

Operational Review

Department of Planning & Development
Town of Cicero, NY

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This report provides the Town Board and the Department of Planning & Development a review of its current operations and recommendations for improvements that will make the department function more effectively and provide better services to the Town of Cicero residents and officials.

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Executive Summary

This review was conducted, at the request of the Cicero Town Board, to review the operational effectiveness of the Department of Planning and Development and make recommendations for improvement including staffing, computer software and best practices.

The review found that the Department of Planning & Development (Department) does conduct several key functions well, however there are several areas that the Department is not meeting the Minimum Standards for Administration and Enforcement found in the Secretary of State rules and regulation, Title 19 New York Codes Rules and Regulations, Part 1203 (Part 1203), a copy of which is found in Appendix A.

Areas that the Department is not meeting its requirements, or is ineffective because of its current organization structure and staffing level include:

- There is not an effective organizational and leadership structure in place;
- The Department is not conducting all mandated inspections;
- The Department does not issue required operating permits;
- The Department has difficulty producing important data;
- The Department does not produce documents that fully comply with state regulations;
- The Department does not have a practice in place to properly handle complaints from beginning to end.
- The Department does not have comprehensive, written, and widely disseminated operational guidelines nor a mission statement;
- The Department does not have a real property database for use by all related functions that identifies all permits, inspections, and land use decisions that can be used for decision making within town government; and
- The Department does not have a quality assurance program in place.

These overall findings give the overall impression that the Department is not effective and not providing essential services, when in many cases the Department does provide services reasonably well, given its current staffing levels. To resolve these issues, the Department, should develop procedures to assure uniformity of operations and forms; begin to immediately review files in the office and destroy those that are no longer necessary and archive those that are closed, thus allowing more useable office space; and initiate a process to implement the new information management system (Municipity). There is also a need on the part of the Town Board to budget for additional full time staff; provide the electronic tools necessary for the staff to operate effectively; and funding to allow for the reconfiguring of the office facilities to better serve the needs of both the staff and public.

The Department is charged with enforcing both Town and State codes and regulations in order to ensure that buildings are constructed to minimum standards, improve living conditions, prevent the deterioration of buildings within the Town, and protect the health, safety, and welfare of the residents. Effective code enforcement is also critical to the maintenance of the Town's buildings and the integrity of the Town's neighborhoods, especially in rental housing units, which have been identified as a problem area.

Code enforcement is a complex and difficult undertaking even in the best of circumstances. In the Town of Cicero with housing stock of various ages and a multitude of new development, both residential and commercial, the undertaking is downright daunting. The potential to do harm makes it all the more important for code enforcement to be implemented strategically and its performance monitored closely.

Information management is at the core of effective code enforcement. The Town of Cicero has over 13,421 parcels (2012 Assessment Role) and monitoring the construction activity, enforcing the maintenance of each parcel and buildings requires a high level of organization. Monitoring Department performance and the outcomes of those efforts requires an even higher level of organization.

Currently the Department uses a collection of data systems that fail to provide an effective way to evaluate what is happening, where it is happening and who is involved. The primary software is a DOS dbase III system that has multiple issues associated with it. There is also another MS Access database that is used to track planning, zoning and other items. None of these databases are connected so that useable information can be collected about a single parcel without the need to examine each database separately. An examination of the Department's computer systems concluded that the collection of information systems is poorly serving the Department's needs and that a new system is needed.

With clearer direction and a well implemented information system, the Department will be in a much better position to strategically plan and track its efforts. The Department's ability to monitor its performance and plan its operations strategically will determine the future effectiveness of this critical program.

This review was conducted with the cooperation of the Department staff. The staff is committed to making changes to improve the effectiveness of the Department. The proper use of these findings in these circumstances is to provide for oversight of the resulting changes and as the basis for informed policy discussions. Under current conditions, it would be unfair and damaging to the process to use this in any way other than to provide for critical improvements that are needed to make the department operate effectively. I thank the Department for their cooperation and commitment. I look forward to assisting the Town in implementing this process during the next few months.

Introduction

Background and Purpose

This review of the Town's Department of Planning & Development came about as a result of the Town Board's concern regarding perceived deficiencies reported by the public and the Town Board's desire to improve the Code Enforcement and Planning process within the Town.

This review focuses on how effectively the Department is meeting its core missions related to compliance with state and local regulations and administration of the New York State Uniform Fire Prevention and Building Code, the Zoning Ordinance, the Subdivision Regulations and other local laws and regulations it is charged with enforcing and administering.

Methodology

The overall methodology used in the survey consisted of the following:

- interviewing management and code inspectors to understand the existing processes
- reviewing the office's procedures and relevant Town code provisions
- compiling staffing data and analyzing trends
- observations of daily operations within the office
- analyzing the reliability of data from the existing permitting, complaint, inspection and zoning software systems
- observing code inspections and processes in the field
- a review of files including building permits, fire prevention inspections, complaints, zoning and planning
- a review of current forms and paperwork
- reviewing and clarifying both Town and State laws and regulations the Department is charged with administering and enforcing
- reviewing the office's methods performance with applicants
- discussions with information technology and buildings staff to review the implementation process for the proposed Muncity software
- a review of the record keeping procedures for all activities and a review of the Towns Local Laws regarding code enforcement and administration, and those areas the Department is assigned responsibility to either enforce or administer.

The overall purpose was to determine what was working well and what areas might need improvement. To achieve this various core operational features that the Department is responsible for were examined.

To accomplish this goal time was spent in the Department during late August and early September observing staff operations, observing field operations meeting with Town Officials, and reviewing records, databases, and materials within the Department.

Town Information

According to the United States Census Bureau, the town has a total area of 48.5 square miles (126 km²), of which, 48.4 square miles (126 km²) of it is land and 0.1 square miles (0.26 km²) of it (0.10%) is water.

The north town line of Cicero, marked by the Oneida River is the border of Oswego County. The east town line is the border of Madison County, marked by the Chittenango Creek.

At the Northern border of Cicero is Oneida Lake, one of the largest bodies of water located within New York State. Also within Cicero is a fairly large swamp named Cicero Swamp. Cicero consists of mainly wetland, forests, farms and a large and growing number of housing developments encroaching on farmland. The soils are mostly brown silt loams and loams with slight to moderate acidity in surface layers (subsoil’s may be somewhat alkaline); their drainage varies.

U.S. Route 11, Interstate 81, Interstate 481, and New York State Route 31 pass through Cicero. New York State Route 298 intersects NY-31 near the east town line. Michael Airfield, a single runway general aviation airport, is located within Cicero.

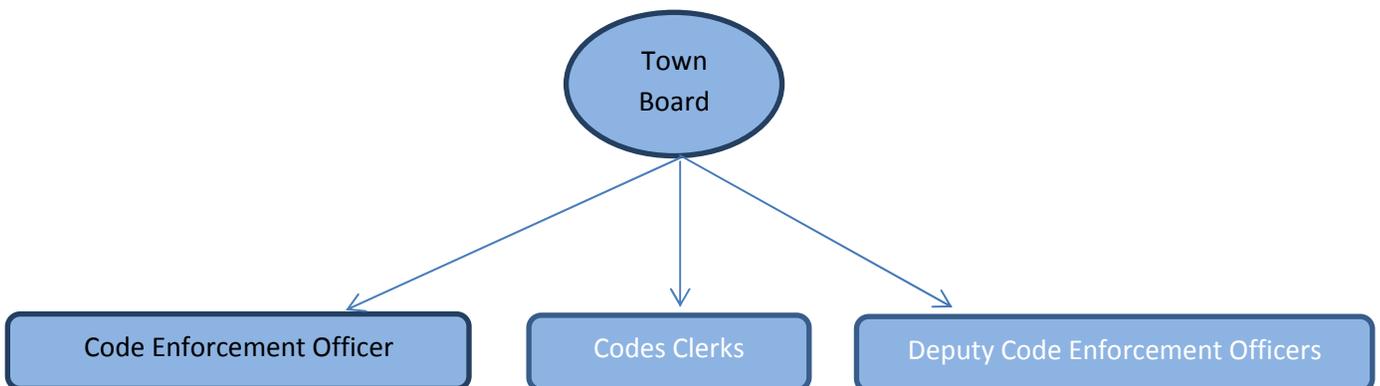
The reconstructed Erie Canal follows the Oneida River along the north town line.

The population of the town according to the 2010 United States Census was 31,632 an increase of 4,450 since the 2000 Census.

As noted above, the Town has many areas that both abut on Oneida Lake or tributaries to the lake and therefore has significant areas that fall within the FEMA flood hazard areas as shown on the Flood Insurance Rate Maps dated September 15, 1994.

Organizational Structure

The Department of Planning & Development is a separate department that was established in 1999 with its principal purpose to “propose and provide methods for updating and improving the efficiency of the current Code Enforcement Office.” Observations within the organization reveal that the current organization is not operating as outlined in the Town Code, and the following chart is the current actual department organization.



This creates results in a problem for the department as follows:

- There is no defined leader.
- There is a lack of accountability.
- There is a lack of defined roles and responsibilities.
- There are no evaluations of the staff and code enforcement and administration processes.

Mission Statement

The Department does not have a written mission statement, however the many laws it enforces generally have clear purpose statements. In summary the many purpose statements within the different laws state: The Department shall carry out its duties in to protect the health, safety and welfare of the town residents, in its buildings, property and places, where they work and shop, and to maintain the quality of neighborhoods of the Town.

Responsibilities

State and Town laws charge the Department with enforcement of the New York State Uniform Fire Prevention and Building Code.

Many Town local laws, housing standards, and state rules and regulations direct the Department in how to organize its enforcement. Highlights of the State's regulations and Town Codes relevant to this review are as follows:

- **Brush, Grass, Rubbish and Weeds:** Chapter 66 of the Code of the Town of Cicero outlines the property owners' responsibility in maintaining vegetation and sets height standards for overhang on sidewalks and streets. Grass and weeds are not to exceed twelve inches. Shrubs, brush, vines and etc. which constitute a fire hazard or provide a harborage for rats, rodents or horticultural pests are prohibited.
- **Building Construction and Fire Prevention:** The town has adopted Chapter 68, which provides for administration and enforcement of the New York State Uniform Fire Prevention and Building Codes. These include the Building Code of New York State, the Residential Code of New York State, Mechanical Code of New York State, Fire Code of New York State, Fuel Gas Code of New York State, Property Maintenance Code of New York State, Existing Building Code of New York State, Energy Conservation Code of New York State and the Plumbing Code of New York State. State regulations mandate that the Town conduct fire safety and property maintenance inspections, issue building and operational permits, issue certificates of occupancy, conduct construction inspections, investigate complaints and maintain records of all such activities.
- **Buildings, Numbering:** This is covered in Chapter 72, of the Town Code, and includes street addresses on both new and existing residential and commercial buildings.
- **Buildings, Unsafe:** The Town has adopted Chapter 74 of the Town Code, to address buildings that have become unsafe, generally due to fire damage or dilapidation and

vacant buildings that are not secure against entry. It may also include buildings that are structurally unsafe or an attractive nuisance.

- **Drainage:** Chapter 90 of the Town Codes addresses drainage systems and installations and their maintenance within the town, including dealing with obstructions and sump pumps,
- **Unauthorized and Junk Vehicles:** Chapter 210 of the Code of the Town of Cicero prohibits unlicensed vehicles stored in residential districts for more than 30 days, unless a permit is obtained by the Zoning Office.
- **Housing:** Chapter 124 of the Code of the Town of Cicero addresses housing issues which includes broken windows, mold, leaking plumbing and etc. Complaints may be reported by neighbors or renters.
- **Sewer Systems:** Chapters 160, 166 and 179 of the Code of the Town of Cicero covers the installation of public and private sewer systems and storm water systems and charges the Department with administration and enforcement of these requirements.
- **Swimming Pools:** Chapter 188 of the Code of the Town of Cicero addresses the requirements for permits and fences for swimming pools.
- **Zoning:** The town has adopted zoning local law (Chapter 210 of the Code of the Town of Cicero) governing the use of land and buildings within the town. The code enforcement officer receives complaints of land or property uses which are not consistent with the ordinance.

Procedures

The Department lacks any defined procedures to ensure there is uniformity of operations. This was shown at various times during the observations within the office and staff operations. While it is important to develop defined procedures (or operational guides) to ensure uniformity, the best way to accomplish this is to develop a team within the organization to review each function and institute best practices to ensure the procedures or guides are within the scope of the Town's operations. I have included a series of guidelines as a starting point in Appendix C.

Findings and Recommendations

The review of the Department of Planning & Development operations produced significant findings and recommendations for improvement. These findings and recommendations, demonstrate the need to improve information management, quality assurance, procedures and practices to become compliant with Town and State laws and have the Department operate in a more efficient manner.

Local Law Review – Administration and Enforcement

Part 1203 Regulations

The Secretary of State regulations in Part 1203.2 states: “Every city, village, town, and county, charged under subdivision 2 of section 381 of the Executive Law with administration and enforcement of the Uniform Code shall provide for such administration and enforcement by local law, ordinance or other appropriate regulation. Any such instrument or combination thereof shall include the features described in section 1203.3 of this Part.”

Findings

- The Town adopted Chapter 68 Building Construction and Fire Prevention of the Town Code as Local Law No. 9-2007, on September 7, 2007. This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) and is consistent with Part 1203 regulations.
- The Zoning Law does not conflict with provisions of the Uniform Code. however some of the local laws adopted by the Town do have conflicts with provisions of the Uniform Code.
- There are local laws that provide for more stringent or have provisions that conflict with those requirements in the Uniform Code. (see Appendix B)
- Administration and enforcement of the Uniform Code is not in full compliance with the provisions of Chapter 68 (and Part 1203), in several areas that will be further explained in the following areas of this report.
- A review of the local laws the Department is charged with administering and/or enforcing is found in Appendix B of this report.

Recommendations

- Using the recommendations within the remainder of this report, revise the program for administration and enforcement to comply with Chapter 68 and Part 1203.

- The Town should evaluate the recommendations in the review of the local laws to evaluate the need for the local law or what provisions are appropriate to prevent any conflicts with the Uniform Code.

Building Permit Process

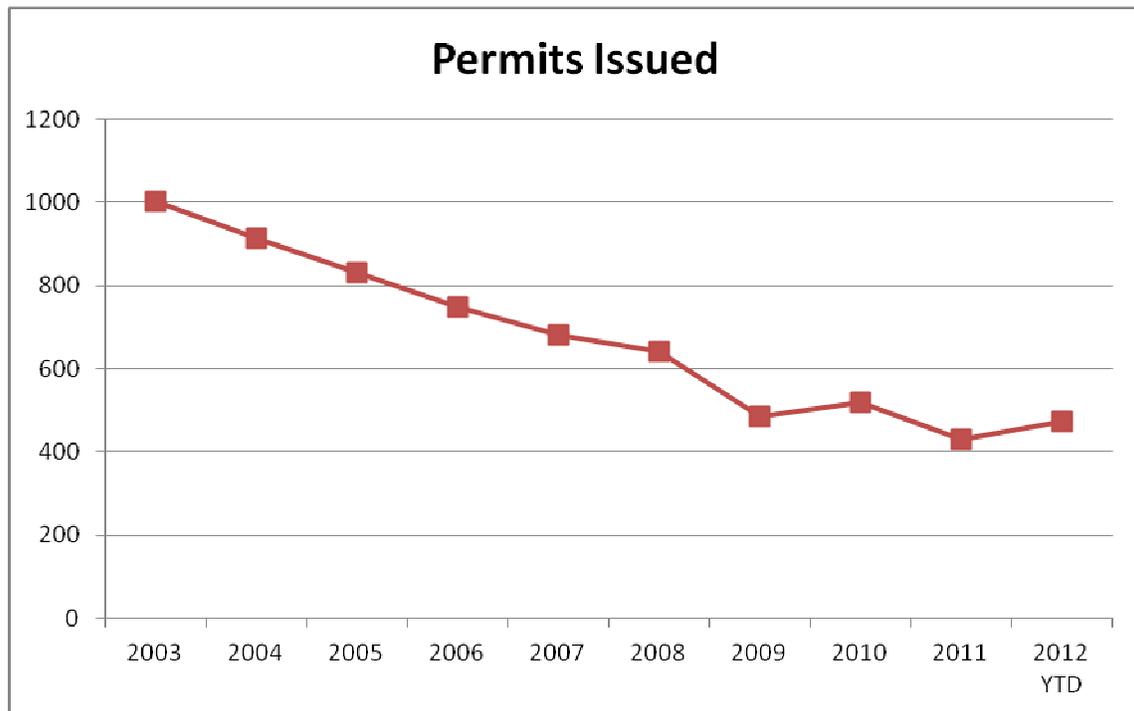
Part 1203 Regulations

Building permits are required for any work that is required to conform to the Uniform Code, certain exceptions are permitted. The regulations also requires that sufficient information be provided as part of the application, including plans and specifications, to determine that work will comply with the Uniform Code and the Energy Code.

Building Permit Findings

- The Department requires that an application for a building permit be submitted for all permit applications.
- A review of the materials available for the public indicate insufficient handouts available that explain the permitting process as outlined in Chapter 68 of the Town Code, and to provide meaningful information on what must be included in the application for a building permit to be issued.
- Building permits are accepted that are not always completed or lack information and are kept in limbo until the applicant submits the additional information. This can result in an impression that the permit process takes an excessive time, since the applicant may think the process was begun when the incomplete application was submitted.
- There is no clearly defined or documented coordination of permitting process with other agencies that have approval processes for projects within the Town.
- Certificates for Workers' Compensation and Disability insurance are required in conformity with the Labor Law.
- Plans and specifications are required for each project, including a site plan where applicable.
- Plans and specifications appear to comply with the State Education Law requiring either an architect's or engineer's signature and seal, for projects exceeding ten thousand dollars in cost.
- A plan review for code compliance is performed and documented for each project; however a standard plan review compliance checklist is not always used.
- A permit is issued for each project that shows compliance, however a denial notice is not always issued for those projects that fail to comply with code requirements. The permit does not contain a list of inspections that are required by state regulations.
- Plans and specifications are not stamped by the Code Enforcement Official indicating that they are acceptable for permitting as required by Chapter 68 and Part 1203.

- Flood permits are issued for new buildings and substantially improved buildings within the Town, in compliance with Chapter 112 Flood Damage Prevention.
- The following chart shows building permits issued over the last 10 years. While the permitting levels decreased over these years, the level of work was increased by state regulations in regards to inspection activity (see Construction Inspection Process).



Recommendations

- The application for building permit should be updated to provide information that clearly explains the requirements for obtaining a building permit. The application form should be revised to an 8½" x 11" format so that it can be accessed easily from the Town's web site.
- An application checklist should be developed and utilized by the office staff to ensure that applications are complete. This checklist could be included in the application packet so that the applicant understands what is needed to begin the application process.
- Provide Department clerks with additional training to clearly inform applicants for building permits what is required to be submitted, and to refuse permit applications that lack information or materials necessary.
- Develop a standardized plan review checklist for each type of permit project that is reviewed, or use the model checklists available from the Department of State.

- The current plan review form be implemented to clearly indicate to the applicant what issues need further information before a permit can be issued, or be used to notify the applicant if the permit cannot be issued for any reason.
- The town begins the implementation to the Muncity software program to track projects from the time of application through the issuance of the certificate at the end.
- The Department develop a list of required inspections for each project, and transmit the information to the applicant upon the issuance of a building permit. This could be a separate “Inspection Card” or an addition on the “Building Permit Card.”
- Revise the Building Permit Card and include the expiration date on it. A copy should also be maintained of the issued building permit in the permit file.

Construction Inspection Process

Part 1203 Requirements

Inspections of certain specified elements of the construction process are required to be performed to ensure compliance of: building site before issuance of a permit, footings and foundations, preparation for concrete slab, framing, building systems including underground and rough-in, fire resistant construction, fire resistant penetrations, solid fuel burning heating appliances, chimneys, flues or gas vents, energy code compliance, and a final inspection after all work authorized by the building permit has been completed. The code enforcement program must also require that building permit holders notify the municipality when construction work is ready for inspection and to keep all work accessible and exposed until inspected and accepted by the Town.

Construction Inspection Findings

- It appears in reviewing the permit files that some of the required inspections are not always performed.
- There is no list of required inspections given to the applicant after the issuance of a building permit, to indicate what inspections are required for the specific project. While the clerks do attach slips of paper to the application for some specific issues, such as deck holes, swimming pools electrical, etc. there is no standardized form for the applicant with the requirement that they call for inspections before closing or covering the work.
- There is no form being used to document all required inspections, nor to indicate actual findings of inspections. It was noted that the inspectors personal logs were used to document any findings of an inspection, which may contain several inspection findings from various inspections conducted during the day. This practice creates issues should a request be made for documentation of the inspection findings for a specific project, such as after a fire or other failure, in that the entire personal log might be subpoenaed, which could show unsettling trends in inspection practices or findings, especially if personal comments are included in the log.
- Inspection requests are recorded on a request log and not into a database to be able to track that inspections have been completed.
- There are no documented inspection procedures and checklists for construction inspections.
- At the same time the number of building permits issued each year was declining (see chart in previous section), the work load required by Part 1203 was increased in that the number of construction inspections required by State regulation increased from six to eleven.
- There is no way to indicate the nature or number of inspections conducted.

Recommendations

- The Code Enforcement Officials should be trained as to what information should be provided in the inspection report.
- The building permit should be updated to include all the inspections required or an inspection card should be issued at the time the permit is issued which clearly indicates what inspections are required.
- An inspection form be developed or alternatively the Muncity software be utilized to document all inspections, and a checklist be developed for various types of inspections for use by code enforcement officials.
- The Muncity software be utilized to ensure that all required inspection have been completed and approved and that all requested inspections have been completed.
- Where non-conforming conditions are discovered, a copy of the inspection findings should be provided to the contractor and/or owner and a follow-up inspection should be scheduled to ensure compliance.
- Existing files should be reviewed to determine what inspections, where appropriate, need to be conducted. Where appropriate, the inspections should be brought to closure.
- Inspection procedures and checklists be developed for various types of required construction inspections. There are good examples of such checklists available from the International Code Council, see Appendix D of this report.

Stop Work Order Process

Part 1203 Requirements

The Department must provide that stop work orders be used to halt any work that is determined to be contrary to the Uniform Code, being conducted in a dangerous or unsafe manner, or being performed without first obtaining a required building permit.

Findings

- Stop work orders are issued as required for work not in compliance with the Uniform Code or Energy Code or when work is found where a building permit was not obtained.
- There is no inventory maintained of stop work orders issued.
- Inspections conducted in relation to the stop work orders are not written.
- Reinspections are conducted, however not documented.
- Construction work found without a building permit is stopped and a building permit is required before work is allowed to continue.

Recommendations

- A procedure or guide be established that states the process of when and how a stop work order is issued, in conformity with Chapter 68.
- Inspections records be maintained to ensure that all work is brought into compliance with the Uniform Code requirements.
- The stop work order include the reason for its issuance and what must occur before work will be allowed to resume.
- An inventory system be instituted to identify when and where stop work orders were issued and the status of each.

Certificates of Occupancy Process

Part 1203 Requirements

A certificate of occupancy or compliance must be required for all work for which a building permit was issued or whenever the general occupancy classification of a building is changed. The certificate must contain the building permit number; date of issuance of the permit; name, address and tax number of the property; a portion of the building for which the certificate was issued, if applicable; the use and occupancy of the building; the type of construction; the assembly occupant load of the structure; an indication of where an automatic sprinkler systems or fire alarm system is required; any conditions imposed with the issuance of the building permit; the signature of the Code Enforcement Official and date of issuance.

Findings

- There were several building permits that have expired and no certificates of occupancy or compliance were issued to finalize the project.
- There is no indication that a certificate of occupancy or compliance inspection is conducted before each certificate is granted.
- The certificate of occupancy does not contain all items identified by Part 1203.3d, (see Appendix F).
- Copies of the certificate of occupancy are maintained within the permit file, when closed.
- There were temporary certificate issued that did not always indicate a final certificate was issued.

Recommendations

- The Department should ensure that whenever a temporary certificate is issued it is followed up to ensure full compliance with all applicable codes and regulations.
- Review all current open permit files to determine what projects require a certificate. A list of these projects should be developed. All projects should be inspected to determine if the work has been completed. A certificate should be issued for those projects that are shown to be in compliance with applicable codes, based on the date of permit.
- Inform all applicants of the importance of the issuance of a certificate when the building permit is granted.
- A certificate of occupancy be developed that has all the requirements contained in Part 1203.
- Develop an operations guide to indicate the need for certificates of occupancy, and when and under what conditions a temporary certificate of occupancy can be issued.
- Maintain a log of temporary certificates of occupancy issued to ensure that appropriate follow-up is conducted.

Notification of Fires or Explosions Process

Part 1203 Requirements

The code enforcement program must contain a procedure for the fire department to notify the Code Enforcement Official of any fire or explosion involving any structure damage, fuel burning appliance, chimney or gas vent.

Findings

- The local law for administration and enforcement contains the requirement for the fire chief to notify the Code Enforcement Official of any fire or explosion.
- There is no town adopted referral notice available for the fire department to notify the Code Enforcement Official.
- There is no tracking method in place for receipt of this information and required follow-up and notification of the responding fire department of any findings.

Recommendations

- The Department, in coordination with the Fire Board, develop a procedure and form that can be used by the Department to receive notifications of fires or explosions in compliance with Part 1203. There is a form available from the NYS Office of Fire Prevention and Control that could be used if the Town wishes. (See copy in Appendix G)
- The Town should begin tracking these referrals using the complaint system software to ensure the inspection of the property, correction of any violations found and any follow up action are maintained and available should the need occur.

Unsafe Structures and Equipment Process

Part 1203 Requirements

The code enforcement program must establish procedures to identify and address unsafe buildings or equipment.

Findings

- The Town has adopted procedures, found in Chapter 74 of the Town Code which defines what an unsafe building is and sets forth a method to deal with such structures.
- There are no forms or practices to deal with unsafe buildings or equipment.
- The Town just recently received the building placards required by the Fire Code of New York State to post unsafe structures for emergency response agencies.

Recommendations

- The Town should develop a written process that sets for the method to deal with unsafe buildings, structures and equipment that conforms to the requirements found in Chapter 74, the Property Maintenance Code of New York State and the Fire Code of New York State.
- The Town should additionally develop forms that can be used to conduct the building survey and notification requirements that comply with the procedures established.

Operating Permit Process

Part 1203 Requirements

Operating permits shall be required to conduct certain specified activities or using certain categories of buildings, including:

- (i) 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), of the Fire Code of New York State (see 19 NYCRR Part 1225);
- (ii) 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;
- (iii) use of pyrotechnic devices in assembly occupancies;
- (iv) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (v) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Town.

The following table identifies the operating permits required by the Fire Code of New York State, in accordance with the above requirements of Part 1203.

Operating Permits Required by the Fire Code of New York State

Section	Permit Required For
301.2	General Precautions Against Fire
901.3	Installation of Fire Protection Systems
1101.3	Aviation Facilities
1201.2	Dry Cleaning Operations using Class I, Class II, Class IIIA or Class IIIB solvents
1301.2	Combustible Dust-Producing Operations
1501.2	Flammable Finishes Operations
1601.2	Fruit and Crop Ripening Operations
1701.2	Fumigation and Thermal Insecticidal Fogging Operations
1801.5	Semiconductor Fabrication Facility Operations
1901.2	Lumber Yards and Woodworking Facility Operations
2001.2	Manufacture of Organic Coatings
2101.2	Operating Industrial Ovens
2201.3	Motor Fuel-Dispensing Facilities and Repair Garage Operations
2301.2	High-piled Combustible Storage Operations
2403.2	Tents over 200 square feet or canopies over 400 square feet in area.
2501.2	Tire Rebuilding operations and tire storage facilities
2601.2	Welding and Hot Work Operations
2701.5	Hazardous Materials Closure Operations
2801.3	Manufacture, storage and display of aerosol products
2901.3	Storage of combustible fibers
3001.2	Storage, handling and use of compressed gases
3101.2	Storage and/or use of corrosive materials
3201.2	Storage, use and handling of cryogenic fluids
3301.2	Possession, manufacture, storage, handling, sale and use of explosives, explosive materials, fireworks and small arms ammunition.
3401.4	Storage, use, dispensing, mixing and handling of flammable and combustible materials.
3501.2	Storage, handling and use of flammable gases
3601.2	Storage and/or use of flammable solids
3701.2	Storage and/or use of highly toxic and toxic materials
3801.2	Storage, handling and/or use of liquefied petroleum gases
3901.2	Storage and/or use of organic peroxides
4001.2	Storage and/or use of oxidizers
4101.2	Storage and/or use of pyrophoric materials
4201.2	Storage and/or handling of Pyroxylin (cellulose nitrate) plastics
4301.2	Storage and/or use of unstable (reactive) materials
4401.2	Storage and/or use of water-reactive solids and liquids

Operating Permits Findings

- Operating permits are not being issued as required by 19 NYCRR, Part 1203.
- No inventory of properties that require an operating permit is available.
- There is no procedure established, except for the provisions found in the Town Code, Chapter 68 for issuance of operating permits.

Operating Permits Recommendations

- The town should develop an inventory of those facilities that require the issuance of operating permits.
- The town needs to develop an application form for operating permits, an example is found in Appendix G that could be implemented with little effort.
- The Town Code, Chapter 68 establishes the duration of operating permits at one year for places of public assembly, and all other occupancies at three years. This should be modified to be indefinite or until revoked, unless the Town Board wished to use this as a revenue source to partially offset the cost of administering this requirement.
- Before issuing an operating permit the town should inspect the facility and ensure any violation are corrected before issuing the permit. All reports should be in writing.
- Operating permits should be kept current and renewed within the time frame specified in the permit.

Fire Safety and Property Maintenance Inspection Process

Part 1203 Requirements

The code enforcement program must provide for fire safety and property maintenance inspections of all buildings which contain an area of public assembly, all multiple dwellings, and all nonresidential occupancies. The interval between inspections of buildings containing an area of public assembly cannot exceed one year. The interval between inspections of multiple dwellings and nonresidential occupancies must be consistent with local conditions; provided, however, that such interval cannot exceed one year for dormitory buildings, and such interval cannot exceed three years for all other buildings.

Fire Inspections and Property Maintenance Inspection Findings

- A partial inventory of places required to be inspected has been developed, however an inspection schedule has not been established.
- In reviewing the database file available from the Assessor, it would appear that there are approximately 950 properties that are listed as commercial or industrial uses. The Code Official has indicated he believes there are about 600 properties that would require periodic fire safety and property maintenance inspections.
- Records do not exist that indicate all places of public assembly are inspected annually. The Town's records actually indicate that assembly inspections have not been completed for all such occupancies for at least the last three years.
- Records do not exist that indicate that all multiple dwellings, commercial and industrial occupancies have been inspected at least once every three years.
- Fire Inspections that are performed have inspection reports written.
- Where violations are found, the inspection report indicates that correction must be made.
- Re-inspections are performed to ensure that violations have been corrected.
- Filing of fire safety and property maintenance inspections are by year and as such there is no property specific history of inspections available.

Fire Safety and Property Maintenance Inspections Recommendations

- There should be a database established for each property that requires fire safety and property maintenance inspections. The use of the data available from the Assessor to conduct a "windshield survey" would allow the database to be developed that could be the basis for a more complete survey and inspection schedule based on the occupancy uses found during the limited initial survey.
- The inspection report should be modified to identify the time frame for correction of the violations and a notation that the corrections have been made. This could be done using the Muncity software. This would require additional hand held computer equipment to allow this to occur in the field.
- Occupant load signs need to be posted in all places of public assembly pursuant to the Fire Code of New York State.

Complaint Process

Part 1203 Requirements

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

Complaint Findings

- The Department is currently using two separate forms to receive complaints, one for general complaints and one for drainage complaints.
- There is an inventory of complaints received that is maintained in a DOS dbase III database system. It does not however allow easy use and review to determine the status of open complaints, nor to indicate lag time between beginning and end of the process.
- Complaint forms are maintained in several file cabinets, which contain either open or closed complaints. These complaints are maintained in address order, with separate cabinets for drainage and general complaints making it difficult to determine the history of a specific property.
- Inspections of alleged violations are conducted and reported in the Complaint Database, Violations are noted and required to be corrected.
- Reinspections are performed to ensure that violations have been corrected.
- There are numerous complaints that have been opened for extended periods of time.
- There is no standardized procedure to address on how to deal with complaints.

Complaint Recommendations

- The Department should develop a new complaint form that address all of the most common complaints received and guides the complainant to provide the information necessary for the office to respond accordingly. (see sample in Appendix H)
- All open complaints should be stored in a centralized location.
- The Department should develop a procedure on how to handle complaints, which should include a priority system where the most critical issues are handled first.
- Complaints need to be resolved in a more predictable manner, as some of the complaints found go back for years.

- Complainants should be notified as to the status of the complaint to prevent the perception that nothing is being done, as was indicated in some of the letters in the complaint files.
- The Town should implement the full abilities of the software to better track its complaint process.
- The Town should implement the Municipality software and use its extensive tracking facilities to track complaints and violations.
- The Town should develop a procedure to provide for a timeline guide from the receipt of the complaint to inspection and final action.

Record Keeping

Part 1203 Requirements

A system of records to track all activities undertaken in regards to compliance specified in Part 1203 and of fees charged and collected, if any, shall be established and maintained. (See Appendix I for a review of files that was undertaken.)

Record Keeping Findings

- Records of many functions are maintained within the office, with many of these records stored in cardboard boxes.
- Permits for uncompleted projects are filed together and frequently expired permits are maintained for extended periods of time and not closed out.
- There is no central file system that contains all of the closed records relating to a property which results in the need to look in several file cabinets and/or boxes to research complete data about a specific property.
- There are many file cabinets that contain closed records within the office that go back for years.
- There are many records that should be marked for disposal that are maintained in the files of the Department. This results in a waste of critical office space.
- A manual receipt book is maintained that is used for fees received by the Department.
- A manual log is kept for plans reviews conducted, floodplain permits issued, variances applications, and Planning Board applications.
- There are not any procedures in place on how to handle records that are to be maintained by the Department.
- Files with large plans and specifications are located at various locations in the office, making it difficult to locate all items for a specific property.
- Records are stored by address and not by tax parcel number.

Record Keeping Recommendations

- All existing files be reviewed to determine what projects have outstanding issues including lack of inspections; lack of closure, etc. These projects should be brought to closure as soon as possible.

- Develop a procedure that identifies how records are to be stored, in accordance with the practices of the Town's Records Management Policy.
- Complete the process of digitizing all of the Departments records and delete all unnecessary records in accordance with NYS Education Department Schedule MU-1.
- Records should be purged to eliminate all records that no longer are required to be maintained beyond the retention periods specified in Schedule MU-1.
- Files should be complete.
 - Building permits files should contain copies of applications, plans, plan reviews, inspection reports, violations and notices and certificates of occupancy.
 - Fire safety and property maintenance inspection file should contain copies of any operating permits issued, copies of inspection reports and violation records should be maintained, preferably by location (address or tax map number sequence) so that records can be easily found.
 - Complaint files should contain the initial complaint, and all inspections, violation notices, photographs and letters to complainants should be maintained. These records should also be stored by location in the same manner as fire safety inspection records.
 - Records of unsafe buildings should contain inspection reports, notices, photographs, engineering studies if applicable, and copies of any public notices and orders resulting from such public hearing.
- All completed projects should be closed out. Expired permits should not be left in limbo. As mentioned earlier in this report, examine all existing expired permit files and begin to close them out. It would be recommended that those records that are most current be started first, where possible, and then complete the process as time permits.
- The Town should review permits that are due to expire and send letters to the applicant to determine the status of the permit project.
- All fees charged and collected should be stored within a single database so that a complete record of all fees can be developed at any time.
- The Town should review all its operations and determine what level of operating costs the Town wishes to cover via the fees charged and then develop a fee schedule that will cover that amount.

Code Enforcement Official Qualifications and Training

Part 1203 Requirements

The persons, offices, department, agencies, or combinations thereof, authorized and responsible for administration and enforcement of the Uniform Code, or any portion thereof, shall be clearly identified. The Code Enforcement Official shall meet the training requirements found in Part 1208 of Title 19 NYCRR (Part 1208) and Part 434 of Title 19 NYCRR (Part 434).

Findings

- All code enforcement personnel are duly appointed.
- Not all Code Enforcement personnel have obtained the required basic code official certification within 12 months of their initial appointment as required by Part 434 and Part 1208.
- Certified code enforcement personnel have obtained 24 hours of in-service training each year since initial year of certification.
- There is no system in place to record code enforcement personnel training.
- There is no plan in place to provide for additional advanced training for personnel whose duties require such training (i.e.: flood plain training for plans reviewers, sprinkler training for fire inspection personnel, etc.)

Recommendations

- Ensure that all Code Enforcement personnel have completed the basic code enforcement training requirements and are certified by the Department of State.
- The Department should develop a training schedule with a record keeping system to document the training received for each code enforcement official. Copies of certifications received should be kept in a file to document attendance.
- The Department develop specialized training requirements necessary for various Code Enforcement Officials, such as flood plain administration, sprinkler system review and inspections, etc.
- The Code Enforcement Officer, if he is to be designated as the department administrator, should receive additional training on planning and zoning issues, general management issues, budget development and administration and staff evaluation practices to ensure the department is operating effectively.
- The Town could possibly use a mentoring process to assist the Code Enforcement Officer to become a successful manager.

Staffing

Findings

- The current staffing of the Department consists of one full-time Code Enforcement Officer, four part-time Deputy Code Enforcement Officers and support staff consisting of two full-time and one part-time clerk.
- The Code Enforcement Officer is acting as the head of the organization at the time. The individual in this position is overwhelmed by the amount of work that is expected of him as a Code Official and additionally as acting manager of the organization.
- The four part-time (20 hours per week average) Deputy Code Enforcement Officers, each deal with a specific area of enforcement:
 - plan review and assisting in construction inspections;
 - fire safety and property maintenance inspections;
 - drainage complaints; and
 - general property complaints.
- The enforcement staff is supplemented by two full-time clerks and one part-time clerk who assist in office work.
- The lack of a designated department administrator is hampering the ability of the Department to operate effectively.

Recommendations

- The staffing levels of the organization cannot be maintained at the current levels and expect that the organization will be able to fulfill its core missions as outlined by local laws and State regulations. The Code Enforcement Officer will need to spend more time in the office to complete the administrative functions and be available to meet the public, contractors and design professionals as work begins to increase as the economy ultimately begins to improve.
- During discussions with the Supervisor, it is currently being proposed to have one additional full time code enforcement officer added in January of 2013 and to maintain the four part time positions currently available and the current full time code enforcement officer. Based on my experience with part time code enforcement officers it is recommended that the Town, instead, have three full time code enforcement officers as opposed to the approach set forth above."
- This would allow for a full time Deputy Code Enforcement Officer to handle the bulk of plan reviews and construction inspections and an additional Deputy Code Enforcement Officer to handle fire safety inspection activities. Complaints would then be shifted to the full time Deputy Code Enforcement Officers to share between them.

- This should then be evaluated again at the end of 2013 to determine if additional assistance would be necessary to handle complaints based on the workload that is present and increases brought about by external forces should the economy begin to improve and result in an increase in new housing starts.
- This approach will also require the need for the Town Board to budget for hand held computers that will work with the new Muncity Code Enforcement Software program to provide the best efficiency possible.
- The current office support staff (two full-time and one part-time clerk) should be maintained at the current levels during at least the next budget year. This will allow the staff to complete the transition of the existing paper files in the office to the electronic document management system and additionally allow the staff to move to the Muncity software with ease. Once the transition to Muncity has occurred and the existing closed records have been scanned and properly disposed of the staffing levels of your clerks will again need to be reviewed to determine your needs at that time.

Facilities and Equipment

Findings

- A review of the department facilities indicate that the office space is inadequate in that:
 - Work stations are open to the public and do not allow adequate space to conduct plans reviews.
 - Old closed records are piled in all areas of the office taking up valuable and limited office space.
 - There is limited counter space to allow the staff to review the applications when they are brought into the office by either a contractor or homeowner.
 - There are no large format scanners available to allow the staff to scan application documents.
 - Computers available to the code enforcement field staff will not provide optimum support with the implementation of the Muncity software.

Recommendations

- The Town Board should budget for scanning the closed files within the office, and then properly dispose of the scanned records in accordance with the Town's Record Management Policy.
- The office should be reconfigured so that it provides effective work spaces that are not open to the public view. This will allow the code enforcement staff to work without being interrupted by people stopping in the office for basic information that the clerks could easily provide.
- A new printer/copier/scanner should be obtained that will allow scanning of records up to 11"x17" to make it possible to scan the majority of applications into the records management system without the need to send items out for scanning by contract. This will also provide for the applications to be scanned into the records management system as soon as they are received. I would recommend that the Town look closely at leasing this equipment since the only costs to the town beyond the monthly lease would be paper for copies and reports that are printed.
- The Town should work with the Muncity software developer to determine the needs for handheld computers that are compatible with the software and will provide improved efficiency for the code enforcement staff.
- The Town should obtain a large format (blueprint) copier/scanner to provide better service to the office and the Planning Board and Zoning Board of Appeals.

Planning Board, Zoning Board of Appeals and Planning & Development Review

Findings

- There were issues found in building permits that required approval from the Zoning Board of Appeals.
- There are no procedures to ensure that conditions attached to approvals by the Zoning Board of Appeals are attached to approval of the building permit.
- The Planning Board approvals are not followed to the building permit issuance in many cases.
- The Planning Board minutes contain the date of approval of plans submitted and a last revision, however do not include the designer or the project number or other identifying details.

Recommendations

- There needs to be procedures developed to ensure the Department attaches all approvals of the Planning Board and/or Zoning Board of Appeals to the building permit issuance.
- The Department needs to formalize the Planning Board, Zoning Board of Appeals and the Department process to either a procedure or at a minimum a flow chart to identify the process and what details are necessary to proceed.
- The Department should implement the full features of the Municipality software to allow interaction between Planning Board, Zoning Board of Appeals and the building permit process.
- The Planning Board minutes should include not only the plan date and any revision date, but also the identification of the designer, the project number or name and the page sheets. This will allow the Code Enforcement Officer to clearly identify that a specific plan is what was approved by the Board.

Office Procedures Review

Findings

- There are many functions within the office that do not have guidelines or procedures in place.
- It was not possible using the existing software systems to determine the total workload of the various Department activities.

Recommendations

- Office procedures should be developed for each activity. Upon completion of these procedures staff should be trained to become familiar with the procedures.
- Everything received by the Department should be date stamped.
- The Muncipity software program should be implemented as quickly as possible to allow the department to better track its activities and operations.
- During the next budget year the Town should consider issuing hand held computers to the field staff so that those inspections they conduct can be logged immediately and thus eliminating the need to record the inspector's activities on paper and then entered into the computer software at a later date. This will greatly improve department efficiency.

Web Page Review

Findings

- The Town's web page has a few forms available for the public; however there are not sufficient materials to assist the public through the process resulting in the need for either a phone call or visit to the Department.
- There is no "frequently asked questions" area on the Web site to assist the public.
- The agenda area for the Planning Board and Zoning Board of Appeals does not provide details of the applications for the public to clearly understand what is being requested.

Recommendations

- The Town should strive to develop a Forms Area on the web site to host the various forms that each department makes available to the public, instructions should also be provided for these forms. This will allow the public to download the form and complete it before coming to the office.
- The Department should develop a list of frequently asked questions for inclusion on the web site, which should include the answer that is applicable for the Town using the local laws and regulations as applicable.
- The Town should expand the agenda details for the Planning Board and the Zoning Board of Appeals to include more information, and possibly a site plan of proposed projects before the respective board. This will allow the public to be more informed about the projects that may be of concern either in, or adjacent to, their neighborhood,

Personnel Issues

- I observed that the personnel of the Department appear to work well together, in a relatively cohesive manner. I observed, however, an issue that the Town should address.
- With the lack of a designated department administrator there appears to be “free lancing” by your [REDACTED]. This practice of being involved in activities that are not assigned can result in significant problems for the Town, since the same message may not be relayed or worse yet, conflicting information is provided to the public. With the lack of procedures and processes that clearly state what is expected of employees for various functions, this problem will ultimately result in major issues for the Department.
- The same inspector also frequently returns to the office and is not able to adequately respond to the status of a complaint. He frequently also allows complaints to linger for extended periods of time without being adequately addressed or resolved. This practice in the long term will provide an image issue for Town government in that the impression of the public is that “*nothing is ever done.*”
- I would recommend that the Town take action to address this issue sooner than later. There are several options available, which might include retraining, setting specific guidelines for handling complaint (as noted earlier in this report), probation and as a last resort termination should performance activities not be corrected.

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Rules And Regulations - Department of State

TITLE 19 (NYCRR)

CHAPTER XXXII - DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION

PART 1203 - UNIFORM CODE: MINIMUM STANDARDS FOR ADMINISTRATION AND ENFORCEMENT

Effective January 1, 2007

This information is not the official version of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR). No representation is made as to its accuracy, nor may it be read into evidence in New York State courts. To ensure accuracy and for evidentiary purposes, reference should be made to the official NYCRR. The official NYCRR is published by West, 610 Opperman Drive, Eagan, MN 55123, 1-800-344-5009. This document is made possible through the courtesy of the Secretary of State of the State of New York.

§1203.1 Introduction.

§1203.2 Program for administration and enforcement.

§1203.3 Minimum features of a program for administration and enforcement of the Uniform Code.

§1203.4 Program review and reporting.

§1203.1 Introduction.

Section 381 of the Executive Law directs the Secretary of State to promulgate rules and regulations for administration of the Uniform Fire Prevention and Building Code (Uniform Code). These rules and regulations are to address the nature and quality of enforcement and are the subject of this Part.

§1203.2 Program for administration and enforcement.

(a) Every city, village, town, and county, charged under subdivision 2 of section 381 of the Executive Law with administration and enforcement of the Uniform Code shall provide for such administration and enforcement by local law, ordinance or other appropriate regulation. Any such instrument or combination thereof shall include the features described in section 1203.3 of this Part.

(b) Every state agency accountable under section 1201.2(d) of this Title for administration and enforcement of the Uniform Code shall provide for such administration and enforcement in accordance with Part 1204 of this Title.

(c) Every agency accountable under section 1201.2 of this Title for administration and enforcement of the Uniform Code and not otherwise included in subdivisions (a) and (b) of this section shall provide for such administration and enforcement in regulation. Any such regulation shall include the features described in section 1203.3 of this Part.

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(d) Every government or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

(e) (1) Where a government or agency charged with or accountable for administration and enforcement of the Uniform Code relies upon the contracted-for services of an individual, partnership, business corporation or similar firm for the principal part of an administration and enforcement program, it shall satisfy itself that any such provider has qualifications comparable to those of an individual who has met the requirements of Part 434 of this Title.

(2) No agreement shall be made by which building permits, certificates, orders or appearance tickets related to administration and enforcement of the Uniform Code are issued by other than public officers.

(f) The persons, offices, departments, agencies or combinations thereof authorized and responsible for administration and enforcement of the Uniform Code, or any portion thereof, shall be clearly identified.

§1203.3 Minimum features of a program for administration and enforcement of the Uniform Code.

A program for administration and enforcement of the Uniform Code shall, include all features described in subdivisions (a) through (j) of this section. A government or agency charged with or accountable for administration and enforcement of the code must provide for each of the listed features through legislation or other appropriate means.

(a) Building permits.

(1) Building permits shall be required for work which must conform to the Uniform Code. A government or agency charged with or accountable for administration and enforcement of the Uniform Code may exempt from the requirement for a permit the categories of work listed in subparagraphs (i) through (xii) of this paragraph. An exemption from the requirement to obtain a permit shall not be deemed an authorization for work to be performed in violation of the Uniform Code. The following categories of work may be excluded from the requirement for a building permit:

(i) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88m²);

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

(iii) 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;

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

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

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

(vii) installation of window awnings supported by an exterior wall of a one- or two-family

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dwelling or multiple single-family dwellings (townhouses);

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

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

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

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

(xii) repairs, provided that such repairs do not involve:

(a) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component;

(b) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

(c) the enlargement, alteration, replacement or relocation of any building system;

(d) the removal from service of all or part of a fire protection system for any period of time.

(2) An application for a building permit shall request sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code and shall require submission of the following information and documentation:

(i) a description of the proposed work;

(ii) the tax map number and the street address;

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

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

(v) at least 2 sets of construction documents (drawings and/or specifications) that define the scope of the proposed work.

(3) Construction documents shall not be accepted as part of an application for a building permit unless such documents:

(i) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(ii) indicate with sufficient clarity and detail the nature and extent of the work proposed;

(iii) substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code.

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

(4) Applications for a building permit or for an amendment thereto shall be examined to ascertain whether the proposed construction is in substantial conformance with the requirements of the Uniform

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Code. Provisions shall be made for construction documents accepted as part of a permit application to be so marked in writing or by stamp. One set of accepted construction documents shall be retained by the government or agency charged with or accountable for administration and enforcement of the code. One set shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement official.

(5) A building permit shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application. In addition, a permit shall include the directive that the government or agency responsible for enforcement of the code shall be notified immediately in the event of changes occurring during construction.

(6) Building permits shall be issued with a specific expiration date. A local government or agency responsible for enforcement of the Uniform Code may provide that a permit shall become invalid unless the work authorized is commenced within a specified period following issuance.

(7) When a building permit has been issued in error because of incorrect, inaccurate or incomplete information, or the work for which the permit was issued violates the Uniform Code, such permit shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the code.(8) Building permits shall be required to be visibly displayed at the work site and to remain visible until the project has been completed.

(b) *Construction inspections.*

(1) Permitted work shall be required to remain accessible and exposed until inspected and accepted by the government or agency enforcing the Uniform Code. Permit holders shall be required to notify the government or agency when construction work is ready for inspection.

(2) Provisions shall be made for inspection of the following elements of the construction process, where applicable:

- (i) work site prior to the issuance of a permit;
- (ii) footing and foundation;
- (iii) preparation for concrete slab;
- (iv) framing;
- (v) building systems, including underground and rough-in;
- (vi) fire resistant construction;
- (vii) fire resistant penetrations;
- (viii) solid fuel burning heating appliances, chimneys, flues or gas vents;(ix) energy code compliance; and
- (x) a final inspection after all work authorized by the building permit has been completed.

(3) After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code. Construction work not in compliance with code provisions shall be required to remain exposed until it has been brought into compliance with the code, been reinspected, and been found satisfactory as completed.

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(c) *Stop work orders.* Stop work orders shall be used to halt work that is determined to be contrary to provisions of the Uniform Code, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit. A stop work order shall state the reason for its issuance and the conditions which must be satisfied before work will be permitted to resume.

(d) *Certificates of occupancy; certificates of compliance.*

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

(2) Issuance of a certificate of occupancy or a certificate of compliance shall be preceded by an inspection of the building, structure or work. Where applicable, a written statement of structural observations and/or a final report of special inspections, prepared in accordance with the provisions of the Uniform Code, must be received prior to the issuance of the certificate. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code must be received prior to the issuance of the certificate. A certificate of occupancy or certificate of compliance shall contain the following information:

- (i) the building permit number, if any;
- (ii) the date of issuance of the permit, if any;
- (iii) the name, address and tax map number of the property;
- (iv) if the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
- (v) the use and occupancy classification of the structure;
- (vi) the type of construction of the structure;
- (vii) the assembly occupant load of the structure, if any;
- (viii) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (ix) any special conditions imposed in connection with the issuance of the building permit; and
- (x) the signature of the official issuing the certificate and the date of issuance.

(3) *Temporary occupancy.* A certificate allowing temporary occupancy of a structure may not be issued prior to the completion of the work which is the subject of a building permit unless the structure or portions thereof may be occupied safely, any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and all required means of egress from the structure have been provided. The effectiveness of a temporary certificate shall be limited to a specified period of time during which the permit holder shall undertake to bring the structure into full compliance with applicable provisions of the Uniform Code.

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

(e) *Notification regarding fire or explosion.* Procedures shall be established for the chief of any fire

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department providing fire fighting services for a property to notify the code enforcement official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

(f) *Procedures regarding unsafe structures and equipment.* Procedures shall be established for identifying and addressing unsafe structures and equipment.

(g) *Operating permits.*

(1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

(i) 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), of the Fire Code of New York State (see 19 NYCRR Part 1225);

(ii) 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;

(iii) use of pyrotechnic devices in assembly occupancies;

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

(v) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government or agency charged with or accountable for administration and enforcement of the Uniform Code.

(2) Parties who propose to undertake the types of activities or operate the types of buildings listed in paragraph (1) of this subdivision shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall contain sufficient information to permit a determination that quantities, materials, and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required.

(3) An inspection of the premises shall be conducted prior to the issuance of an operating permit.

(4) A single operating permit may apply to more than one hazardous activity.

(5) Operating permits may remain in effect until reissued, renewed or revoked or may be issued for a specified period of time consistent with local conditions.

(6) Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

(h) *Fire safety and property maintenance inspections.* Provisions shall be made for:

(1) fire safety and property maintenance inspections of buildings which contain an area of public assembly at intervals not to exceed one year;

(2) fire safety and property maintenance inspections of all multiple dwellings and all nonresidential occupancies at intervals consistent with local conditions, but in no event shall such intervals exceed one year for dormitory buildings and three years for all other buildings.

(i) *Procedure for complaints.* Procedures shall be established for addressing bona fide complaints which assert that conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for administration and enforcement of the Uniform Code. The process

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for responding to such complaints shall include, when appropriate, provisions for inspection of the conditions and/or activities alleged to be in violation of the code or the laws and/or regulations adopted for administration and enforcement of the code.

(j) *Record keeping.* A system of records of the features and activities specified in subdivisions (a) through (i) of this section and of fees charged and collected, if any, shall be established and maintained.

§1203.4 Program review and reporting.

(a) Every city, village, town, and county, charged under subdivision 2 of section 381 of the Executive Law with administration and enforcement of the Uniform Code shall annually submit to the Secretary of State, on a form prescribed by the Secretary, a report of its activities relative to administration and enforcement of the Uniform Code.

(b) Upon request of the Department of State, every municipality or other agency subject to this Part shall provide from the records and related materials it is required to maintain excerpts, summaries, tabulations, statistics and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code. Failure to produce the requested materials shall permit an inference that the minimum standards of this Part have not been met.

APPENDIX B LOCAL LAW REVIEW

Chapter 72 Building Numbering

- §§ 72-1, 72-1 and 72-3 each require that street numbers be installed (3-1/2" in height). This is in conflict with the provisions of the Fire Code of New York State, which requires street numbers of a minimum 4" in height.
- The Town should either repeal this chapter since it is no longer required, or at least amend it to be consistent with the requirements of the Fire Code, since the Town cannot enact regulations that are less stringent than the Uniform Code.

Chapter 90 Drainage

In § 90-8, the town is authorized to add the cost of any work done to the tax bill. The Town should consider adding a 25% administration fee to the charge for the work necessary by the Town to file this charge to the tax bill.

Chapter 109 Fireworks

- This chapter directs the Fire Board to recommend to the Town Board when a fireworks permit should be issued.
- A review of the actual process is not consistent with the provisions of this Chapter, in that the Town Clerk receives the application and then refers it to the Police Chief, the Code Enforcement Officer and the Fire Chief to review before it is placed before the Town Board for approval.
- In 2009 the State Legislature amended Section 405 of the Penal Law to revise the requirements for issuance of fireworks displays, including both public and private events.
- The amendment established a requirement that fireworks technicians be certified by the New York State Department of Labor, and increased the minimum bond from \$5,000 to \$1,000,000.
- The amendment also established strict standards for the display area and operations (NFPA 1123 and NFPA 1126).
- As a result of the above, it is recommended that the Town amend Chapter 109, § 109-1 to read as follows:

APPENDIX B
LOCAL LAW REVIEW

§ 109-1. Applications for Fireworks Permits

- A. All applications for permits for the display of fireworks shall be made at least ____ days in advance of the date of the display and the permit shall contain provisions that the actual point at which the fireworks are to be fired be in accordance with the rules found in § 405 of the Penal Law and pursuant to regulations of the New York State Labor Department commissioner of labor pursuant to § 462 of the labor law and that all the persons in actual charge of firing the fireworks shall be certified by the New York State Labor Department.
- B. Applications will be obtained from the Town Clerk's Office and shall be submitted with ____ copies to the Town Clerk, who shall forward to the Chief of Police, Code Enforcement Officer and Fire Chief of the district where the display will occur.
- C. No permit granted and issued hereunder shall be transferable.
- D. Upon approval, the Chief of Police, Code Enforcement Officer and the Fire Chief will notify the Town Clerk by signing the application and the Town Clerk shall forward the application to the Town Board for their approval.
- E. Any denial of a permit shall include a written statement from the Chief of Police, Code Enforcement Officer or the Fire Chief stating the reasons for denial. The Town Clerk shall notify the applicant of the denial and provide reasons supporting that decision in writing.
- F. Inspections. The Code Enforcement Officer and Fire Chief of the applicable fire district shall inspect the subject premises prior to the issuance of a permit. The Code Enforcement Officer shall re-inspect the premises where the display will take place to ensure the work authorized by such permit is done in conformity with the approved plans and specifications and standards, rules and regulations applicable thereto.

I would also suggest that your application form be revised to ensure that all information required pursuant to the Penal Law, General Business Law, and the Labor Law is included. I have attached a copy of the *Model Application Form* and instruction sheet issued by the New York State Labor Department.

I have also attached a *Fireworks Inspection Form* that the Code Enforcement Officer could use to ensure all items necessary are inspected.

Attachment:

Application form

Inspection form

**APPENDIX B
LOCAL LAW REVIEW
REQUEST FOR FIREWORKS DISPLAY PERMIT**

Town, Village or City of _____
Ref: NY State Penal Law, Article 405.00

Application Date: _____

(A) Sponsor of the show

Name: _____

Address: _____

Phone: _____ Contact Person: _____

Display Company

Company Name: _____

Address: _____

Phone: _____ Contact Person: _____

NYS Dept. of Labor Explosives Licence# _____ Expires: _____

Operator - Name of the certified pyrotechnician who will be in charge of the display

Name	Certificate #	Expires
_____	_____	_____

Authorized Assistants: Names of the individuals who are authorized by the operator to work on the show, identified either by their certificate number and expiration date, if they are certified, or by their age and phone number, if they are not certified.

Name	Certificate# / Age	Expires / Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Continue on a separate sheet, if necessary).

(B) Display Date/Time: _____ **Expected Duration:** _____

(C) Display Location: _____

(D) Display Content: _____

(E) How will fireworks be stored prior to display: _____

**APPENDIX B
LOCAL LAW REVIEW**

- (F) Rain Date for display: _____
- (G) If rained out how will fireworks be stored: _____
- (H) For outdoor displays not before a proximate audience, attach a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of, and distance to: all the buildings, highways, lines of communications, location of the audience, trees, overhead obstructions or other structures or devices that could be affected by the display or fallout from it.
- (I) Proof of Insurance or Bond (Minimum One Million Dollars). Please attach a copy of the policy certificate or other proof of insurance or Bond.
- (J) For Indoor displays, in addition to the information provided above, include a written plan for how you intend to use the pyrotechnics as required by the New York State Penal Law 405.10. That plan shall be submitted at least five days prior to the performance and include:
- In addition to the State Licenses and Certificates already included in this application, proof of Federal ATF Licenses if required,
 - Proof of experience of the pyrotechnician in charge,
 - Proof of experience with the types of devices being used and a description of duties of any authorized assistants,
 - Point of assembly of the pyrotechnic devices,
 - Manner and place of storage of the pyrotechnic materials and devices,
 - Material Safety Data Sheets (MSDS) for the pyrotechnic materials to be used,
 - Certification that set, scenery, and rigging materials are inherently flame-retardant or have been treated to achieve flame retardancy,
 - Certification that all materials worn by performers in the fallout area during the use of pyrotechnic effects are inherently flame-retardant or have been treated to achieve flame retardancy,
 - For indoor displays attach a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of, and distance to the audience, the location of sprinklers and the fallout radius for each pyrotechnic device used,
 - A copy of the approved permit and plan shall be kept on site and available for review,
 - Any significant changes to the plan shall be approved prior to the performance.
- (K) I attest that the information contained in this permit application is accurate, true and complete to the best of my knowledge, and I understand that false statements made in this permit application are subject to the applicable versions of the NYS Penal Law.

Signature of Applicant

Date

**APPENDIX B
LOCAL LAW REVIEW
FIREWORKS DISPLAY INSPECTION**

Display Location:	
Sponsor:	Display Date(s):
Operator:	License No:
Contact Person:	Phone:
Fire Department:	Local AHJ Contacted <input type="checkbox"/>

PERSONNEL

- Verify display operator identity
- Verify information on the identity and ages of all assistants
- Appropriate protective gear available for persons manually discharging firework

SECURITY

- Verify site security of storage area, discharge area, display area and fallout area as indicated on approved plan.
- Fireworks storage is in an approved manner and location
- Verify arrangements for traffic and crowd control

MORTAR INSPECTION

- Cast iron, stove pipe, culvert, clay, bamboo, and wood mortars prohibited
- Mortars are inspected prior to use for defects, debris, etc.
- Base plugs are securely attached to bottom of mortars
- Mortars are aimed over fallout area and away from spectators
- Mortars properly buried to at least 2/3 of their overall length

RACK INSPECTION

- Racks can have no more than (a) 15: 3" mortars, (b) 12: 4" mortars, (c) 10: 5" or 6" mortars
- Mortar racks or bundles that are not inherently stable shall be secured or braced by means of stakes, legs, A-frames, side-boards, or equivalent means

DRUM/TROUGH INSPECTION

- Troughs and drums shall be filled with sand or soft dirt and, in all cases, shall be free of stones or other potentially dangerous debris
- Troughs shall be reinforced or braced in a minimum of two places on the sides at intervals not greater than every 4'
- A separation distance of at least 2" or one-half the diameter of the mortar, whichever is greater, shall be required between the mortar and the wall of the trough or drum
- Mortars are buried in trough or drum to 2/3 of their overall length

AERIAL SHELL INSPECTION

- Operator examines shells for damage
- Operator sizes shell for proper fit in mortars

**APPENDIX B
LOCAL LAW REVIEW**

DISPLAY AREA INSPECTION

- Location is as per approved site plan
_____ = diameter of largest shell to be fired during display
- Minimum site size requirements per NFPA 1123 (*radius of 70 feet per inch of largest shell diameter*)
Table 5.1.3.1 "Distance from Mortars to Spectators":

Mortar Size:	3"	4"	5"	6"	7"	8"	10"	12"
Minimum Secured Diameter of Site:	420'	560'	700'	840'	980'	1120'	1400'	1680'

- Angled mortars may be 1/3 of the distance closer to the spectator areas to allow for wind but the secured area size does not change
- Arrangements provided to secure fallout area when shell loading begins

ELECTRICALLY-FIRED DISPLAY INSPECTION

- Electrical firing units shall be manufactured specifically for use in the electrical ignition of pyrotechnic devices or explosives
- Manual electrical firing units shall have at least two positive actions necessary to apply a firing current
- Firing panel located a minimum of 75' from mortars
- Mortars located within unobstructed full view of operator

MANUALLY FIRED DISPLAY INSPECTION

- Safety caps protecting fuses remain in place until immediately before firing

READY BOXES

- Approved ready boxes must be weather-resistant container to protect from burning debris with a self-closing cover or equivalent means of closure
- Ready boxes are located more than 25 feet upwind of the closest mortar

Inspection By:		Inspection Date:	
<input type="checkbox"/> Display Approved	<input type="checkbox"/> Display Not Approved	Re-Inspection Date Scheduled:	
Re-Inspection By:			Re-Inspection Date:
<input type="checkbox"/> Display Approved After Re-Inspection		<input type="checkbox"/> Display Not Approved After Re-Inspection	

APPENDIX B

Local Law Review

Chapter 124 Housing Standards

- Throughout this chapter there are requirements that are inconsistent with those provisions of the Property Maintenance Code of New York State (PMC).
- The Executive Law § 379 allows a municipality to adopt more stringent standards than contained in the Uniform Code, however the Town must have filed such request for adoption within 30 days with the Codes Council.
- Since the Town did not file the request for adoption with the Codes Council, the Town should either repeal this chapter, or at least those provisions not covered by or that are inconsistent with the PMC.

Chapter 140 Mobile Homes

- This chapter contains conflicts between the requirements of this chapter and those contained in Chapter 124, regarding “Mobile Home Park Standards and sites.”
- The requirements found in § 140-4 contain installation requirements. This area is covered by the New York State Uniform Fire Prevention and Building Code, which supersedes these requirements of the Town law (see reference to Executive Law noted above) this section should be repealed and a reference be to the provisions of the New York State Fire Prevention and Building.
- The Town should consider a major review of this local law for conformity with current standards and practices to ensure that the regulations contained herein are still relevant and applicable.

Chapter 166 Sewers

- Within this chapter the requirements of § 166-30 address the installation standards for private septic systems. The New York State Health Department regulations in Appendix 75-A contain mandatory requirements for the installation of these systems. This section should be amended to reference Appendix 75-A instead of the detailed installation requirements.

APPENDIX B

Local Law Review

Chapter 185 Subdivisions

- There is an apparent conflict between § 185-6 M and actual practice. The language of § 185-6 states: “Approval of a preliminary plan shall expire after 24 months from the date of approval. Extensions for periods of 12 months may be granted by the Planning Board upon application. Such applications for extensions shall be granted unless changed conditions or new information indicate the unsuitability to the development as shown on the preliminary plan.” The Planning Board passed a resolution on 8/18/2002 that states: “...an application for extension of a previously approved Preliminary Plat, or a portion thereof, will not be entertained by the Planning Board unless such application is received by the Planning Board within thirty-six (36) months of the date of approval of the Preliminary Plat or within twelve (12) months of the date of a previously approved extension.”
- The Town Board should resolve this apparent conflict with the Planning Board and amend this section to reflect the actual practice that the Town Board wishes to be implemented.

Chapter 188 Swimming Pools

- In § 188-3(B) there are extensive specifications for pool enclosures. Since these regulations now conflict with the requirements of the NYS Uniform Fire Prevention and Building Code, this subsection should be amended to read as follows:
 - B. Enclosures. All pools will be provided with an enclosure that complies with the applicable provisions of the New York State Uniform Fire Prevention and Building Code, as applicable for the specific parcel, except where exempted by Uniform Code.

Chapter 210 Zoning

- The Zoning Local Law § 210-27(A) indicates that “...new structures, modifications, alterations, or replacement of existing structures shall be subject to site plan review...”

There has been concern on the part of some town official that some sites that have been vacant for some time should be required to return to the Planning Board for review since the conditions of the site and neighborhood may have changed since the original approval was given.

A possible amendment of the above provision may be: “...new structures, modifications, alterations, or replacement of existing structures, any structure that has been vacant for more than _____ months/years, or any change in use or occupancy classification shall be subject to site plan review...”

APPENDIX B

Local Law Review

- Article XI, contains provisions for licensing of Junkyards. This article should be removed from the Zoning Local Law, since any provision contained herein may be appealed to the Zoning Board of Appeals should an individual not like any decision that they receive by the Town.
- Town officials have raised a concern regarding the ability to enforce certain approvals given by the Planning Board or the Zoning Board of Appeals and conditions they may have attached to such approval. I would therefore recommend that a new § 210-34.1 be added to read as follows:

§ 210-34.1 Compliance with Zoning Provisions.

It shall be unlawful for any person, firm or corporation to:

- A. Allow any building or land to be used or occupied or any building or part thereof to be erected, moved, extended or altered except in conformity with the regulations herein set forth for the district in which it is located.
 - B. Fail in any manner to comply with a written notice, directive or order of the Code Enforcement Officer.
 - C. Construct, alter or use and occupy any building or structure or portion thereof or use any land in a manner not permitted by an approved plan or resolution of the Planning Board or the Zoning Board of Appeals, where such approval is required.
- The Town Code has several provisions regarding fences throughout it. In Chapter 124 there are provisions for maintenance of fences. In Chapter 90 regarding obstructing town easements, right-of-way and location within other areas. In Chapter 188 fencing for pool enclosures. There is, however, no requirement that a permit be obtained for a fence. This results in an enforcement issue for the Town, since it is much easier to move the location of a fence on paper than after the fence has been installed improperly across a drainage easement or right-of-way. I would recommend that the Town contact General Code Publishers and request some sample fence legislation to consolidate all general fence requirements within the Zoning local law and that you require a fence permit be obtained before construction begins.

Excavations and Fill Local Law

A review of your Town Code reveals that there are no provisions dealing with excavations or fill permits and approvals. This has been identified as an area of concern by Town officials. The lack of such a local law can adversely affect drainage issues within the town neighborhoods. I would recommend that the Town contact General Code to obtain model local laws to address this subject.

I am available to assist the Town in implementing any of the above recommendations should you desire.

**APPENDIX C
GUIDES FOR PROCEDURE DEVELOPMENT**

CHECKLIST: PERMIT APPLICATIONS

- Does the type of work described require a permit?
- Is more than one type of permit required?
- Does any of the work described fall under an exception to the building code requirements for a permit?
- Does the application identify and describe the work to be covered by the permit?
- Is the land on which the proposed work is to be done identified so it can be located by:
 - Legal description?
 - Street address?
 - Similar description?
 - Property index number?
- Is the use and occupancy for the proposed work set forth in the application?
- Is the application accompanied by the construction documents?
- Is the valuation of the proposed work on the application?
- Is the application signed by the applicant or the applicant's authorized agent?
- Is the application complete?
- Is the owner's legal status clear?
- Did the applicant fill in the necessary information regarding the corporate or limited liability status of any applicant or owner?
- Does the applicant have the authority to apply for the permit?
- Is the registered agent listed for a corporation or limited liability company or partnership?
- Did the applicant provide a photo-identification card when applying for the permit?
- Is the information from the applicant's photo-identification card listed on the application?
- If the property is in a trust, is the information on the trustee, beneficiaries, and the person with the power of direction listed in full?
- Does the owner consent to the inspections necessary for the permit?
- Is an annual permit appropriate?
- Does the permit applicant comply with all the bonding and licensing requirements?
- Do the plans submitted contain all the necessary information needed for review?

APPENDIX C GUIDES FOR PROCEDURE DEVELOPMENT

CHECKLIST: CONSTRUCTION INSPECTIONS

- What inspections are required to be performed based on the nature of the permit approved?
 - Footing
 - Foundation
 - Backfill
 - Spot Survey
 - Sewer and Water
 - Electrical Service
 - Electrical Rough
 - Plumbing Rough-In
 - Plumbing Underground
 - Framing
 - Insulation
 - Basement, Garage, Slab Floor
 - Sidewalk
 - Topographical Survey
 - Final Building and Plumbing
 - Final Electrical
 - Final Engineering
 - Special _____
 - Other _____

- Who is responsible for performing the inspections?
- What documentation exists to prove an inspection took place?
- Has the permit holder notified the building official that the work is ready to be inspected?
- Has the work passed each necessary inspection?
- Is there written approval for the inspection?
- If the work has not passed the inspection, what corrections must be made in order to obtain approval?
- Has the permit holder notified the building official that the corrected work is ready to be inspected?
- Has the work passed the subsequent inspection?
- Has any of the work been covered up or made inaccessible prior to approval?
- Will the permit holder voluntarily uncover the concealed work in order that an inspection can take place?
- Should a preliminary inspection of a building, structure, or site take place before issuing a permit?
- Are there any other inspections that should be required to make sure there is compliance with the provisions of the building code and other laws that are enforced by the Department of Building Safety?
- What special inspections need to be performed?
- Is the work ready for a final inspection?

APPENDIX C
GUIDES FOR PROCEDURE DEVELOPMENT

- Has the work passed all the required inspections?
 - Building
 - Electrical
 - Mechanical
 - Plumbing
 - Concrete
 - Engineering
 - Water
 - Sewer
 - Fire
 - Health
 - Landscaping
 - Energy
 - Medical Gas
 - Zoning
 - Historical
 - Special Inspections
 - Site Plan
 - Storm Water Management
 - Special _____
 - Other _____
- Can a certificate of occupancy be issued?

APPENDIX C
GUIDES FOR PROCEDURE DEVELOPMENT

CHECKLIST: CERTIFICATES OF OCCUPANCY

In General

- Does the building or structure have a certificate of occupancy?
- Was the building constructed before certificates of occupancy were issued by the local jurisdiction?
- Have all the necessary inspections been performed and passed before the certificate of occupancy is issued?
- Does the certificate of occupancy form comply with the requirements of IBC 110.2?
- Is there new construction that requires a new certificate of occupancy?
- Has the building's or structure's classification changed?
- Is there a certificate of occupancy for the classification change?
- How does the building official know that that building needs a certificate of occupancy?

Violations

- Are there photographs of the illegal occupancy or use?
- Who is the responsible party for the violation?
- Was there ever a permit for the work done?
- Are there accurate documents within the jurisdiction having authority that prove who the responsible party is?
- Has the responsible party admitted using or occupying the building or structure without a certificate of occupancy?
- Does the responsible party even know the violations exist?
- Should an informal letter be sent to the responsible party before a formal notice?
- Will the responsible party comply without further action?
- Is it even possible for the responsible party to comply given the facts of the case?
- Has a notice of violation been sent to the responsible party for occupying the building or structure without a certificate of occupancy?
- How was the notice served?
- Is there proof of service for the notice?

Temporary Certificates of Occupancy

- Should a temporary certificate of occupancy be issued?
- What safeguards exist to ensure the work is complete if the responsible party fails to complete the conditions of the temporary certificate?
- What conditions need to be satisfied so a certificate of occupancy can be issued?
- What is the expiration date of the temporary certificate of occupancy?
- Should a letter be sent reminding the responsible party of the expiration of the temporary certificate of occupancy?
- Has a notice of violation been sent to the responsible party for occupying the building or structure with an expired temporary certificate of occupancy?
- How was the notice served?
- Is there proof of service for the notice?

APPENDIX C

GUIDES FOR PROCEDURE DEVELOPMENT

Suspension or Revocation

- Should the certificate of occupancy for the building or structure be suspended or revoked?
- What is the basis for the suspension or revocation?
- Has notice of the suspension or revocation of the certificate of occupancy been sent to the responsible party?
- How was the notice served?
- Is there proof of service for the notice?
- Is there an appeal process or other due process procedure to contest the suspension or revocation of the certificate of occupancy prior to the actual suspension or revocation?

Requirements for a Certificate of Occupancy Contents:

- Building permit number
- Address of the structure
- Name and address of the owner
- Description of that portion of the structure for which the certificate is issued
- Statement of compliance with building code and use classification
- Name of building official
- Edition of the code used for permit
- Use and occupancy
- Type of construction
- Design occupant load
- Whether automatic sprinkler system is required
- Special stipulations and conditions of the building permit

APPENDIX C
GUIDES FOR PROCEDURE DEVELOPMENT

CHECKLIST: ISSUING THE STOP WORK ORDER

- Should a stop work order be issued?
- What is the nature of the work being performed that is contrary to the building code?
- Is the work being performed dangerous or unsafe?
- Has the stop work order been reduced to writing?
- What does the code say about the content of the stop work order and the way it has to be served?
- Does the stop work order contain the reason for the order and the conditions under which the cited work will be permitted to resume?
- Who has been served with the stop work order?
 - Owner?
 - Owner's agent?
 - Person doing the work?
- What proof of service of the stop work order exists?
- If served by first class mail, was a proof of service form prepared?
- How was service made?
 - Posted in a conspicuous place in or about the structure affected by the stop work order
 - Delivered personally
 - Sent by certified mail addressed to the last known address
 - Sent by first-class mail addressed to the last known address
 - Private delivery service
- If service was made by posting, was a photograph taken to prove it was served in this manner?

APPENDIX C
GUIDES FOR PROCEDURE DEVELOPMENT

CHECKLIST: UNSAFE STRUCTURES AND EQUIPMENT

1. Does the code enforcement official possess the necessary information to find that the structure or equipment is unsafe?
2. Does the structure or existing equipment qualify as unsafe under PMC Section 107 or Town Code Chapter 74 in at least one of these categories?
 - a. Inadequate means of egress facilities
 - b. Inadequate lighting
 - c. Inadequate ventilation
 - d. Fire hazard
 - e. Otherwise dangerous to human life or the public welfare
 - f. Illegal or improper occupancy
 - g. Inadequate maintenance
 - h. Unsecured vacant structure
3. Should the code enforcement official require any tests before finding the structure or equipment unsafe?
4. Should the code enforcement official obtain the services of an expert before finding the structure or equipment unsafe?
5. Should the code enforcement official seek legal advice before declaring the structure unsafe?
6. Should the code enforcement official ask legal counsel about filing a lawsuit in a state supreme court to have the building rendered safe or be demolished?
7. Does the code enforcement official need to have the premises secured because the owner refuses or has failed to do so?
8. Has the code enforcement official filed a report on the unsafe condition that contains the occupancy of the structure and the nature of the unsafe condition?
9. Has a notice of the unsafe condition been served on the owner, agent, or person in control of the structure?
10. What does the code say about the method of service?
11. Has the notice been served properly?
12. Has the owner agreed to restore the property in compliance with the building code within a reasonable period of time?
13. Should the structure or equipment be condemned?
14. If so, has a condemnation notice been posted in a conspicuous place on the structure or equipment?
15. Has a condemnation notice been served on the responsible party prior to placarding the structure or equipment as “Condemned”?
16. Has the property been placarded as “Condemned”?
17. If the placard has been removed from the condemned property, does the inspector have enough evidence to prosecute someone for the violation (e.g., eyewitness testimony, an admission by a defendant)?
18. If there is an occupant who refuses to vacate the structure, should he or she be prosecuted?

Name of Permit Holder: _____ Permit #: _____

Address/Lot #: _____

Inspector: _____ Date of Inspection: _____

Weather Condition: _____ Time of Inspection: _____

INSPECT IT! FRAMING INSPECTION CHECKLIST

1. GENERAL FRAMING

- 1.1 Approved plans and specifications on site
- 1.2 Rooms and corridors: type, arrangement, dimensions, egress and special requirements
- 1.3 Windows and doors: type, location, dimensions, framing of openings, egress and special requirements
- 1.4 Framing materials: type, size, dimensions, span, condition, grade, location, spacing and alignment
- 1.5 Sheathing materials: type, size, dimensions, span, condition, grade, location, spacing
- 1.6 Connection and fastening materials: type, size, dimensions, gauge, condition, placement and spacing
- 1.7 Splices, cuts, notching and bored holes
- 1.8 Wood decay and termite protection
- 1.9 Corrosion protection

2. SILL

- 2.1 Sill plate
- 2.2 Sill bolts
- 2.3 Sealer/grout
- 2.4 Band/rim joist
- 2.5 Laps, splices, blocking

3. FLOORS AND CEILING

- 3.1 Columns
- 3.2 Beams/girders
- 3.3 Bearing points
- 3.4 Joists and span
- 3.5 Joist hangers
- 3.6 Lateral support
- 3.7 Bracing and blocking
- 3.8 Framing of openings
- 3.9 Sheathing
- 3.10 Ventilation

4. EXTERIOR WALLS

- 4.1 Bottom and top plates
- 4.2 Studs
- 4.3 Outside corners
- 4.4 Lateral supports
- 4.5 Bracing and blocking
- 4.6 Framing of openings
- 4.7 Ties and straps
- 4.8 Sheathing
- 4.9 House wrap
- 4.10 Flashing

5. INTERIOR WALLS

- 5.1 Bearing
- 5.2 Non bearing
- 5.3 Bottom and top plates
- 5.4 Studs
- 5.5 Corners and partition posts
- 5.6 Lateral supports
- 5.7 Bracing and blocking
- 5.8 Framing of openings

6. ROOF

- 6.1 Slope/pitch
- 6.2 Bearing points
- 6.3 Rafters
- 6.4 Ridge
- 6.5 Hips and valleys
- 6.6 Lateral supports
- 6.7 Bracing and blocking
- 6.8 Ties and straps
- 6.9 Overhang/soffit and fascia
- 6.10 Framing of openings
- 6.11 Sheathing
- 6.12 Flashing
- 6.13 Ventilation
- 6.14 Attic access

7. ROOF AND FLOOR TRUSSES

- 7.1 Engineering calculations and drawings on site
- 7.2 Manufacturer's installation specifications on site
- 7.3 Number, sizes, location and span
- 7.4 Bearing points
- 7.5 Truss plates and connectors
- 7.6 Lateral support
- 7.7 Bracing and blocking
- 7.8 Ties and straps
- 7.9 No field modifications

8. STAIRWAYS

- 8.1 Rise and run
- 8.2 Width
- 8.3 Headroom
- 8.4 Treads and risers
- 8.5 Winders
- 8.6 Landings
- 8.7 Handrails

Note any comments on reverse side.

Name of Permit Holder: _____ Permit #: _____

Address/Lot #: _____

Inspector: _____ Date of Inspection: _____

Weather Condition: _____ Time of Inspection: _____

INSPECT IT! FINAL MECHANICAL INSPECTION CHECKLIST

1. GENERAL MECHANICAL

- 1.1 Permit posted on site
- 1.2 Outstanding violations:
 - underground inspection
 - rough-in inspection
 - final inspection
- 1.3 Approved plans and specifications on site
- 1.4 Approved locations, installations and materials:
 - fuel type
 - materials listed and labeled for application
 - clearances and elevation of ignition source
 - special locations and installations - garages, closets, bedrooms and bathrooms
- 1.5 Attached manufacturer's rating data and name plate for equipment and appliances
- 1.6 Joints and seams
- 1.7 Connections and fasteners
- 1.8 Anchorage and support
- 1.9 Caulking, sealing and flashing
- 1.10 Access requirements
- 1.11 Provisions for exterior installations
- 1.12 Fire protection and smoke detection:
 - methods, controls and detectors
 - dampers
 - fire blocking provisions
- 1.13 Registers, grilles, louvers, diffusers and screens
- 1.14 Closure of unused openings
- 1.15 Combustion air provisions
- 1.16 Chimneys and vents:
 - flue passageways
 - connectors - horizontal limitations, slope and multiple-appliance provisions
 - terminations - locations, installations and decorative shrouds
 - masonry chimney connections
 - direct vent installations
 - vent components, accessories, and appurtenances
- 1.17 Compliance of mechanical draft systems
- 1.18 Clearances from combustible construction and clearance reduction methods
- 1.19 Protection from physical damage and corrosion
- 1.20 Work space and access:
 - location and dimensions
 - openings, passageways and platforms
 - electrical provisions

- 1.21 Piping installations, connections, valves and controls:
 - fuel gas
 - hydronic
 - refrigeration
- 1.22 Electrical requirements, installations, connections and controls
- 1.23 Energy and water conservation methods
- 1.24 Weather proofing
- 1.25 Mechanical room fire protection methods
- 1.26 Protection of potable water system from contamination
- 1.27 Workmanship
- 1.28 Pressure, draft, balance and leak testing
- 1.29 System balancing

2. EQUIPMENT AND APPLIANCES

- 2.1 Installed per manufacturer's specifications and instructions
- 2.2 Attachment of operating instructions and control diagrams
- 2.3 Anchorage of equipment and appliances
- 2.4 Bases and platforms
- 2.5 Thermostats, controls and safety devices
- 2.6 Installation of components, accessories and appurtenances
- 2.7 Function of equipment, appliances and controls
- 2.8 Forced-air warm-air furnaces:
 - fuel type
 - heat pump and equipment installations
 - electric furnaces
- 2.9 Radiant heating systems:
 - radiant panels installation
 - installed in concrete or masonry
 - finished surfaces and fasteners
- 2.10 Duct heaters:
 - fan interlock
 - installation with heat pump and air conditioning
- 2.11 Vented and unvented room heaters
- 2.12 Unit heaters
- 2.13 Infrared radiant heaters
- 2.14 Baseboard convectors
- 2.15 Fireplace and solid fuel appliances:
 - chimney connections - masonry and factory-built
 - hearth dimensions and materials
 - floor protection
 - fireplace facade and trim

(Note any comments on reverse side)

- 2.16 Other equipment and appliances:
 - conversion burners
 - gas logs
 - boilers
 - water heaters
 - ranges and ovens - freestanding and built-in
 - cooking appliances - interior and exterior
 - other equipment and appliances

3. REFRIGERATION EQUIPMENT

- 3.1 Installed per manufacturer's specifications and instructions
- 3.2 Approved refrigerants
- 3.3 Attachment of operating instructions and control diagrams
- 3.4 Anchorage of equipment and appliances
- 3.5 Condensate disposal:
 - condensate pump
 - drain pan and piping
 - auxiliary or secondary drain systems
 - prohibited locations and methods
- 3.6 Condensing unit:
 - exterior location and zoning requirements
 - bases and platforms
- 3.7 Insulation of refrigerant piping
- 3.8 Thermostats, controls and safety devices
- 3.9 Refrigeration coils location and installation
- 3.10 Absorption cooling equipment
- 3.11 Evaporative cooling equipment
- 3.12 Installation of components, accessories and appurtenances
- 3.13 Function of equipment, appliances and controls

4. EXHAUST SYSTEMS

- 4.1 Installed per manufacturer's specifications and instructions

- 4.2 Venting locations and termination points
- 4.3 Exhaust and transitions ducts
- 4.4 Controls and safety devices
- 4.5 Back draft protection
- 4.6 Anchorage of equipment and appliances
- 4.7 Prohibited locations, installations and terminations
- 4.8 Function of equipment, appliances and controls
- 4.9 Clothes dryers exhaust:
 - installation of clothes dryer
 - exterior termination
 - maximum duct length
 - vertical riser clean out
 - installations in closets and compartments
- 4.10 Kitchen exhaust system:
 - type of cooking appliance and allowable materials
 - down draft system
 - overhead exhaust hoods installations
 - motors and fans
 - filters and extractors
 - exterior termination points
 - fire protection methods
 - performance and airflow testing
- 4.11 Microwave oven provisions
- 4.12 Installation of bathroom mechanical ventilation system

5. OTHER AREAS INSPECTED

- 5.1 Solar system
- 5.2 Sauna, pool and spa heaters
- 5.3 Kerosene or oiled-fired stoves
- 5.4 Ceramic kilns
- 5.5 Illuminating appliances
- 5.6 Other equipment and appliances
- 5.7 _____
- 5.8 _____
- 5.9 _____

Checklist #:	COMMENTS:

INSPECTION RESULTS:
 Approved Re-inspection required Stop work Approved with corrections

INSPECT IT! FINAL BUILDING INSPECTION CHECKLIST

Name of Permit Holder: _____ Permit #: _____

Address/Lot #: _____

Inspector: _____ Date of Inspection: _____

Weather Condition: _____ Time of Inspection: _____

1. GENERAL BUILDING

- 1.1 Permit posted on site
- 1.2 Approved plans and specifications on site
- 1.3 All aspects of the building exterior and interior for compliance with approved plans, specifications and code requirements
- 1.4 Materials: type, location, size, condition and installation
- 1.5 Connections and fasteners: type, size, dimensions, gauge, condition, placement and spacing
- 1.6 Treatment of penetrations and opening in walls, floors, ceilings and roof
- 1.7 Installation and operability of all plumbing, mechanical and electrical fixtures, equipment and controls
- 1.8 Caulking and sealing
- 1.9 Acceptable workmanship
- 1.10 House numbers
- 1.11 Exterior and interior cleanup
- 1.12 Energy and water conservation measures
- 1.13 Final approvals by plumbing, mechanical and electrical inspectors

2. DRAINAGE

- 2.1 Backfill and final grading: maximum height against foundation, minimum slope from foundation, type of soil, layered and tamped
- 2.2 Direction of drainage flow from foundation, adjoining properties and public areas
- 2.3 Gutters: type, location, anchorage, support, attachment, fasteners, down spouts, tails and drainage flow

3. EXTERIOR WALLS AND COVERING

- 3.1 Insulation: type, location, rating, condition and installation
- 3.2 Anchorage, support, attachment, fasteners, and ratings (insulation, flame spread, etc.)
- 3.3 Moisture control
- 3.4 Painting and staining
- 3.5 Trim materials and installation
- 3.6 Corrosion protection
- 3.7 Finished surface conditions

4. ROOF

- 4.1 Anchorage, support, attachment and fasteners
- 4.2 Flashing
- 4.3 Ventilation
- 4.4 Overhang/soffit and fascia
- 4.5 Finished surface conditions

5. INTERIOR WALL, FLOOR AND CEILING COVERINGS

- 5.1 Insulation: type, location, rating, condition and installation
- 5.2 Anchorage, support, attachment and fasteners
- 5.3 Flame spread and smoke rating
- 5.4 Finished surface condition
- 5.5 Painting and staining
- 5.6 Trim materials and installation

6. DOORS AND WINDOWS

- 6.1 Location and type
- 6.2 Dimensions
- 6.3 Door swings
- 6.4 Installation and operability
- 6.5 Glazing in hazardous locations requirements
- 6.6 Emergency egress requirements
- 6.7 Required glazing label and identification
- 6.8 Skylights and sloped glazing requirements
- 6.9 Hardware and security locks
- 6.10 Screens and storms
- 6.11 Flashing
- 6.12 Sealants/caulking
- 6.13 Weather-stripping

7. FLATWORK

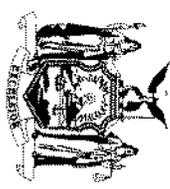
- (Driveways, walks, terraces, patios, basement floors, garage floors, etc.)
- 7.1 Location: exterior, interior and placement per approved plans
 - 7.2 Concrete installation: site preparation, fill, minimum fill depth, approved base course, vapor barrier, minimum compressive strength and minimum thickness of slab
 - 7.3 Weather exposure: compressive strength, air-entrained and approved concrete mixture for exposure to de-icing chemicals

Note any comments on reverse side.

8-8-10 Records to be printed should remove after paper.



Certificate of Occupancy



Town of Cicero
8236 Brewerton Road
Cicero, New York 13039

This is to certify that the structure listed below was inspected and substantially conforms with the ordinances of the Town of Cicero, Onondaga County,

State of New York and found satisfactorily to be used for

SINGLE FAMILY RESIDENCE

_____ purposes.

9432 (LOT 27)

CRAFTSMAN CIRCLE

BREWERTON, NY 13029 08-559

Address

Permit #

MARCH 15, 2011

Issued

Inspecting Officer

Code Enforcement Officer

SAMPLE

APPENDIX F
Uniform Code Fire Notification

UNIFORM CODE FIRE NOTIFICATION

Owner/Occupant: _____ Date: _____

Telephone: _____

Incident Address: _____

Brief Description of Incident: _____

REQUIRED NOTIFICATIONS

To reduce the possibility of another fire causing further damage or injury, the Fire Department or Fire Chief is required to complete the following notification:

- New York State Uniform Fire Prevention and Building Code (Fire Code, Section 110) states
The fire chief shall notify the code enforcement official of any fire or explosion involving any structural damage, fuel-burning appliance, chimney, flue or gas vent.

If Section 110 applies, did this fire involve the primary heat source? Yes No

By signing the Owner /Occupant acknowledges that they have been notified to contact the Code Enforcement Officer at _____ before further use and that a building permit is required before any repairs can be made.

Owner / Occupant Signature _____

Fire Department Officer

Code Enforcement Official

Name _____

Name _____

Title _____

Telephone _____

Fire Dept. _____

Telephone _____

Fire Incident No. _____

White - Occupant **Yellow** - Code Enforcement **Pink** - Fire Department

APPENDIX G
Model Operating Permit

[NAME OF AUTHORITY HAVING JURISDICTION]

Application #: _____

OPERATING PERMIT APPLICATION FORM

Page 1 of 4

Part I Applicant/Building Information

Applicant's Name: _____

Applicant's Address: _____

Contact Person: _____ Telephone: _____

Address of Premises for which Operating Permit is requested: same as above

Other (specify): _____

Tax Map Number: _____ Current Occupancy Class: _____

Part II Type Operating Permit

An Operating Permit is required to conduct any activity or to use any class of building listed below. **Please indicate the type(s) of Operating Permit(s) requested by checking each applicable box.** (If you require assistance, or would like more information, contact the [\[name of Authority Having Jurisdiction\]](#) [\[name of department or office, such as "Building Department"\]](#) at [\[phone number\]](#).)

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), of the Fire Code of New York State (see 19 NYCRR Part 1225); **(See Appendix A.)** Identify the materials and quantities and describe the manner in which the materials will be manufactured, stored or handled (attach additional sheets if necessary):

Conducting a hazardous process or activity (including but not limited to, any commercial or industrial operation which produces combustible dust as a byproduct, fruit and crop ripening, and waste handling; **(See Appendix B.)** Describe the process(es) or activity(ies) to be conducted (attach additional sheets if necessary):

APPENDIX G
Model Operating Permit

[NAME OF AUTHORITY HAVING JURISDICTION]

Application #: _____

OPERATING PERMIT APPLICATION FORM

Part II (continued)

Page 2 of 4

- Use of pyrotechnic devices in assembly occupancies; **(See Appendix C.)** Describe the proposed use (attach additional sheets if necessary):

- Use of a building containing one or more areas of public assembly with an occupant load of 100 persons or more **(See Appendix D.)** Describe the proposed use (attach additional sheets if necessary):

- Use of a building whose use or occupancy classification has been determined by [name of Authority Having Jurisdiction] as posing a substantial potential hazard to public safety. **(See Appendix E.)** Describe the proposed use (attach additional sheets if necessary):

Part III
Premises/Building Information

1. Date of last Inspection of Premises? _____

2. Has a Certificate of Occupancy been issued for the premises?

- YES
 NO

Type: Permanent Temporary

Date of Issuance: _____

3. Date(s) of issuance of previous Certificate(s) of Occupancy? (If any): _____

4. Has a Certificate of Compliance been issued for these Premises?

- YES
 NO

Type: Permanent Temporary

Date of Issuance: _____

5. Are there currently any open Building Permits associated with the premises?
If yes, please describe (attach additional sheets if necessary):

YES NO

APPENDIX G
Model Operating Permit

[NAME OF AUTHORITY HAVING JURISDICTION]

Application #: _____

OPERATING PERMIT APPLICATION FORM
Part III (continued)
Page 3 of 4

6. Have any violations to the Uniform Code been issued in relation to the Premises? YES NO

If yes, please describe (attach additional sheets if necessary):

7. Have any variances to the Uniform Fire Prevention and Building Code been granted in relation to these premises?

YES NO If yes please describe (attach additional sheets if necessary): *(Include Variance Decision Number)*

8. Additional Comments:

SIGNATURE OF APPLICANT

I hereby certify that the foregoing information (and all information in attached sheets, if any) is true and complete.

Signature of Applicant or Authorized Representatives Signature
Date

Name (and Title, if applicable of person signing Application (Please print)

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Model Operating Permit

OPERATING PERMIT APPLICATION FORM
Part III (continued)
Page 4 of 4

Part IV

To be completed by *[name of Authority Having Jurisdiction]*

Inspection Required YES NO

Inspections Performed YES Date of Inspection: _____
 NO

Tests or Reports required to verify compliance? YES NO

If YES, have Tests or Reports been received? YES NO
Description:

Application(s) Approved: YES NO

Operating Permit Issued By: _____

Date Operating Permit Issued: _____ Date Operating Permit Expires: _____

Type/Description of Operating Permit:

Conditions of Operating Permit (list conditions here AND in the space provided in the Operating Permit):

Additional Comments:

APPENDIX G
Model Operating Permit

[NAME OF AUTHORITY HAVING JURISDICTION]

OPERATING PERMIT APPLICATION

Appendices

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Appendix A
Hazardous Materials Storage

An Operating Permit is required when (1) any hazardous material included in any category listed in tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) of the *Fire Code of New York State* is manufactured, stored or handled and (2) the quantity of such hazardous material exceeds the quantity listed in the applicable table. This would include any building that is (whole or in part) a Group H occupancy, is a pre-existing, non-conforming hazardous occupancy, or has outdoor use manufacture, and/or storage of materials that exceed the tables for physical and/or health hazard.

This type of Operating Permit will not be issued until an inspection has been performed and establishes to the satisfaction of *[name of Authority Having Jurisdiction]* that the requirements of the *Fire Code of New York State* are satisfied. These requirements include the provisions of Chapter 27 of the *Fire Code of New York State* as well as any specialized manufacture, use, storage requirements within Chapters 27-42 of the *Fire Code of New York State*. A previous fire safety inspection cannot suffice for an Operating Permit application inspection. If necessary, tests to verify compliance with the *Fire Code of New York State* must be performed and the reports of such tests must be provided to *[name of Authority Having Jurisdiction]*. Tests and reports needed to verify compliance with the Fire Code of New York State vary from product to product. Tests and reports may include:

- Verification of inspection of fire protection systems and emergency alarm systems
- Verification of inspection of storage cylinders, tanks, or containers
- Completing of the Hazardous Materials Reporting Form, as required by General Municipal Law 209-u (available from OFPC at <http://www.dos.state.ny.us/fire/pdfs/forms/hm209u.pdf>)
- Presentation of Material Safety Data Sheets for the product(s) requiring permits
- Affidavits that the regulated party is in conformance with other State Agencies (Environmental Conservation, Health, Labor)

APPENDIX G
Model Operating Permit

[NAME OF AUTHORITY HAVING JURISDICTION]

OPERATING PERMIT APPLICATION

Appendices

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Appendix B
Hazardous processes and activities

Commercial or industrial operations producing combustible dust - An Operating Permit is required when a condition or process meets the scoping requirements of Chapter 13 of the *Fire Code of New York State* and is part of a commercial or industrial operation. Chapter 13 references several different standards, based on the products producing dust. The reference standards shall be used and compliance with such standards shall be submitted prior to the issuance of an Operating Permit.

Fruit and Crop Ripening - An Operating Permit is required when a fruit or crop ripening operation meets the scoping requirements of Chapter 16 of the *Fire Code of New York State*. The operating permit will not be issued unless and inspection and/or documented testing demonstrates to the satisfaction of *[name of Authority Having Jurisdiction]* that the ethylene generators meet the requirements of Section 1606 of the *Fire Code of New York State* and that the appropriate safeguards are in place.

Waste Handling - An Operating Permit is required when waste materials that are considered hazardous are reclaimed, recycled, collected or otherwise handled at the Premises. Examples of uses that trigger the need for this Operating Permit include wrecking yards, auto dismantling facilities, junk yards, hazardous materials recycling facilities, and the like. An inspection must be performed prior to the issuance of this type of Operating Permit; such inspection must confirm compliance with any applicable sections of the *Fire Code of New York State* including the general fire safety practices in Chapter 3 of the *Fire Code of New York State*.

Other Hazardous Processes and Activities - An Operating Permit is required for any other process or activity determined by *[name of Authority Having Jurisdiction]* to be hazardous. Such processes and activities include, but are not necessarily limited to, the following: *[The Authority Having Jurisdiction should determine which processes and activities are considered hazardous and will trigger the need to obtain an Operating Permit, and those processes and activities should be listed here. Such hazardous processes and activities should be administered consistent with local conditions. Processes and activities that commonly trigger the need to obtain an Operating Permit include use of tents and membrane structures, airports, motor fuel stations, semiconductor facilities, and any other specialized hazard that specifically regulated in Chapters 11-26 of the Fire Code of New York State.]*

APPENDIX G
Model Operating Permit

[NAME OF AUTHORITY HAVING JURISDICTION]

OPERATING PERMIT APPLICATION

Appendices

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Appendix C

Pyrotechnics in Assembly Occupancies

An Operating Permit is required for use of pyrotechnic devices in any assembly occupancy. *[Although Part 1203, section 1203(g)(1)(iii), requires an operating permit for use of pyrotechnic devices only in assembly occupancies, section 1203 (g)(1)(v) provides that an operating permit must be required for buildings whose use or occupancy is determined by the Authority Having Jurisdiction to pose a substantial potential hazard to public safety. See Appendix E for further information.]*

An inspection must be completed prior to the issuance of this type Operating Permit. The inspection must confirm (1) that all fire protection and life safety features are inspected and have current maintenance within the timeframes set by Section 901 of the *Fire Code of New York State*, (2) the existence and adequacy of fire safety plans and emergency preparedness, and (3) that the means of egress are properly maintained, that interior finishes are appropriate, and that occupancy calculations are correct. *[The required tests and reports should be consistent with the permit procedures found within NFPA 1126. The section in NFPA 1126 regarding permits and the annex material provide guidance for the Authority Having Jurisdiction on what to request. An operating permit should be required for each show or group of shows, and the Premises should be made available for inspection prior to each event.]*

IMPORTANT: Please note that section 280.00 of the Penal Law provides that in the absence of a permit issued by the “permit authority” under section 405.00 of the Penal Law, it is unlawful to offer or expose for sale, to sell or furnish, or to possess, use, explode or cause to explode, any “fireworks” or “dangerous fireworks.” **Most pyrotechnic devices fall within the definition of “fireworks” or “dangerous fireworks” under section 270.00 of the Penal Law.**

Section 405.00 of the Penal Law provides that the “permit authority” of a state park, county park, city, village or town may grant a permit for the public display of fireworks by municipalities, fair associations, amusement parks or organizations of individuals. For a fireworks display within a state park, the term “permit authority” means the state agency having custody and control of the park. For a fireworks display within a county park, the term “permit authority” means the county park commission or such other agency as may have jurisdiction, control and/or operation of the parks or parkways within which any fireworks are to be displayed. For a fireworks display within a city, the term “permit authority” means the duly constituted licensing agency of such city or, in the absence of such agency, an officer designated for the purpose by the legislative body of the city. For a fireworks display within a village, the term “permit authority” means an officer designated for the purpose by the board of trustees of the village. For a fireworks display within the territory of a town outside of villages, the term “permit authority” means an officer designated for the purpose by the town board of the town.

AN OPERATING PERMIT FOR THE USE OF PYROTECHNIC DEVICES IN AN ASSEMBLY OCCUPANCY IS NOT A PENAL LAW SECTION 405.00 PERMIT. OBTAINING AN OPERATING PERMIT FOR THE USE OF PYROTECHNIC DEVICES IN AN ASSEMBLY OCCUPANCY DOES NOT OBIATE THE NEED TO OBTAIN A PENAL LAW SECTION 405.00 PERMIT. AN OPERATING PERMIT FOR USE OF PYROTECHNIC DEVICES IN AN ASSEMBLY OCCUPANCY DOES NOT MAKE

APPENDIX G
Model Operating Permit

LEGAL ANY ACT PROHIBITED BY PENAL LAW SECTION 270.00.

[NAME OF AUTHORITY HAVING JURISDICTION]

OPERATING PERMIT APPLICATION

Appendices

(Page 4 of 4)

Appendix D

Places of Public Assembly with an occupant load of 100 or more persons

An Operating Permit is required for any place of public assembly that has an occupant load of at least 100 persons. This Operating Permit is required to ensure that life safety and fire protection systems are maintained to the applicable requirements. *[The Authority Having Jurisdiction should determine the appropriate duration of an operating permit for places of public assembly. Depending on the nature of the occupancy, it may be appropriate to limit the duration of the operating permit to a relatively short period, and to require the applicant to apply for a new permit, and to undergo a new inspection, on a relatively frequent basis.]*

An inspection must be completed prior to the issuance of this type Operating Permit. The inspection (and any tests and reports which may be required) must confirm (1) that all fire protection and life safety features are inspected and have current maintenance within the timeframes set by Section 901 of the *Fire Code of New York State*, (2) the existence and adequacy of fire safety plans and emergency preparedness, and (3) that the means of egress are properly maintained, that interior finishes are appropriate, and that occupancy calculations are correct.

Appendix E

[Optional]

Uses and Occupancy Classifications determined by *[name of Authority Having Jurisdiction]* to pose a substantial potential hazard to public safety

[AUTHORITY HAVING JURISDICTION may establish Uses and Occupancy Classifications that pose potential hazard to public safety. If Authority Having Jurisdiction establishes such uses and occupancy classifications, the Authority Having Jurisdiction should provide a list, with a brief description, under this appendix E.]

APPENDIX G
Model Operating Permit

[Insert logo]
[here]

[NAME OF AUTHORITY HAVING JURISDICTION]

OPERATING PERMIT

This Operating Permit must be displayed at Premises

Application #: _____

Applicant's Name: _____

Applicant's Address: _____

Contact Person: _____ **Telephone:** _____

Address of Premises for which Operating Permit is requested: same as above

Other (specify): _____

Date of issuance: _____ , 20 _____ **Expiration Date:** _____ , 20 _____

This Operating Permit is issued to the Applicant named above to conduct the activity(ies) and/or to use the class(es) of buildings indicated below at the Premises specified above:

- 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), of the Fire Code of New York State (see 19 NYCRR Part 1225); as described in the Application.
- Conducting a hazardous process or activity; as described in the Application.
- Use of pyrotechnic devices in assembly occupancies; as described in the Application.
- Use of a building containing one or more areas of public assembly with an occupant load of 100 persons or more; as described in the Application.
- Use of a building whose use or occupancy classification has been determined by *[name of Authority Having Jurisdiction]* as posing a substantial potential hazard to public safety; as described in the Application.

The conditions, surroundings and arrangements for the activity(ies) and/or use(es) subject to this Operating Permit shall be in accordance with all applicable laws, ordinances, regulations and the conditions (if any) mentioned below. The Premises shall be subject to periodic inspection by *[name of Authority Having Jurisdiction]* to ensure compliance with applicable all applicable laws, ordinances, regulations and conditions. The Operating Permit is subject to revocation for failure to comply with any applicable law, ordinance, regulation or condition. This Operating Permit shall expire on the earlier of the Expiration Date specified above or on the date of revocation pursuant to the preceding sentence. CONDITIONS (continue on attached sheets, if necessary):

[Name of Authority Having Jurisdiction]

By: _____

Name/Title _____

Violation Complaint Form VCM

CDE-001

Date Received _____ Staff _____ Complainant _____ Phone # _____

1. Property Address _____

City _____ Assessor's Parcel # _____ - _____ - _____
Zoning _____ Parcel Size _____
Property Owner's Name _____ Phone # _____
Owner's Mailing Address _____

2. Nature of the Complaint (Check Box(es) and describe)

Zoning Code Violation(s) Violation No. _____

Health Code Violation(s) Violation No. _____

Building Code Violation(s) Violation No. _____
 CWOP **HAZ/SUB**

Grading / Fill without Permit(s) Violation No. _____

⬇ **CODE ENFORCEMENT STAFF USE ONLY BELOW THIS LINE** ⬆

3. Report of Investigation

Date	

Letter _____ Letter _____ Letter _____
 Recorded Other _____
Priority _____ Date Violation Closed _____ Permit # _____

Code Enforcement Report of Investigation

CDE-001

Date of Inspection _____

Inspector _____

Violation # _____

- Rental Owner Occupied Unknown

Construction without Permits

- New Detached Structure

Approximate Size _____

- Addition

Approximate Size _____

- Other

Grading/Fill without Permits

NPDES

Approximate Quantity Observed _____

Substandard / Hazardous

- Inadequate Sanitation

- Structural Hazards

- Hazardous Electrical Wiring

- Hazardous Plumbing

- Hazardous Mechanical

- Improper Occupancy

Referrals:

- | | |
|---------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Agriculture Commissioner | <input type="checkbox"/> Project Review |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Regional Water Quality Board |
| <input type="checkbox"/> Animal Control | <input type="checkbox"/> Well & Septic |
| <input type="checkbox"/> Army Corps of Engineers | <input type="checkbox"/> City: _____ |
| <input type="checkbox"/> Encroachment | _____ |
| <input type="checkbox"/> Environmental Health | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Fish & Game | _____ |
| <input type="checkbox"/> County Dept. of Transportation | |

Permits Required:

Building

- | | |
|------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Foundation | <input type="checkbox"/> Retaining Walls |
| <input type="checkbox"/> Framing | <input type="checkbox"/> Siding |
| <input type="checkbox"/> Plumbing | <input type="checkbox"/> Electrical |
| <input type="checkbox"/> Roofing | <input type="checkbox"/> Mechanical |
| <input type="checkbox"/> Swimming Pool | <input type="checkbox"/> Structural Roof |
| <input type="checkbox"/> Subject to Field Inspection | <input type="checkbox"/> Mobile Home |
| <input type="checkbox"/> Non-Engineered Plans | <input type="checkbox"/> Engineered Plans |

Grading

- | | |
|-----------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Non-Engineered Plans | <input type="checkbox"/> Engineered Plans |
| <input type="checkbox"/> 1108 | <input type="checkbox"/> Drainage Review |

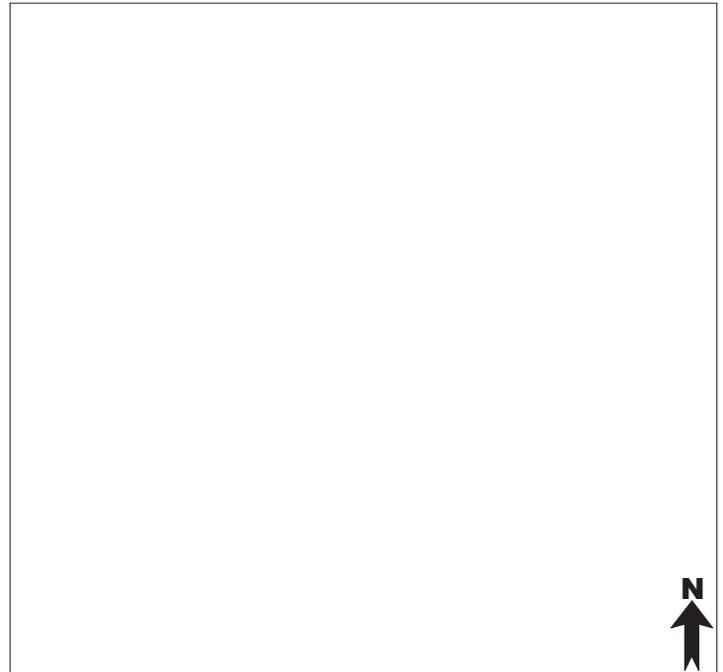
Zoning

- | | | |
|-------------------------------------------------------|---------------------------------|--------------------------------------|
| <input type="checkbox"/> Use | <input type="checkbox"/> Zoning | <input type="checkbox"/> Not Allowed |
| <input type="checkbox"/> Administrative Design Review | | |

Septic

- Abatement Repair
- Connect to Sewer
- Plumbing Repair Permit

Site Plan Sketch
(not to scale)



dpw CDE-001.cdr 06/17/08

Priority Score: (1=Low 20=Highest)

- _____ Threat to Public Safety (1-20)
- _____ Effect on Other People/Properties (1-20)
- _____ No. of People/Properties Impacted (1-20)
- _____ Number of Complaints (5-20)
- _____ Economic Incentive (1-20)
- _____ Culpability of Violator (1-20)
- _____ **Total**

APPENDIX I
Review of Department Files

REVIEW OF FILE CONTENTS:

Location: 6303 Alabama Path (097.-06-10.0)

Case No.: 12-17 (02/28/2012)

Nature: Complaint regarding back yard always being wet

Items in file:

- Complaint form with survey attached
- Inspection report data containing very little detail
- Note the case was closed on 3/21/2012 with a notation there is nothing the town can do as it is a wetland.

Observations/Comments:

- The inspection findings did not clearly indicate what the inspector noted regarding this case.
- There was no letter or notation that the complainant was ever notified regarding the status of this complaint.

APPENDIX I
Review of Department Files

REVIEW OF FILE CONTENTS:

Location: 8320 Anglers Club (051.4-04-05)

Case No: 07-230 (10/2/2007)

Nature: Complaint regarding water from neighbor sump pump coming onto complainant's property.

Items in file:

- Complaint form with survey attached
- Inspection report data containing very little detail
- Note the case was closed on 5/19/2008

Observations/Comments:

- The inspection findings did not have any indication as to findings, only a notation to close the file.
- There was no letter or notation that the complainant was ever notified regarding the status of this complaint.
- The time frame from receipt of complaint to closure was over 7 months.

APPENDIX I
Review of Department Files

REVIEW OF FILE CONTENTS:

Location: 6091 Bethlehem Ln (090.1-03-17.6)

Case No.: 11-199 (08/24/2011)

Nature: Complaint regarding property maintenance and running a junk yard.

Items in file:

- Complaint form with survey and photographs attached
- 23 inspections were noted, again containing little detail
- Letters regarding the violations dated:
- Note the case was closed on 4/27/2012

Observations/Comments:

- The inspection findings did not clearly indicate what the inspector noted regarding this case.
- There was no letter or notation that the complainant was ever notified regarding the status of this complaint.
- The case took over 8 months to bring to conclusion

APPENDIX I
Review of Department Files

REVIEW OF FILE CONTENTS:

Location: 6090 Bethlehem Ln (090.1-03-07.6)

Case No: 11-228 (09/11/2011)

Nature: Complaint regarding sump pump running into the street.

Items in file:

- Complaint form
- Inspection report data containing very little detail

Observations/Comments:

- The inspection findings did not clearly indicate what the inspector noted regarding this case.
- This case remains open one year from the case opening

APPENDIX I
Review of Department Files

REVIEW OF FILE CONTENTS:

Location: 8325 Anglers Club (051.4-02-23.0)

Case No.: 04-346 (10/20/2004)

Nature: Complaint regarding standing water in backyard

Items in file:

- Complaint form with survey and photographs attached
- Inspection notes with limited detail
- Resolution of violation dated 11/08/2004

Observations/Comments:

- The inspection findings did not clearly indicate what the inspector noted regarding this case.
- There was no letter or notation that the complainant was ever notified regarding the status of this complaint.

Case No: 09-39 (04/17/2009)

Nature: Complaint regarding standing water in rear yard easement

Items in file:

- E-mail complaint with photographs attached
- Inspection notes with not a great amount of detail
- Case was closed on 5/27/2010

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Review of Department Files

Observations/Comments:

- The inspection findings did not clearly indicate what the inspector noted regarding this case.
- This case was open for over one year

Case No: **10-295 (11/16/2010)**

Nature: Complaint regarding standing water in back yard easement.

Items in file:

- E-mail complaint with photographs attached dated 11/15/2010
- Note (11/17/2010) that voice message left with complainant

Observations/Comments:

- The inspection findings did not clearly indicate what the inspector noted regarding this case.
- This case has remained open for 22 months which is definitely an issue the Town needs to address

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REVIEW OF FILE CONTENTS:

Location: 6424 Finish Line Trail (097.-06-37.0)

Case No: Permit 12-304 (07/16/2012)

Nature: Construct new single family dwelling

Items in file:

- Copy of permit application
- Proposed placement site plan
- Certificate of insurance for contractor
- Reference to plans on file folder
- Inspections noted on application form with date and inspector initials, however no details of inspection

Observations/Comments:

- The inspection findings did not clearly indicate what the inspector noted regarding this case.
- This case was in the inspection requested basket for scheduled inspection

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REVIEW OF FILE CONTENTS:

Location: 7777 Brewerton Rd (036.-03-04.1)

Case No: 12-247 (06/29/2012)

Nature: Commercial addition at COP

Items in file:

- Application for building permit
- Plan review report
- Architectural narrative dated 5/15/2012
- Certificate of insurance for contractor
- Letter from architect regarding repairs to construction
- Letter from architect regarding shallow foundation system
- Certificate of electrical approval dated 10/15/2010
- Plans by Schopfer Architect for canopy repair and alterations
- Inspections conducted noted on application form with date and initials of inspector but not details of finding

Observations/Comments:

- The inspection findings did not clearly indicate what the inspector noted regarding this case.

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REVIEW OF FILE CONTENTS:

Location: 7739 Cecilia Rd (031.-01-15.0)

Case No: 11-233 (07/29/2011)

Nature: In-ground swimming pool

Items in file

- Application for building permit
- Certificate of insurance for contractor
- Survey / site plan

Case No: 11-234 (07/29/2011)

Nature: Hot tub and platform

Items in file

- Application for building permit
- Certificate of insurance for contractor
- Cut sheet for hot tub
- Survey / site plan
- Construction details for platform

Observations/Comments:

- The inspection findings did not clearly indicate what the inspector noted regarding this case.
- No indication of pool alarm details
- No details on height or nature of pool enclosure
- No final electrical certificate found

