the building management.
 - b. dining rooms, banquet rooms, public kitchens and ballrooms.
 - c. recreation and play rooms.
 - d. laundries for the use of tenants and occupants and in connection with the management and operation of a residential building.
 - e. maintenance and work shops, storage rooms for linen, bedding, furniture, supplies and tenants' equipment and effects.
 - f. rooms or space for the incidental sale or display of merchandise to occupants and tenants, such as newspaper, candy and cigar stands.
 - g. garages within a residential building or on the premises thereof used primarily for the storage of passenger-type motor vehicles.

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3. "Approved" shall mean approved by the administrative officer under the regulations of this chapter or approved by an authority designated by law or this chapter.
4. "Basement" shall mean that space of a building that is partly below grade which has more than half its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.
5. "Bathroom" shall mean enclosed space containing one (1) or more bathtubs or showers, or both, and which may also contain water closets, lavatories or fixtures serving similar purposes. (See definition of toilet room.)
6. "Building" shall mean a structure wholly or partially enclosed within exterior walls, or within exterior or party walls, and a roof affording shelter to persons, animals or property.
7. "Cellar" shall mean that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.
8. "Dwelling, one-family" shall mean a building containing not more than one (1) dwelling unit

occupied exclusively for residential purposes.

9. "Dwelling, two-family" shall mean a building containing not more than two (2) dwelling units occupied exclusively for residential purposes.

10. "Dwelling unit" shall mean one (1) or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one (1) family.

11. "Exit" shall mean a way of departure from the interior of a building or structure, to the exterior at street or grade, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes and all other elements necessary for egress or escape.

12. "Family" shall mean a household constituting a single housekeeping unit occupied by one (1) or more persons.

13. "Generally accepted standard" shall mean a specification, code, rule, guide or procedure in the field of construction or related thereto, recognized and accepted as authoritative.

14. "Grade, finished" shall mean natural surface of the ground or surface of ground after completion or any change in contour abutting building or premises.

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15. "Habitable space" shall mean space occupied by one (1) or more persons for living, sleeping, eating or cooking. Kitchenettes shall not be deemed to be habitable space. (See definitions of nonhabitable space, public space and exit.)

16. "Infestation" shall mean the presence, within or contiguous to a dwelling, dwelling unit, lodging house, lodging unit or premises of insects, rodents, vermin or other pests.

17. "Kitchen" shall mean space, sixty (60) square feet or more in floor area, with a minimum width of five (5) feet used for cooking or preparation of food.

18. "Kitchenette" shall mean space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.

19. "Lodging house" shall mean a multiple dwelling used primarily for the purpose of furnishing lodging, with or without meals, for compensation.

20. "Lodging unit" shall mean a room or group of rooms forming a single habitable unit used or intended to be used for lodging.

21. "Mixed occupancy" shall mean occupancy of a building in part for residential use and in part for some other use not accessory thereto.

22. "Multiple dwelling" shall mean:

- a. building containing three (3) or more dwelling units.
- b. building containing living, sanitary and sleeping facilities occupied by one (1) or two (2) families and more than four (4) lodgers residing with either one of such families.
- c. building with one (1) or more sleeping rooms, other than a one- or two-family dwelling, used or occupied by permanent or transient paying guests or tenants.

- d. building with sleeping accommodations for more than five (5) persons used or occupied as a club, dormitory, fraternity or sorority house, or for similar uses.
- e. building used or occupied as a convalescent, old-age or nursing home but not including private or public hospitals or public institutions. (See §27.3 for certain multiple dwellings not within scope of this article.)

23. "Multiple residence" (See definition of multiple dwelling.)

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24. "Municipality" shall mean the Village of Avon in the County of Livingston and the State of New York.

25. "Nonhabitable space" shall mean space used as kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater and boiler rooms, closets and other spaces for service and maintenance of the building, and those spaces used for access and vertical travel between stories. (See definitions of habitable space, public space and exit.)

26. "Plumbing system" shall mean the water supply system, the drainage system, the vent system, fixtures and traps, including their respective connections, devices and appurtenances within the property lines of the premises.

27. "Potable water" shall mean water which is approved for drinking, culinary and domestic purposes.

28. "Public space" shall mean space within a residential building for public use such as lobbies, lounges, reception, ball, meeting, lecture and recreation rooms, banquet and dining rooms and their kitchens and swimming pools.

29. "Sewage" shall mean liquid waste containing animal or vegetable matter in suspension or solution, and which may include industrial wastes and liquids containing chemicals.

30. "Structure" shall mean an assembly or materials forming a construction framed of component structural parts for occupancy or use, including buildings.

31. "Toilet room" shall mean enclosed space, containing one (1) or more water closets, which may also contain one (1) or more lavatories, urinals and other plumbing fixtures. (See definition of bathroom).

32. "Ventilation" shall mean supply and removal of air to and from a space by natural or mechanical means.

33. "Ventilation, mechanical" shall mean ventilation by power-driven devices.

34. "Ventilation, natural" shall mean ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind-driven devices.

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Space Requirements

§27.7 General requirements

A. Buildings occupied in whole or in part as defined in this article shall comply with the requirements hereinafter set forth concerning occupancy, size, light and ventilation in order to provide safe and healthful environment.

B. The term, accessory use, shall have a uniform meaning and shall apply in the same manner and under the same conditions or restrictions to all residential buildings.

§27.8 Occupancy classification of buildings

Buildings for the purpose of this article shall be classified in respect to their occupancies as follows:

A. One- and Two-Family Dwellings.

Buildings containing one (1) or two (2) dwelling units with less than four (4) lodgers residing with a family in either one (1) of such dwelling units.

B. Multiple Dwellings.

Buildings containing one (1) or two (2) dwelling units with more than four (4) lodgers with a family in either of such dwelling units.

Buildings containing three (3) or more dwelling units.

Apartment houses and apartment hotels.

Lodging houses.

Buildings with sleeping accommodations for more than five (5) persons used or occupied as a club, dormitory, fraternity or sorority house or for similar uses.

Garden apartments.

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C. Accessory Structures.

Garages, carports and similar type structures on residential premises.

§27.9 Maximum occupancy

A. In dwelling units, the maximum number of occupants shall be limited to the number determined on the basis of the floor areas of habitable rooms, other than kitchens, as follows:

One (1) occupant per room having floor area of at least eighty (80) but less than one hundred twenty (120) square feet, two (2) occupants per room having floor area of at least one hundred twenty (120) but less than one

hundred eighty (180) square feet, and three (3) occupants per room having floor area of one hundred eighty (180) or more square feet.

B. In lodging units, the maximum number of occupants shall be limited to the number determined on the same basis as for dwelling units.

C. In buildings occupied as clubs, dormitories, sorority or fraternity houses and providing sleeping accommodations for more than five (5) persons, the maximum number of occupants so accommodated in any habitable room shall be limited to the number determined on the basis of the floor area, in square feet, of the room divided by fifty (50) square feet per occupant.

§27.10 **Prohibited uses**

A. It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.

B. It shall be prohibited in lodging houses to use for dining purposes any communal kitchen containing less than one hundred (100) square feet of floor area or any nonhabitable space or public space other than dining space.

C. It shall be prohibited to prepare or eat meals in lodging units.

D. It shall be prohibited to use any cellar space as habitable space.

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§27.11 **Habitable space**

A. Size.

1. Habitable space shall have a minimum ceiling height of seven (7) feet six (6) inches over fifty (50) percent of the floor area; and the floor area where the ceiling height is less than five (5) feet shall not be considered in computing floor area.

2. A dwelling unit shall contain at least one (1) habitable room having a minimum of one hundred fifty (150) square feet of floor area and a minimum horizontal dimension of ten (10) feet.

3. Kitchens shall have a minimum of sixty (60) square feet of floor area and other habitable spaces shall contain not less than eighty (80) square feet of floor area and shall have a minimum horizontal dimension of seven (7) feet.

4. Every alcove less than sixty (60) square feet in area, except a cooking space or foyer, shall be deemed to be part of a habitable room. The area of the opening in the dividing partition between the alcove and the room shall be at least eighty (80) percent of the wall area of such partition, measured on the alcove side but not less than forty (40) square feet. The depth of such alcove shall not exceed half its width. The floor area of the alcove shall be added to the floor area of the room in determining light and ventilation requirements for the room. An alcove with an area of sixty (60) square feet or more, but less than the required area of a habitable room, shall be separately lighted and ventilated as required for habitable space.

B. Basements.

Basements shall not be deemed habitable space where required windows are located only on one (1) wall and the depth of the basement space exceeds four (4) times its clear height.

C. Light and ventilation.

1. Habitable space shall be provided with natural light through one (1) or more windows, skylights, transparent or translucent panels, or any combination thereof, that face directly on legal open spaces at least six (6) inches above the adjoining finished grade or are above a roof. The amount of light shall be equivalent to that transmitted through clear glass equal in area to ten (10) percent of the floor area of the habitable space.
2. Habitable space shall be provided with artificial light.

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3. Habitable space shall be provided with natural ventilation through openable parts of windows or other openings in exterior walls that face legal open spaces above the adjoining finished grade or above a roof, or through openable parts of skylights, providing total clear ventilation area equal to not less than five (5) percent of the total floor area of each habitable space.

4. Habitable space may also be provided with mechanical ventilation in addition to natural ventilation.

D. Miscellaneous requirements.

1. Dwelling units shall be separated from each other and from other spaces outside the dwelling unit.
2. Sleeping rooms within dwelling units shall be separated from each other and from other spaces outside the sleeping rooms to provide privacy.
3. Lodging units shall be separated from each other and from other spaces outside the lodging units.
4. A communal kitchen or dining room in a lodging house shall be accessible to the occupants sharing such kitchen or dining room without going through a dwelling unit or lodging unit or another occupant.

§27.12 **Public space**

A. Height.

Public space shall have a minimum height of seven (7) feet six (6) inches measured from finished floor to finished ceiling.

B. Light and ventilation.

1. Public spaces shall be provided with artificial light.
2. In public stairs, stairways and passageways artificial light shall be electric lighting available at all times so as to afford safe passage for occupants and users. Such lighting shall conform to the following:

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- a. A sufficient number of fixtures shall be provided so that the distance between fixtures is not more than thirty (30) feet and so that no wall is more than fifteen (15) feet distant from a fixture.

- b. Incandescent lighting shall be based on not less than one-fourth (1/4) watt per square foot of floor area, except that each fixture shall have a lamp or lamps with a total of not less than twenty-five (25) watts.
 - c. Fluorescent lighting shall be based on not less than one-tenth (1/10) watt per square foot of floor area, except that each fixture shall have a lamp or lamps with a total of not less than fifteen (15) watts.
 - d. Where under these formulas the calculated wattage does not correspond to that of a standard lamp, the next larger size shall be used.
3. Public spaces shall be provided with either natural ventilation, conforming to the requirements for habitable space, or with mechanical ventilation.

§27.13 **Nonhabitable space**

A. Height.

Nonhabitable space, except crawl spaces and attics, in multiple dwellings shall have a minimum height of seven (7) feet measured from floor to ceiling.

B. Toilet rooms and bathrooms.

1. Toilet rooms and bathrooms in one- and two-family dwellings shall have provisions for privacy.
2. Toilet rooms and bathrooms for dwelling units in multiple dwellings shall be located within the dwelling units and shall be accessible from any sleeping room without passing through any other sleeping room.
3. Unless located within dwelling units or directly connected with sleeping rooms, toilet rooms and bathrooms in multiple dwellings shall be provided in each story containing habitable space and shall be accessible thereto.
4. Toilet rooms for employees in multiple dwellings shall be in separate rooms for each sex where there are five (5) or more employees, shall be readily accessible to such employees and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.

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5. In one- and two-family dwellings, bathrooms and toilet rooms shall be provided with floors of moisture resistant material.
 6. In multiple dwellings, floors of bathrooms, toilet rooms and similar spaces shall be waterproof; such waterproofing shall extend six (6) inches or more above floors except at doors so that floors can be flushed or washed without leaking.
- C. Light and ventilation.
1. Kitchenettes, bathrooms and toilet rooms shall be provided with artificial light appropriate for use of such rooms.
 2. Laundry rooms, furnace rooms and similar nonhabitable space shall be provided with artificial light appropriate for the intended use of such rooms.

3. Stairs shall be provided with artificial light to allow safe ascent or descent.
4. Kitchenettes, bathrooms and toilet rooms shall be provided with ventilation in accordance with either of the following:
 - a. Natural ventilation as required for habitable space, except that such openable areas shall be not less than one and one-half (1 1/2) square feet for bathrooms and toilet rooms and not less than three (3) square feet for kitchenettes.
 - b. Mechanical ventilation exhausting not less than twenty-five (25) cfm for bathrooms and toilet rooms and not less than one hundred (100) cfm for kitchenettes.
5. Spaces in multiple dwellings which contain central heat producing, air conditioning and other equipment shall be ventilated to the outer air, and air from these spaces shall not be recirculated to other parts of the building.
6. Ventilation shall be provided in unheated attics, spaces below flat roofs and crawl spaces. Location and net areas of ventilation openings shall be such as to minimize deterioration of structural members from condensation or other causes, in conformity with generally accepted standards.

§27.14 **Access and vertical travel between stories**

- A. Stairs, both interior and exterior, shall be of sufficient width in conformity with generally accepted standards so as to serve the occupants.

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- B. Railings shall be provided on open portions of stairs, balconies, landings and stairwells.

§27.15 **Exits**

- A. Safe, continuous and unobstructed exit shall be provided from the interior of the building to the exterior at street or grade level.
- B. Exits shall be arranged, constructed and proportioned so that occupants may escape safely from the building in case of emergency.
- C. In one- and two-family dwellings, in addition to a primary exit from the building, there shall be a secondary exit or, in lieu thereof, one (1) or more exit openings for emergency use.
- D. In multiple dwellings approved exits shall be provided.

Part 3

Structural Requirements

§27.16 **General requirements**

- A. Buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject.
- B. Buildings shall be maintained so that loads are transmitted to the soil without undue differential

settlement, unsafe deformation or movement of the building or of any structural part.

C. Buildings shall be maintained so that protection is provided for all structural members which may become structurally unsound if left unprotected. Causes of such deterioration include, among others, action of freezing and thawing, dampness, corrosion, wetting and drying, and termites and other destructive insects.

D. Buildings built in soil which is water bearing at any season of the year shall be maintained so that ground and surface water will not penetrate into habitable spaces, basements and cellars.

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§27.17 Exterior protection

A. Foundation walls shall be maintained so as to be structurally sound and to prevent entrance of moisture, termites and vermin. Such protection shall consist of shoring where necessary, subsoil drains at footings, grouting of masonry cracks, waterproofing of walls and joists and other suitable means.

B. Exterior walls and wall components shall be maintained so as to prevent deterioration due to the elements and destructive insects. Such maintenance shall consist of painting, installation or repair of walls, copings and flashings, waterproofing of joints, waterproof coatings, installation or repair of termite shields, poison treatment of soil or other suitable means.

C. Roofing shall be maintained in watertight condition so as to prevent leakage into the building. Such maintenance shall consist of repairs of roofing, flashings, waterproof coatings or other suitable means.

§27.18 Interior protection

A. Crawl spaces shall be maintained free of moisture and the flow of air from such spaces into walls above shall be effectively barred so as to prevent deterioration of structural members. Such provisions shall consist of maintenance of openings in foundation walls to provide adequate circulation of air in the crawl space, covering the ground in the crawl space with a moisture barrier, installation of drains outside the structure if the crawl space is below surrounding grade, blocking openings in stud walls to prevent flow of air and moisture into walls, frequent destruction of termite tubes from the soil to wood floor members above, poison treatment of soil, and other suitable means.

B. Structural members shall be maintained so as to be structurally sound. Such protection shall consist of shoring, reinforcement, or repair where necessary, frequent destruction of termite tubes or other appropriate means.

C. Chimneys and flues shall be maintained so as to be structurally sound and to prevent leakage of gases into the structure. Such maintenance shall consist of clearing flue stoppages, sealing open joints, repairing masonry where necessary and other suitable means.

D. Ceilings and walls shall be maintained so that parts which become loose or defective do not constitute a hazard to occupants. Such maintenance shall consist of removing and replacing loose or defective sections.

E. Toilet rooms and bathroom floors shall be maintained so as to prevent leakage of water through the floor, under normal conditions of use and floor washing, and resultant deterioration or defects in structural members and ceilings below. Maintenance shall consist of repairs which effectively provide the moisture and waterproof qualities required for the particular floor.

Part 4

Fire Safety Requirements

§27.19 **Prohibited accumulations and storage**

It shall be prohibited:

1. To accumulate or store on residential premises, except in approved locations, any highly flammable or explosive matter, such as paints, volatile oils, cleaning fluids and similar materials, or any combustible refuse liable to spontaneous combustion, such as waste paper, boxes, rags or similar materials.
2. To accumulate or store materials on fire escapes or stairs, in stairways or passageways, at doors or windows, or in any other locations where in the event of fire, such materials may obstruct egress of occupants or interfere with fire-fighting operations.

§27.20 **Prevention of fire spread**

- A. Walls and ceilings shall be maintained free from cracks and openings which would permit flame or excessive heat to enter the concealed space.
- B. In buildings of mixed occupancy, nonresidential space shall be separated from residential space by approved fire separations which will retard the spread of fire.
- C. Garages in or attached to a residential building shall be separated from other spaces in the building by approved fire separations which will retard the spread of fire and prevent flammable or toxic vapors originating within the garage from being transmitted to other parts of the building.

§27.21 **Interior finishes, trim and decorative materials**

Interior finish materials for acoustical correction, surface insulation and decorative treatment on the surfaces of walls and ceilings, and interior trim shall be of materials that will not, in burning, give off excessive amounts of smoke or objectionable gases.

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§27.22 **Fireplaces**

- A. Fireplaces and similar construction used, or intended to be used, for burning fuel in open fires shall be connected to approved chimneys and shall be installed so that nearby or adjacent combustible material and structural members shall not be heated to unsafe temperatures.
- B. Hearths and linings or other parts of fireplaces exposed directly to flame shall be of materials that will not melt, disintegrate, spall or shatter at high temperatures.
- C. Wood mantels and trim on fireplaces shall be placed and attached so that they cannot be heated to

unsafe temperatures or ignited by sparks or embers from the fire.

Part 5

Equipment Requirements

§27.23 **General requirements**

A. Plumbing, heating, electrical, ventilating, air conditioning, refrigerating, cooking, fire protection and radiation production equipment, elevators, dumbwaiters, escalators and other mechanical additions, installations or systems for the use of the building shall be installed, located and maintained so that under normal conditions of use such equipment and systems will not be a danger to health or welfare, a danger because of structural defects, or a source of ignition, or a radiation hazard, and will not create excessive noise or otherwise become a nuisance. Equipment and systems include, but are not limited to, apparatus, devices, fixtures, piping, pipe hangers, pipe covering, wiring, fittings and materials used as part of, or in connection with, such installations.

B. Equipment and systems subject to damage from freezing shall be adequately protected against freezing.

C. Moving parts of equipment which may be a potential hazard shall be guarded to protect against accidental contact.

§27.24 **Plumbing**

A. General requirements.

1. Plumbing systems shall be maintained in sanitary and serviceable condition.

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2. Plumbing systems shall be maintained so as not to weaken structural members nor cause damage or deterioration to any part of the building through fixture usage.

B. Water supply.

1. Potable water from an approved source shall be available at all times in residential buildings. The domestic water supply system of the building shall be connected to such approved source and shall not be subject to contamination. When supplied from a public source, the potable water supply system shall not be connected to private or unsafe water supplies.

2. Water supply systems shall be installed and maintained so as to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily and without undue noise under all normal conditions of use.

3. Water supply systems shall be installed and maintained so that water used for purposes of cooling or heating shall not be reintroduced into the domestic water supply system nor be distributed through such equipment to plumbing fixtures.

4. Hot water supply systems shall be provided with safety devices arranged to relieve hazardous pressures and excessive temperatures.

C. Sewage draining system.

1. Plumbing fixtures shall be drained to a sewage drainage system and such system shall be connected to a public sewer or to an adequate and approved system of sewage disposal.
2. Where a public sewer is not available, a system shall be provided to receive and dispose of sewage without health hazard or nuisance.
3. Sewage or other waste which may be deleterious to surface or subsurface waters shall not be discharged into the ground or into a waterway unless it has first been rendered harmless through subjection to treatment in conformity with generally accepted standards.
4. Substances which will clog the pipes, produce explosive mixtures, destroy the pipes or their joints or interfere unduly with the sewage disposal process shall not be discharged into the building drainage system unless it is provided with approved devices suitable for intercepting such substances.
5. Each fixture directly connected to the sewage drainage system shall be equipped with a water seal trap.

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6. Adequate clean outs shall be provided and maintained so that the pipes may be readily cleaned.
7. The drainage system and its attendant vent piping shall be maintained so as to provide adequate circulation of air in all pipes in order that siphonage, aspiration or pressure will not cause a loss of trap seal under ordinary conditions of use.
8. Each vent terminal to the other air shall be installed and maintained so as to minimize the possibilities of clogging, frost closure, the return of foul air to the building or the creation of a nuisance to adjacent premises.
9. Drains provided for fixtures, devices, appliances or apparatus containing food, water, sterile goods or similar materials shall be equipped with air breaks, adequate to prevent contamination of such contents from any possible backup of sewage through the direct or indirect drainage piping.

D. Storm drainage.

1. Roofs and paved areas, including yards and courts, shall be drained. Storm drainage shall be conveyed to any adequate and approved system of storm water disposal where available. Storm drains shall be discharged in such manner that water will not flow onto sidewalks.
2. Where a drainage system may be subject to backwater, suitable provision shall be made to prevent its overflow into the building.
3. Leaders and gutters, if used, shall be constructed of noncombustible material, except that wood leaders and gutters may be used for buildings not more than three (3) stories high.

E. Plumbing facilities.

1. Buildings and portions thereof shall be provided with plumbing systems designed to dispose of the sewage from all fixtures and to furnish cold water to every water closet and urinal and hot and cold water to every sink, lavatory, bathtub and shower required therein. In multiple dwellings, hot water shall be furnished at 130° F. to 140° F. temperature range from 6:00 a.m. to midnight.

2. There shall be provided within each dwelling unit plumbing fixtures consisting of at least:

- One (1) kitchen sink.
- One (1) water closet.
- One (1) bathtub or shower.
- One (1) lavatory.

3. Where multiple dwellings contain sleeping accommodations arranged as individual rooms or suites, for each multiple of six (6) sleeping rooms or fraction thereof, there shall be provided plumbing fixtures consisting of at least:

- One (1) water closet.
- One (1) bathtub or shower.
- One (1) lavatory.

4. Where multiple dwellings contain sleeping accommodations arranged as a dormitory, for each multiple of fifteen (15) persons or fraction thereof so accommodated, there shall be provided and located adjacent thereto plumbing fixtures consisting of at least:

- One (1) water closet.
- One (1) bathtub or shower.
- One (1) lavatory.

5. Urinals may be substituted in men's toilet rooms for not more than one-third (1/3) of the required number of water closets.

6. Privies, privy vaults and outhouses shall be prohibited on residential premises.

F. Plumbing fixtures.

1. Plumbing fixtures shall be made of smooth nonabsorbent material.
2. Plumbing fixtures shall be so spaced as to be reasonably accessible for their intended use.
3. Plumbing fixtures shall be located in spaces that are accessible, lighted and ventilated.

G. Swimming pools.

1. Water supply used for filling or cleaning of the pool shall be clean. Water supply shall be protected against potential pollution from all sources, including cross-connection and backflow.

2. Drains shall be provided so that the pool can be safely and adequately drained. Drains shall be provided in floors surrounding the swimming pool and arranged so that water from such areas will drain without entering the pool.

3. Filtering, sterilizing and auxiliary equipment, where required, shall be adequate to maintain the sanitary quality of water during each period the pool is in use. Equipment containing gases or disinfectants capable of giving off irritating, toxic or flammable fumes shall be located in ventilated rooms.

4. The installation shall be arranged and maintained to prevent dirt, sand or other foreign matter from entering the bathing area.

H. Water supply tanks.

1. Water supply tanks shall be installed and maintained so as to be watertight, verminproof, rodentproof, resistant to corrosion and capable of withstanding the working pressures under normal operation.

2. Supports for tanks shall be of noncombustible construction.

3. Tanks and their supports shall not be used to support equipment or structures other than for tank use, except where specially designed for such other use.

4. Means for emptying water supply tanks shall be provided and maintained in proper working condition.

5. Potable water supply tanks for domestic supply and standpipe or automatic sprinkler systems shall be installed and maintained to furnish water in sufficient quantity and pressure for such systems.

§27.25 **Fuel gas**

A. General requirements.

1. Fuel gas piping systems shall be installed and maintained so as to remain gas-tight, safe and operative under conditions of use.

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2. Fuel gas piping systems shall provide a supply of gas sufficient to meet the maximum expected demand of the installed gas-burning appliances connected thereto.

B. Shutoff valves.

1. Gas piping systems shall have at least one (1) accessible means for shutting off all gas supply and such means shall be maintained in good operating condition.

2. An easily accessible shutoff valve or cock shall be provided in the piping in close proximity to and ahead of every outlet for gas appliance.

C. Service equipment for gas supplied from utility mains.

Gas services, gas meters and gas pressure regulators shall be located so that they are protected from damage.

D. Gas refrigerators and ranges.

Gas refrigerators and ranges shall be installed with clearance for ventilation and shall be maintained in good operating condition.

E. High pressure gas.

Any service connection supplying gas at a pressure in excess of one (1) psi gage shall be provided with a device to reduce such pressure to not more than one-half (1/2) psi gage prior to entering the meter, except where such service supplies equipment using gas at high pressures.

F. Liquefied petroleum gas.

1. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in buildings.

2. Liquefied petroleum gas shall not be vaporized by devices utilizing open flame or open electrical coil.

3. Where two (2) or more containers are installed, connection shall be arranged so that containers can be replaced without shutting off the flow of gas to equipment.

4. Containers shall be designed, stored and located so as not to be a hazard to the premises served or to the surrounding property.

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5. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

6. Systems shall have at least one (1) accessible means for shutting off the gas. Such means shall be located outside the building and shall be maintained in good operating condition.

§27.26 **Heating**

A. General requirements.

1. Residential buildings intended for occupancy between the first day of November and the first day of May of the following year shall be provided with heating equipment designed to maintain a temperature of not less than 70° F. at a distance of three (3) feet and more from exterior walls and at a level of five (5) feet above the floor, in habitable spaces, kitchenettes, bathrooms and toilet rooms. The capability of the heating equipment to maintain such indoor temperature shall be based on the average of the recorded annual minimum outside temperatures for the locality.

2. In multiple dwellings, adequate heat shall be provided to maintain the indoor temperature in habitable spaces, kitchenettes, bathrooms and toilet rooms, at 70° F. from 6:00 a.m. to 11:00 p.m. when the outside temperature falls below 55° F.

B. Smoke control.

Fuel-burning heat producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust, particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person.

C. Warm air heating.

Ducts and other air handling equipment used for heating shall conform to the requirements of such equipment used for ventilating purposes.

D. Prohibited locations for heat producing equipment.

Fuel-burning water heaters shall not be located in sleeping rooms, bathrooms or toilet rooms.

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E. Fuel supply connection.

Fuel-burning equipment shall be permanently fastened and connected in place. Fuel supply connection to such equipment shall be made with pipe or tubing of solid metal.

F. Installation and clearance.

Where heat producing equipment is installed on, or adjacent to, combustible materials, the location, insulation, clearance, and the control of the equipment shall be such that the temperature on the surface of the combustible materials will not exceed a safe temperature.

G. Air supply.

1. Direct-fired heat producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate both for complete combustion at the rated gross output of the equipment and for the ventilation of the enclosure to prevent the accumulation of heat.

2. Rooms containing fuel-burning equipment shall have such air supply provided by means of one (1) or more openings to the exterior or by means of fixed openings to interior spaces which open to the exterior.

H. Removal of products of combustion.

1. Equipment for burning solid or liquid fuel shall be connected to suitable chimneys or flues and shall not be connected to gas vents. Unvented heaters burning liquid fuel shall be prohibited.

2. Fuel-burning space heaters located in sleeping rooms or rooms normally kept closed shall be connected to a suitable chimney, flue or gas vent.

3. Gas-fired equipment shall be connected to a suitable chimney, flue or gas vent when the discharge or products of combustion into the space where the equipment is installed would be a hazard.

I. Safety devices.

1. Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.

2. Controls for the safe operation of automatically operated heat producing equipment shall be provided to function as follows:

When failure or interruption of flame or ignition occurs, the fuel supply shall be cut off. When a predetermined temperature or pressure is exceeded, the input of additional heat shall be prevented or reduced to a safe rate. When the water level in a steam boiler drops below a predetermined level, the fuel supply shall be cut off. When failure or interruption of pilot light or main burner of liquefied petroleum gas equipment occurs, the fuel supply to each pilot light and main burner shall be cut off.

J. Heating of garages.

Fuel-burning equipment for garages servicing multiple dwellings shall be located in heater rooms, except that equipment burning gas or liquid fuel, located in the vehicle storage space, shall be permitted in stories at or above grade where elevated so as not to be exposed to possible accumulation of flammable gas.

§27.27 Chimneys, flues, and gas vents

A. General requirements.

1. Chimneys, flues, gas vents and their supports shall be installed and maintained so as to be structurally safe, durable, smoketight, noncombustible and capable of withstanding the action of flue gases without softening, cracking, corroding or spalling.

2. Such facilities shall effectively convey the products of combustion to the outer air.

3. Masonry chimneys, except approved prefabricated chimneys, shall have noncombustible foundations.

4. Flue linings shall be capable of withstanding the action of flue gas without softening, cracking, corroding or spalling at the temperature to which they will be subjected.

5. Openings for smoke pipes or gas vent connections shall be provided with means for easy connection without restriction of flue.

6. No flue shall have smoke pipe or gas vent connections in more than one (1) story of a building.

7. Fuel-burning equipment and fireplaces located in different tenancies shall not be connected to the same flue.

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B. Fire safety.

Chimneys, flues, and gas vents shall be installed and maintained so that under conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith, does not exceed a safe temperature.

C. Spark arresters.

A chimney or flue connected to an incinerator and a chimney or flue which may emit sparks shall be provided with a spark arrester of noncombustible construction. Spark arresters shall have sufficient total clear area to permit unrestricted passage of flue gases. Openings in spark arresters shall be of such size as to prevent passage of embers and to minimize clogging by soot.

§27.28 **Incinerators**

A. General requirements.

1. Incinerators shall be of adequate capacity for the intended use.
2. Flue-fed incinerators shall be equipped with means for burning auxiliary fuel in sufficient quantity to assure complete combustion of refuse.
3. A flue serving an incinerator shall be provided with a substantially constructed spark arrester.
4. Incinerators shall be connected to a suitable noncombustible chimney, smokestack or flue.
5. Connections to incinerators shall provide free passage of refuse without clogging.

B. Service openings.

1. Service openings shall be readily accessible to the building occupants.
2. Durable signs with plainly legible letters prohibiting disposal of highly flammable substances in incinerators shall be provided near service openings.

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§27.29 **Electrical**

A. General requirements.

1. Electrical wiring and equipment shall be installed in conformity with generally accepted standards and maintained so as not to be a potential source of ignition of combustible material or a potential source of electrical hazard.
2. Electrical wiring and equipment shall be firmly secured to the surface on which it is mounted.
3. Electrical wiring and equipment installed in damp or wet locations or where exposed to explosive or flammable gases or to excessive temperatures shall be of a type approved for the purpose and location.
4. Electrical wiring and equipment shall be protected against excessive current by properly rated overcurrent devices.
5. Electrical wiring and equipment shall be grounded or otherwise protected by insulation, isolation, or guarding so as to minimize the danger of high voltages from lightning or other causes.
6. Electrical equipment which in ordinary operation produces arcs or sparks shall be enclosed unless separated and isolated from all combustible material.
7. Service equipment and overcurrent protection devices shall be installed and maintained in a readily accessible location.

B. Artificial lighting.

1. Residential buildings and occupancies shall be wired for electricity, and lighting equipment shall be installed throughout to provide adequate illumination for the intended use of each space. Electric wiring system shall be connected to an adequate source of supply.

2. There shall be a switch or other means for controlling a light in each dwelling unit near the point of entrance to such unit.

C. Exit and directional signs.

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1. Exits in multiple dwellings shall be provided with exit and directional signs visible from the approach to the exits, except that such signs shall not be required in those portions of a building which contain dwelling units only or in which exit from sleeping rooms is directly to the outside.

2. Directional signs shall be provided at locations from which the exit doorway is not readily discernible.

3. Such signs shall be worded in plainly legible block letters with the word EXIT for exit signs and the words TO EXIT with a suitable pointer or arrow indicating the direction of the exit for directional signs. Letters for signs shall be conspicuous, readily discernible, and at least six (6) inches high except that for internally illuminated signs the height of such letters shall be at least four and one-half (4 1/2) inches.

4. Exit and directional signs shall be illuminated either externally or internally by electric lights and shall be kept illuminated at all times when the building is occupied.

§27.30 **Cooking and refrigeration**

A. General requirements.

1. Each dwelling unit shall be provided with appropriate cooking and refrigeration equipment.

2. Cooking and refrigeration equipment shall be maintained in good operating condition.

3. Gas-burning cooking equipment shall be permanently fastened and connected in place. Gas supply connection to such equipment shall be made with pipe or tubing of solid metal.

4. Solid fuel-burning cooking equipment shall be appropriately vented.

B. Communal cooking and dining facilities.

Communal kitchens and dining rooms shall comply with the following requirements:

1. Communal kitchens shall contain: at least one (1) kitchen sink; at least one (1) kitchen gas or electric stove equipped with an oven and not less than four (4) top burners; at least one (1) electric or gas type refrigerator with adequate food storage capacity, but in no case less than eight (8) cubic feet nominal size. Dining space and eating facilities where provided in the kitchen area shall comply with the requirements for communal dining rooms.

2. Communal dining rooms shall contain at least one (1) dining chair and two (2) lineal feet of dining space for each occupant permitted in a dining room at any particular time.

§27.31 Air conditioning and mechanical ventilation in one- and two-family dwellings

- A. Exhaust air from a dwelling unit shall not be circulated to another dwelling unit.
- B. Ducts shall be securely fastened in place and appropriately firestopped.

§27.32 Air conditioning and mechanical ventilation in multiple dwellings

- A. Refrigerants.
 - 1. Refrigerants that are highly flammable shall not be used in multiple dwellings.
 - 2. Direct systems using refrigerants that are flammable or toxic shall not be used for air conditioning purposes.
- B. Ventilating systems.
 - 1. Ventilating systems shall be installed and maintained so that the rapid spread of heat, flame or smoke through the system will be prevented and so that under conditions of use the temperature of any combustible material adjacent thereto or in contact therewith will not exceed a safe temperature.
 - 2. Stairways, passageways, exits, shafts, hoistways or attics shall not be used a plenum chambers.
 - 3. Ducts shall be securely fastened in place and appropriately firestopped.
 - 4. Ducts and other air handling equipment shall be of noncombustible material.
 - 5. Filters shall be installed and maintained so as not to constitute a fire or smoke hazard.
 - 6. Ducts passing through or located within combustible construction shall be separated from such construction by a clearance of at least one-half (1/2) inch or by a noncombustible insulating material at least one-fourth (1/4) inch thick.
 - 7. Air required for ventilation shall be taken from the exterior or shall be quality controlled.

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8. Exhaust air from a dwelling unit or a space whose contents may emit odors, fumes, or vapors shall not be circulated to other occupied spaces within the building.

- C. Air intake and exhaust openings.

1. Air intake and exhaust openings shall be installed, located and maintained so as not to constitute a hazard or nuisance and so as to prevent the possibility of fire, smoke, fumes or foreign matter being drawn into the system.

- 2. Ventilating systems shall be provided with adequate openings for incoming and outgoing air to

obtain the required circulation. Intake openings shall provide air from an uncontaminated source.

3. Where openings for mechanical exhaust are located in spaces that also contain fuel-burning equipment, there shall be provided fixed intake openings from the exterior to supply sufficient air so that the fuel-burning equipment is not adversely affected.

4. Exhaust openings shall be located so that the exhaust air will not create a nuisance.

D. Ventilation requirements.

1. Enclosures or spaces where heat, gases, vapors or odors may accumulate and become a potential source of hazard or nuisance shall be provided with adequate means of ventilation to remove such excess.

2. Public spaces shall be provided with means for obtaining air supply for the maximum number of persons for which such spaces are designed.

E. Safety controls.

1. Manually operated controls shall be provided to stop the operation of all central fan equipment. Such controls shall be conspicuously identified and in readily accessible locations outside the fan room.

2. Every system using recirculated air and serving an assembly space or more than one fire area or more than one (1) story of a building shall be provided with controls arranged so that under abnormal rise in temperature of the air in the system the fans causing normal circulation shall stop and require manual restart.

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3. Every system for ventilating an assembly space shall be provided with an emergency switch conveniently located and with a durable sign giving instructions for shutting down the system in case of fire.

§27.33 **Fuel oil**

A. General requirements.

Fuel oil shall be received, stored and conveyed by means of fixed liquidtight equipment.

B. Storage tanks.

1. Tanks shall be provided with means for venting.

2. Tanks shall be installed and maintained so as not to be a hazard to the premises served or the surrounding property.

C. Piping.

1. Automatically operated boilers and furnaces using fuel oil shall be provided with remote control to stop the flow of oil during fire or other emergency.

2. Filling, emptying, and venting of tanks shall be by means of fixed piping. Pipes to underground tanks shall be pitched toward tanks. Terminals of fill and vent pipes shall be located outside buildings at a safe

distance from building openings.

§27.34 **Fire protection in multiple dwellings**

A. Fire alarm systems.

Required fire alarm systems shall be maintained in proper operating condition at all times.

B. Sprinkler equipment.

1. Required sprinkler equipment shall be maintained in proper operating condition at all times. Storage of materials shall cause minimum interference to effective discharge of water.

2. Valves controlling water supply to sprinklers shall be secure in the open position.

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3. Sprinkler heads shall be maintained free of corrosion and paint.

C. Standpipe systems.

1. Standpipe systems shall be maintained in proper operating condition at all times.

2. Gate valves at hose stations shall be maintained tight against leaks.

3. Hose shall be in proper position ready for operation, dry and free of deterioration.

D. Portable extinguishers.

1. Each oil burner for boiler, furnace or central hot water heater shall be provided with an approved hand fire extinguisher or two (2) rounded-bottom pails filled with sand.

2. Portable extinguishers required for fire protection shall be in their designated locations and in a condition which will permit efficient operation without delay.

§27.35 **Elevators, dumbwaiters and escalators in multiple dwellings**

A. Elevators, dumbwaiters and escalators shall be maintained so as to be free from physical and fire hazards.

B. Elevator and power operated dumbwaiter cars shall be provided with durable signs in conspicuous locations on which the rated capacity shall be indicated.

C. Elevator cars shall be provided with approved means for transmitting a signal outside the hoistway in case of emergency.

D. Hoistways and pits shall be maintained free of refuse.

E. Machine rooms shall be maintained free of oil and grease and shall not be used for storage of articles or materials unnecessary for the maintenance of the elevator or dumbwaiter. Flammable liquids shall not be kept in such rooms.

F. No person shall at any time make any required safety device or electrical protective device

inoperative, except where necessary during tests, inspections or maintenance.

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Part 6

Property Maintenance Requirements

§27.36 **General requirements**

Residential premises shall be maintained in conformity with the provisions of this chapter so as to assure the desirable residential character of the property.

§27.37 **Open areas**

A. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, storm water sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where deemed necessary.

B. Fences and other minor constructions shall be maintained in safe and substantial condition.

C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.

D. Yards and courts shall be kept clean and free of physical hazards.

E. Heavy undergrowths and accumulations of plant growth which are noxious or detrimental to health shall be eliminated.

§27.38 **Buildings and structures**

A. Exterior wood surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.

B. Floors, walls, ceilings, furnishings and fixtures of residential buildings shall be maintained in clean and sanitary condition.

C. Accessory structures shall be maintained so as to be free of conditions detrimental to safety or health.

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§27.39 **Infestation and screening**

A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage

and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.

B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

C. From May 1st to October 1st, entrances to residential buildings shall be provided with self-closing type devices or screens, and windows and other openings used for ventilation shall be appropriately screened. Screens shall not be required in rooms located sufficiently high in the upper stories of multiple dwellings as to be free of mosquitoes, flies and other flying insects.

§27.40 **Garbage and refuse**

A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.

B. In multiple dwellings, it shall be prohibited to store or accumulate garbage or refuse in public halls and stairways.

§27.41 **Domestic animals and pets**

Domestic animals and pets shall be kept in an appropriate manner and shall not be permitted to run at large.

ARTICLE II

ADMINISTRATION AND COMPLIANCE

Part 1

General Provisions

§27.81 **Purpose**

The purpose of this article is to provide basic and uniform administration of, and compliance with, applicable Housing Standards and to establish the responsibilities of parties concerned therewith.

§27.82 **Scope**

This article shall apply to administration of, and compliance with, applicable Housing Standards.

§27.83 **Non-applicability**

This article shall not apply to premises which are not within the scope of applicable Housing Standards.

Part 2

Administration

§27.84 **Administrative agency**

A. The Zoning Enforcement Officer shall administer and secure compliance with the applicable Housing Standards.

B. The Zoning Enforcement Officer shall have as his representatives such assistants and inspectors as

may be necessary to carry out effectively the powers and duties of his office.

C. All personnel shall be qualified and appointed as prescribed by law and shall be furnished with appropriate official badges or identification cards.

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D. All personnel shall be free from personal liability for acts done in good faith in the performance of their official duties.

§27.85 **Powers and duties**

A. The Zoning Enforcement Officer shall be charged with the duty of administering the applicable Housing Standards and securing compliance therewith and shall be empowered to adopt rules and regulations necessary for securing such compliance provided that such rules and regulations shall not be in conflict with the applicable Housing Standards.

B. The Zoning Enforcement Officer, his assistants and deputy inspectors, if any, shall be authorized to conduct surveys of housing in any area of the Municipality to determine the condition of premises, extent of deterioration, lack of facilities, inadequate maintenance, unsafe and insanitary conditions, extent of overcrowding, land use and other relevant factors.

C. It shall be the duty of the Zoning Enforcement Officer:

1. To cause periodic inspections to be made not less than once every five (5) years of all premises within the scope of applicable Housing Standards.

2. To cause an investigation of all complaints of alleged housing violations or other unsafe or insanitary conditions.

3. To order in writing the remedying of all conditions found to exist in or on any premises in violation of provisions of the Housing Standards or of rules and regulations adopted by the agency, to state in the violation order a reasonable time limit for compliance therewith and, where necessary, to order the vacation of premises found unfit for human habitation.

4. To request the chief legal officer of the Municipality to take appropriate legal action in the name of the agency upon failure of the responsible party to comply with such violation order within the time specified therein.

5. To cause a search of the Municipality's records of housing violations existing on any premises and to issue a certified statement thereof upon receipt of written request and payment of any fees required by local law or ordinance.

6. To study housing conditions in the Municipality.

7. To cooperate with other municipal, governmental and private agencies engaged in the study and improvement of housing conditions.

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8. To publish an annual report of housing conditions in the Municipality, accomplishments of the

agency and recommendations for the future.

D. Where violations of the Housing Standards exist and pose an immediate hazard or danger to the health, safety or welfare of building occupants or of the public, the Zoning Enforcement Officer may issue an order citing the violation and directing such action by such municipal officer, department or board as is necessary to remove or abate the immediate hazard or danger.

§27.86 **Inspection**

A. Inspectors shall be authorized and have the right, in the performance of their duties, to enter any premises during normal business hours and in emergencies whenever necessary to protect the public interest.

B. Owners, agents, operators and occupants shall be responsible for providing access to all parts of the premises within their control to authorized agency personnel acting in the performance of their duties.

§27.87 **Records**

The Zoning Enforcement Officer shall keep records of all complaints received, inspections made and violations found regarding premises regulated by the Housing Standards. Records shall be kept in a manner and form as prescribed by local law, ordinance, regulation or direction of the Board of Trustees and shall be available for public inspection.

Part 3

Compliance

§27.91 **Responsibilities of owners**

A. Owners of premises shall be responsible for compliance with the Housing Standards and shall remain responsible therefor regardless of the fact that this article may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

B. Owners of premises shall be responsible for proper maintenance, condition and operation of service facilities and for furnishing adequate heat and hot water supply in multiple dwellings.

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§27.92 **Responsibilities of lodging house operators**

Lodging house operators shall be responsible for compliance with the Housing Standards in regard to the following:

1. Limiting occupancy to the maximum permitted by the Housing Standards.
2. Maintenance of safe and sanitary conditions in all parts of lodging house premises.
3. Maintenance and operation of all required service facilities.
4. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances within his control as well as other building equipment and facilities, in an operative, clean and sanitary condition.

5. Sanitary maintenance of walls, floors and ceilings.
6. Keeping exits clean and unencumbered.
7. Disposal of building garbage and refuse in a clean and sanitary manner.
8. Extermination of insects, rodents or other pests on the premises.
9. Hanging and removing required screens.

§27.93 **Responsibilities of occupants**

Occupants of dwelling units shall be responsible for compliance with the Housing Standards in regard to the following:

1. Limiting occupancy of that part of the premises which he occupies or controls to the maximum permitted by the Housing Standards.
2. Maintenance of that part of the premises which he occupies or controls in a clean, sanitary and safe condition.
3. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities in that part of the premises which he occupies or controls, in a clean and sanitary condition and providing reasonable care in the operation and use thereof.

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4. Keeping exits from his dwelling unit clear and unencumbered.
5. Disposal of garbage and refuse into provided facilities in clean and sanitary manner.
6. Extermination of insects, rodents or other pests within his dwelling unit if his unit is the only one infested in the premises.
7. Hanging and removing required screens.
8. Keeping his domestic animals and pets in an appropriate manner and under control.

Part 4

Penalties

§27.100 **Violations and penalties**

A. Every person who shall fail to comply with a violation order issued by the Zoning Enforcement Officer within the time limit stated thereon shall be guilty of an offense and upon conviction shall be punished by a fine of not more than two hundred fifty (\$250.00) dollars or by imprisonment for not more than thirty (30) days or both. Each week that a violation continues shall be a separate offense.

B. The Board of Trustees may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter or any rule or regulation adopted pursuant hereto, notwithstanding the imposition of the above penalty or

punishment for such violation.

Cross-references:

Building Code Enforcement. Chapter 26

Unsafe Buildings. Chapter 33

Zoning. Chapter 30

References:

See p. 26.24

REVISED February 23, 2006

Revised two references in the last sentence in Section 15(e) from subdivision (2) of section 381 of the Executive Law
to subdivision (2) of section 382 of the Executive Law

Revised definition of "inspector" (Section 2) from pursuant to subdivision (d) of section 4
pursuant to subdivision (d) of section 3 of this local law

REVISED February 23, 2006

**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 10
Board of Trustees

Be it enacted by the ~~[specify governing body] of the [City/Town/Village]~~ of Avon, in the County of Livingston, 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 ~~[City/Town/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:

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

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

Village
[“City” shall mean the ~~City~~ of Avon.]

“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.

"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.

Village

[~~"Town"~~ shall mean the ~~Town~~ of Avon .]

"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 Avon .]

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 / Certificates of Compliance*], Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, [*Certificates of Occupancy / Certificates of Compliance*], Temporary Certificates and Operating Permits, and to include in Building Permits, [*Certificates of Occupancy / Certificates of Compliance*], 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 / 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 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;

Board of Trustees

(8) to collect fees as set by the ~~[specify legislative body]~~ of this ~~[City/Town/Village]~~;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this ~~[City's/Town's/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 ~~the Mayor and confirmed by the Board of Trustees~~ ~~[specify method of appointment]~~. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by ~~[specify method of appointment]~~ 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 ~~by the Mayor and confirmed by the Bd. of Trustees~~ ~~[specify method of appointment]~~ 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 thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the ~~[specify legislative body]~~ of this ~~[City/Town/Village]~~.
Board of Trustees

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);

X (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 loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(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 [6] months following the date of issuance. Building Permits shall expire [12] months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

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

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

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 [*registered mail / 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 [*registered mail / 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 / CERTIFICATES OF COMPLIANCE*]

(a) [*Certificates of Occupancy / Certificates of Compliance*] required. A [*Certificate of Occupancy / Certificate of Compliance*] shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or 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 / Certificate of Compliance*].

(b) Issuance of [*Certificates of Occupancy / Certificates of Compliance*]. The Code Enforcement Officer shall issue a [*Certificate of Occupancy / Certificate of Compliance*] if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or 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 / Certificate of Compliance*]. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the [*Certificate of Occupancy / Certificate of Compliance*], shall be provided to the Code Enforcement Officer prior to the issuance of the [*Certificate of Occupancy / Certificate of Compliance*]:

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

(c) Contents of [*Certificates of Occupancy / Certificates of Compliance*]. A [*Certificate of Occupancy / Certificate of Compliance*] shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;

(4) if the [*Certificate of Occupancy / Certificate of Compliance*] is not applicable to an entire structure, a description of that portion of the structure for which the [*Certificate of Occupancy / Certificate of Compliance*] is

issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of the structure, if any;

(8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is

required;

(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Code Enforcement Officer issuing the [*Certificate of Occupancy / Certificate of Compliance*] and the date of issuance.

(d) 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 [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 / Certificate of Compliance*] or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

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

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within this [~~City/Town~~ 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

ALTERNATIVE 1: Unsafe structures and equipment in this [~~City/Town~~ Village] shall be identified and addressed in accordance with the procedures established by Local Law Number [1 of 2010], as now in effect or as hereafter amended from time to time.

ALTERNATIVE 2: Unsafe structures and equipment in this [~~City/Town~~ Village] shall be identified and addressed in accordance with the following procedures [*specify procedures*].

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 [*specify legislative body*] of this [*City / Town / 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.

ALTERNATIVE 1: (e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

ALTERNATIVE 2: (e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

(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.

X (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 [*specify interval consistent with local conditions, not to exceed thirty-six (36) 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. *[INCLUDE THE FOLLOWING PROVISIONS IF THE CITY / TOWN / VILLAGE WISHES TO RELY ON THE INSPECTIONS PERFORMED BY OFPC, AND DOES NOT WISH TO HAVE THE CODE ENFORCEMENT OFFICER INSPECT BUILDINGS THAT ARE INSPECTED BY OFPC: 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 / Certificates of Compliance*], Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

(5) all statements and reports issued;

(6) all complaints received;

(7) all investigations conducted;

X

(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 [*specify legislative body*] of this [*City / Town / 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 [*City / Town / Village*], on a form prescribed by the Secretary of State, a report of the activities of this [*City / Town / 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 [*City / Town / Village*] is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this [*City / Town / 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 [*registered mail / certified mail*]. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by [*registered mail / 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 proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, [*Certificate of Occupancy / Certificate of Compliance*], 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 [*City / Town / Village*].

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this [City / Town / 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 / Certificate of Compliance], 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 [City / Town / 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 [specify executive officer or body] of this [City / Town / 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 [specify legislative body] of this [City / Town / 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 / Certificates of Compliance], 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 [specify legislative body] of this [City / Town / Village] may, by resolution, authorize the [specify title] of this [City / Town / Village] to enter into an agreement, in the name of this [City / Town / 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.