

A Worksession of the Town Board of the Town of Williamson, County of Wayne and State of New York was held in the Town Court Room at 7:00 PM on December 28, 2006. The following were

PRESENT: Supervisor James D. Hoffman
Councilman G. Elliott Warren
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Charles R. Monsees

ABSENT: None

The Board reviewed bills for payment.

The Regular Meeting of the Town Board of the Town of Williamson was held in the Town Court Room following the Worksession and was called to order at 7:30 PM on December 28, 2006 by Supervisor Hoffman with the Pledge of Allegiance. The following were

PRESENT: Supervisor James D. Hoffman
Councilman G. Elliott Warren
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Charles R. Monsees

ABSENT: None

Fred Walvoord, Eileen Loveman; Sun & Record, and the undersigned Town Clerk were also present.

Councilman Verno addressed The Board regarding a concern from Fred Walvoord of Pultneyville. Mr. Walvoord explained the through traffic at Lake Avenue and Jay Street is very dangerous due to speed. He would like to see the south end of Jay Street blocked off. There have been few accidents there nor have there been any other residents complaining about the situation. Jay Street is a Town road. Discussion ensued. The Board suggested he send a letter to the Wayne County Dept. of Transportation or present The Board with a petition. Another option suggested was to contact the State Police or Sheriff to enforce the speed limit, which seems to be the major problem.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to accept the Consent Agenda containing the following items:

- a. previous minutes: December 12, 2006
- b. accept the Supervisor's report for November
- b. pay the Library bills as audited by the Library Board of Trustees:
vouchers 314 - 329, total \$ 9,557.99
- c. to accept the following budgetary transfers:

From:	Amount:	To:
<u>General Fund</u>		
A7310.400 Youth Contr.	\$997.00	A7310.200 Youth Equip.
A9060.800 Hosp & Med	\$244.50	A9055.800 Disability Ins
<u>Water Fund</u>		
F8310.421 Adm. Htg/Gas	\$2849.46	F8330.411 Purification-Chlorine
	\$5434.43	F8330.413 Purification-Fluoride
	\$ 121.88	F8340.415 Trans/Dist. SS
	\$ 45.00	F8340.416 Trans/Dist. WMR
<u>Sewer Fund</u>		
SS8110.400 Adm. Contr	\$ 630.96	SS8110.410 Admin. Bll/Cllt
SS8120.400 Swr Lns Cont	\$1817.06	SS8120.421 Swr Lns Elect.
<u>Library Fund</u>		
L7410.400 Contr.	\$ 538.10	L9055.800 NYS Dis.

The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Orbaker, that Marlene Gulick be appointed as Receiver of Taxes and Assessments for a term to commence January 1, 2007 through December 31, 2007. The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Warren, that Marlene Gulick be appointed as Registrar of Vital Statistics for a term to commence January 1, 2007 through December 31, 2007. The motion was carried.

Supervisor Hoffman stated he has received quotes from NYMIR at \$78,452.49, Selective at \$72,653.58 and Trident at \$65,568.03. The Town has had NYMIR insurance for the last five years. With a \$12,884.00 savings, Supervisor Hoffman recommended the Town go with Trident. Discussion ensued.

Supervisor Hoffman made a motion, seconded by Councilman Orbaker, to authorize the Town Supervisor to contract with Trident Insurance Company for Town insurance coverage for 2007. The motion was carried.

Councilman Warren made a motion, seconded by Councilman Verno, to accept the letter of resignation from Councilman Monsees effective 12/31/2007. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Orbaker, to reappoint Mr. Jay Peters to the Zoning Board of Appeals. His term of office will be for five years, from January 1, 2007 to December 31, 2011. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Warren, to reappoint Mr. Thomas DeMarree to serve on the Planning Board. His term of office will be for seven years, from January 13, 2007 to January 12, 2014. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Orbaker, to reappoint Mr. Don Hoffman as an alternate on the Planning Board. His term of office will be for seven years, from January 13, 2007 to January 12, 2014. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Warren, to authorize up to three members for the Planning Board to attend a presentation by AIA Rochester, of Rochester, New York. The presentation will be held on Tuesday, January 9, 2007. The cost for attendance will be \$25.00 per attendee. The motion was carried.

Councilman Orbaker made a motion, seconded by Councilman Verno, to adopt proposed Local Law #3, 2006 - amending Town Law 68, Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code. The motion was carried.

The Board discussed having a joint meeting with the School Board. They decided to tentatively schedule it for February 27, 2007.

LOCAL LAW #2006-3
Amendment to Chapter 68:

“Building Construction and Fire Prevention”

[HISTORY: Adopted by the Town Board of the Town of Williamson 9-13-1988 by L.L. No. 2-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Electrical inspections -- See Ch. 85.

Flood damage prevention -- See Ch. 92.

Mobile homes -- See Ch. 113.

Subdivision of land -- See Ch. 152.

Zoning -- See Ch. 178.

ARTICLE I
General Provisions

§ 68-1. Title.

This chapter shall be known and may be cited as the "New York State Uniform Fire Prevention and Building Code Administration and Enforcement Law of the Town of Williamson."

§ 68-2. Intent.

The intent of this chapter is to provide for the administration and enforcement of the provisions of all laws, codes, rules, regulations and orders applicable to the location, design, materials, construction, alterations, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures and appurtenances located in the Town of Williamson.

§ 68-3. Adoption of Uniform Code.

The Town of Williamson hereby adopts the Uniform Fire Prevention and Building Code (henceforth referred to as the "Uniform Code") and all subsequent amendments thereto.

ARTICLE II Administration

§ 68-4. Department of Building and Zoning.

There is hereby established the Department to be known as the "Department of Building and Zoning" (hereinafter referred to as "Department"). The purpose of this Department is for the administration and enforcement of the provisions of all laws, codes, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures and appurtenances located in the Town of Williamson.

§ 68-5. Personnel.

- A. Building Inspector. The Department shall be headed by a town employee designated as the Building Inspector, who shall be appointed by the Town Board at a compensation to be fixed by it. The Building Inspector shall report directly to the Town Board or to a Town Councilman so designated by the Board. To qualify for permanent, full-time employment, the Building Inspector shall be duly certified as a code enforcement officer by the Secretary of State of the State of New York.
- B. Assistant Building Inspectors. The Town Board may appoint one or more Assistant Building Inspectors as the need may appear, at a compensation to be fixed by it. To qualify for permanent, full-time employment, an Assistant Building Inspector shall be duly certified as a code enforcement officer by the Secretary of State of the State of New York.
- C. Other employees. The Town Board may appoint such other employees as may be deemed necessary to carry out the functions of the Department, the compensation of such employees shall be fixed by the Town Board.
- D. Acting Building Inspector. The Building Inspector may designate a person to act on his behalf in his absence or in case of his inability to act for any reason. Failing such designation, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act on behalf of the Building Inspector and to exercise all the powers conferred upon him by this chapter.
- E. Fire Marshal. The Town Board may at any time by resolution establish the position of Fire Marshal, which shall be filled by appointment by the Town Board at a compensation fixed by it. The Fire Marshal shall administer and enforce all laws, codes, ordinances, rules, regulations applicable to fire prevention and fire safety of the Uniform Code. The Fire Marshal shall report directly to the Building Inspector and shall be under the latter's direction and supervision. To qualify for employment, the Fire Marshal shall be duly certified as a code enforcement officer by the Secretary of State of the State of New York.

§ 68-6. Municipal cooperation.

To effectuate implementation of the Uniform Code, the Town Board is hereby authorized pursuant to Article 5-G of the General Municipal Law to contract with any municipality for services on an as-needed basis in the administration and enforcement of the Uniform Code.

§ 68-7. Powers and duties of Building Inspector.

It shall be the duty of the Building Inspector to administer and enforce the Uniform Code and all laws, codes, rules and regulations applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures and appurtenances and those applicable to fire prevention and fire safety within the Town of Williamson. In addition to duties specified in this chapter, the Building Inspector shall perform such other duties as may be assigned by the Town Board. An Assistant Building Inspector shall act under the supervision and direction of the Building Inspector and may exercise any portion of the powers and duties of the Building Inspector as he may be directed to do.

§ 68-8. Records and reports of Building Inspector.

The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, rules and regulations promulgated by the town relating to his functions, and notices and orders issued. All such reports shall be public information open to public inspection during those periods established there for by the Building Inspector. The Building Inspector shall make such reports as the Town Board requires and shall report to the Town Board all problems that arise in the administration of this chapter.

§ 68-9. Cooperation of other officers.

- A. The Building Inspector may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of all other municipal officials exercising any jurisdiction over the construction, use of occupancy of buildings or the installation of equipment therein.
- B. The requirements of this chapter are in addition to and not in lieu of those of Chapter 178 of the Williamson Town Code. The Building Inspector and the Zoning Officer may coordinate the administration and enforcement of this chapter and Chapter 178 in terms of deployment of personnel, combined application and certification forms, joint processing of applications and inspections, parallel enforcement actions and such other measures as shall be mutually beneficial to the Building Inspector and Zoning Officer.

§ 68-10. Promulgation of rules and regulations.

- A. The Town Board may by resolution adopt such further procedural/ administrative rules and regulations as the Board deems reasonable to carry out the provisions of this chapter. The Building Inspector may make recommendations to the Town Board to adopt, amend or repeal such rules and regulations as they may relate to efficient administration and enforcement of the provisions of the Uniform Code. Such rules and regulations shall not conflict with the Uniform Code, this chapter or any other provision of law.

B. The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Building Department, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.

C. The Code Enforcement Officer shall annually submit to the Secretary of State on behalf of the Town Board, on a form prescribed by the Secretary, a report of its activities relative to administration and enforcement of the Uniform Code.

ARTICLE III Appeals and Variances

§ 68-11. Appeals to Regional Board of Review. [Amended 3-26-1996 by L.L. No. 2-1996EN]

A. Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, applications for variance consistent with the spirit of the code may be made to the Regional Board of Review in accordance with Part 450 of Title 19 of the New York Code of Rules and Regulations entitled "Uniform Code: Board of Review" as promulgated by the New York Department of State.

B. Whenever it is claimed that the Building Inspector misconstrued the Uniform Code in approving or disapproving any application or granting or refusing to grant any permit or certificate of occupancy, the person affected may appeal from the decision of the Building Inspector to the Regional Board of Review in accordance with Part 450 of Title 19 of the New York Code of Rules and Regulations entitled "Uniform Code: Board of Review" as promulgated by the New York Department of State.

C. The Building Inspector shall maintain a copy of said Part 450 of the New York Code of Rules and Regulations for public inspection and shall obtain and retain a copy of all decisions rendered by the Board of Review pertaining to matters affecting the Town of Williamson.

§ 68-12. Appeals to Zoning Board of Appeals.

Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this chapter that is not also required by the Uniform Code, applications for variances consistent with the spirit of this chapter may be made to the Board of Appeals of the Town of Williamson.

§ 68-13. Time limitations for appeals. [Amended 3-26-1996 by L.L. No. 2-1996]

An appeal taken pursuant to this article from the action of the Building Inspector in approving or disapproving any application or granting or refusing to grant any permit or certificate of occupancy or compliance must be instituted within 60 days after such action by the Building Inspector. If the action involves the issuance of a permit pursuant to Article IV of this chapter, the sixty-day limitation shall commence upon issuance of the permit or the posting thereof as required by § 63-18C, whichever is latter.

ARTICLE IV Permits

§ 68-14. Permit required.

A. No person, firm, corporation, association or other organization shall commence construction, enlargement, alteration, improvement, removal, demolition, conversion or installation therein of any building or structure or change in use the occupancy of any building or structure without first having applied for and obtained a permit from the Building Inspector. No permit shall be required for construction work that is not structural in nature and does not entail installation of plumbing, electrical, heating or ventilation systems or components in addition to such systems already in use. No permit shall be required for work of an ordinary or maintenance nature, except as otherwise stated in this chapter.

B. No permit shall be required for:

- a. 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);
- b. Installation of fences which are not part of an enclosure surrounding a swimming pool.
- c. Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids.
- c. Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- e. Installation of partitions or movable cases less than 5'9" in height;
- f. Painting, wallpapering, tiling, carpeting, or other similar finish work;
- g. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances.
- h. Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- i. Repairs, provided that such repairs do not involve:
 - (1) The removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
 - (2) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

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

§ 68-15. Applications.

- A. Application for a permit shall be made, on forms provided by the town, by the owner or lessee or the agent of either or by the architect, engineer or building employed in connection with the proposed work.
- B. Each application for a permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing location and size of all proposed new construction, as well as the location of all existing structures on the site, distances from lot lines, the relationship of structures on adjacent property, widths and grades of adjoining streets, walks and alleys, watercourses, easements and utilities on the property. Said plans and specifications shall show the size of all proposed new construction, describe the nature and character of the work to be performed and all materials to be incorporated, and where required by the Building Inspector, the details of structural, plumbing, mechanical and electrical work, including computations, stress diagrams and other essential data.
- C. The requirements of Subsection B may be waived by the Building Inspector where it appears that strict application of this section would create an undue hardship and where it further appears that such waiver would not result in a violation by the applicant of any of the other sections of this chapter or of any other law, code, rule, regulation or order.
- D. The application for a building permit shall contain a statement that the proposed work shall be performed in compliance with the Uniform Code and applicable state and local laws. The plans and specifications shall contain sufficient information to permit a determination that the intended work accords with the requirements of the plans shall bear, the signature of the person responsible for the design and drawings, and where required by § 7302, as amended, of Article 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer.
- E. Amendments to any application, plan or specification may be filed at any time prior to commencement of work on the requested change. Such amendments shall likewise be subject to the approval of the Building Inspector.

§ 68-16. Issuance or denial.

- A. The Building Inspector shall review or cause to be reviewed applications for permits, together with the plans, specifications and documents filed therewith.
- B. Upon the payment of the required fee and upon satisfactory proof being given that the applicant is in compliance with this chapter and all other rules and regulations, a permit may be issued as and bear the name and signature of the Building Inspector. Absent payment of the required fee and satisfactory proof of compliance, the application shall be denied.
- C. Any permit granted hereunder shall be limited only to the activity authorized on said permit, and its continued validity shall be subject to the conditions set forth on said permit.
- D. Any permit granted hereunder shall not be transferable, except when transfer is approved by the Building Inspector, and any change in the activity, extent or type of operation, location, ownership or use shall require a new permit.
- E. Permits shall continue for the period designated in § 63-18 of this chapter or until revoked or suspended as provided in § 63-19 of this chapter.
- F. Any application for or acceptance of any permit issued or requested pursuant to this chapter constitutes agreement and consent by the person making the application or accepting the permit to allow the Building Inspector to enter upon the premises at any time to conduct inspections as required by this chapter. Refusal to allow the Building Inspector to conduct said inspections of the premises and their records related to such permit or required to be maintained by this chapter shall constitute sufficient justification for the summary and immediate revocation or suspension of said permit. In addition, should the Building Inspector deem in necessary, he may make an application to any court of competent jurisdiction to obtain a warrant authorizing an inspection of the premises in question.

§ 68-17. Fees.

A schedule of fees shall be adopted by the Town Board and shall be available in the Department of Building and Zoning and in the office of the Town Clerk.

§ 68-18. Commencement and performance of work.

- A. A building permit shall be null and void unless construction has been started within six months of the date of issuance, except that construction shall be completed within 15 months from the date of issuance. When the time of starting construction exceeds the above periods, application may be made for a new permit, which shall be issued upon payment of the established fee and which shall be valid for a period of six months from the date of issuance.
- B. A building permit shall be effective to authorize the commencing of work in accordance with the application plans and specifications on which it is based for a period of six months after the date of issuance. For good cause, the Building Inspector may allow a minimum of two extensions for periods not exceeding three months each.
- C. A building permit shall be kept posted in a conspicuous place on the property or premises covered by the permit period. Posting shall occur within five days of permit issuance and shall continue as long as the permitted activity continues.

§ 68-19. Revocation or suspension.

The Building Inspector shall have the authority to revoke permits issued by them as follows:

- A. Where it is found that there have been false statements or misrepresentations as to a material fact in the application, plans or specifications upon which the permit was granted.
- B. Where it is found that the permit was issued in error and should not have been issued in accordance with the applicable laws, codes, rules, regulations or orders.
- C. Where the person to whom the permit has been issued fails or refuses to comply with a stop-work order duly issued by the Building Inspector.
- D. In the event of a violation of this chapter, the Building Inspector may in addition to the other penalties provided for herein, suspend said permit until such time as the violation is corrected. Should the Building Inspector determine that the violation constitutes a distinct hazard to life or public safety, he may order the premises secured immediately until said violation is abated.

§ 68-20. Stop-work orders.

- A. Whenever the Building Inspector has reasonable grounds to believe that the work on any building or structure is proceeding without permit or is otherwise in violation of the provisions of any applicable law, code, ordinance, rule or regulation or is not in conformity with any of the provisions of the application, plans or specifications on the basis of which a permit was issued or is being conducted in an unsafe or dangerous manner, he shall notify either the owner of the property or the owner's agent or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately suspend all related activities until the stop-work order has been duly rescinded.
- B. Such stop-work order shall be in writing on a form prescribed by the Building Inspector and shall state the reason for the stop-work order, together with the date of issuance. The stop-work order shall bear the signature of the Building Inspector or that of an assistant and shall be prominently posted at the work site.

**ARTICLE V
Inspections**

§ 68-21. Inspections required.

Work for which a building permit has been issued under this chapter shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including but not limited to building location, site, preparation, excavation, foundation, framing, superstructure, electrical, plumbing and heating and air conditioning.

§ 68-22. Responsibility of owner.

It shall be the responsibility of the owner or his agent to notify the Building Inspector when work is ready for each required inspection. Inspections of all work authorized by a building permit shall be on notice not less than one working day prior to the time the inspection is to be scheduled unless otherwise approved by the Building Inspector. All inspections shall be scheduled on regular working days during normal working hours. Failure to request a required inspection shall be cause for rejection of the work subject to inspection.

§ 68-23. Entry upon premises; warrants.

- A. Where permits are required, the Building Inspector may at all reasonable hours enter any building or premises within the Town of Williamson for the purpose of making the required inspections.
- B. The Building Inspector may at any reasonable hour enter any building, with the exception of a single- or two-family dwelling, for the purpose of making any inspection or investigation to ensure compliance with the provisions of this chapter and the Uniform Code.
- C. Should entrance to make an inspection be refused or permission to enter be unable to be obtained, application may be made for a warrant to make such inspection to any court of competent jurisdiction.

§ 68-24. Powers of Building Inspector.

- A. The inspections required by this article must be performed by the Building Inspector or his assistants. The Building Inspector is authorized to order, in writing, the correction of any condition in violation of the Uniform Code found in, on or about any building such orders shall be served in person upon a responsible party set forth in any relevant application for a permit or in any relevant certificate. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition within the specified time shall be subject to a penalty as set forth in Article VIII of this chapter.
- B. A person subject to inspection under this article may be required by the Building Inspector to have such inspection performed at his own cost and expense by a competent inspector acceptable to the Building Inspector. Such inspector may be a registered architect, licensed professional engineer, other certified code enforcement officer or other person whose experience and training has been demonstrated to the satisfaction of the Building Inspector. Such inspector shall certify the results of his inspection to the Building Inspector. Any person required by the Building Inspector to have an inspection performed at his own cost shall not be assessed the fees otherwise prescribed by the Town Board.

ARTICLE VI
Certificates of Occupancy or Compliance

§ 68-25. Certificates required for use.

- A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy or compliance shall have been duly issued by the Building Inspector.
- B. No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a permit, shall continue to be occupied or used for more than 10 days after the completion of the alteration or work unless a certificate of occupancy or compliance shall have been issued by the Building Inspector.
- C. No building shall be converted from one general occupancy classification to another, as such classifications are defined in Part 701 of Title 9 of the New York Codes, Rules and Regulations until a certificate of occupancy or compliance shall have been issued by the Building Inspector. [Added 3-26-1996 by L.L. No. 2-1996]
- D. A certificate of occupancy or a certificate of compliance shall be preceded by an inspection of the building, structure or work. Where applicable, the Code Enforcement Officer may require a written statement of structural observations and/or a final report of special inspections, prepared in accordance with the provisions of the Uniform Code, to 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 shall be received prior to the issuance of the certificate.
- E. A certificate of occupancy or certificate of compliance shall contain the following information:
- 1) The building permit number, if any;
 - 2) The date of issuance of the permit, if any;
 - 3) The name, address and tax map number of the property;
 - 4) If the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
 - 5) The use and occupancy classification of the structure;
 - 6) The type of construction of the structure;
 - 7) The assembly occupant load of the structure, if any;
 - 8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - 9) Any special conditions imposed in connection with the issuance of the building permit; and
 - 10) The signature of the official issuing the certificate and the date of issuance.

§ 68-26. Issuance.

- A. When, after final inspection, it is found that the proposed work has been fully completed in accordance with all applicable building laws, ordinances, rules and regulations, and also in full accordance with the application, plans and specifications filed in connection with the issuance of the permit, the Building Inspector shall issue a certificate of occupancy or compliance upon the form provided by his Department. In the event that it is found that all proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy or compliance and shall order the work completed in conformity with the applicable building regulations.
- B. The certificate of occupancy or compliance shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances and regulations, and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

§ 68-27. Temporary certificates.

Upon request, the Building Inspector may issue a temporary certificate of occupancy or compliance for a building or structure or parts thereof before the entire work covered by the permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or public welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding 30 days from its date of issuance. For good cause the Building Inspector may allow a maximum of two extensions for periods not exceeding 30 days each.

ARTICLE VII
Fire Prevention and Safety Inspections

§ 68-28. Multifamily dwelling units.

All dwelling units in a building consisting of two or more such units shall be inspected for the purpose of determining compliance with safety requirements of the Uniform Code at least once in every 36 months. Inspection of the common areas of such building, such as halls, foyers, staircases, etc., shall be so inspected at least once in every 24 months.

§ 68-29. Areas of public assembly.

Fire safety inspections of buildings or structure with areas of public assembly as defined in Part 606 of Title 9 of the Official Compilation of Codes, Rules and Regulations shall be performed at least once in every 12 months.

§ 68-30. Other buildings.

All other buildings, uses and occupancies (except non-rental, one or two family dwellings) shall be inspected at least once in every 24 months.

§ 68-31. Inspection upon request or complaint.

An inspection of a building or dwelling unit may be performed at any other time upon:

- A. The request of the owner, lessee or authorized agent;
- B. Receipt of a written statement specifying the ground upon which the subscriber believes a violation of the Uniform Code exists; or
- C. Other reasonable and reliable information that such violation exists.

§ 68-31.1 Operating Permits

- A. The Code Enforcement Officer shall issue operating permits for conducting the activities or using the categories of buildings listed below:
 - 1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1(2), 2703.1(3), or 2703.1(4), of the Fire Code of New York State (see 19 NYCRR Part 1225);
 - 2) Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling.
 - 3) Use of pyrotechnic devices in assembly occupancies;
 - 4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
 - 5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Town Board by resolution.
- B. Parties who propose to undertake the types of activities or operate the types of buildings listed in paragraph (A) of this subdivision shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall be provided by the Code Enforcement Officer and 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 as determined by the Code Enforcement Officer.
- C. An inspection of the premises shall be conducted prior to the issuance of an operating permit.
- D. A single operating permit may apply to more than one hazardous activity as determined by the Code Enforcement Officer.
- E. Operating permits for areas of public assembly shall be limited to one year. Operating permits for all other occupancies as noted in paragraph A shall be for not more than three years or shall coincide with the schedule of inspections as required by Section 11 of this law.
- F. Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

§68-31.2 Notification Regarding Fire or Explosion.

- A. The chief of any fire department providing fire fighting services for a property within the Town of Williamson, shall notify the code enforcement official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent, or any fire the origin of which has been traced to the electrical system of any building or structure.

§68-31.3 Unsafe Buildings and Structures.

- A. The Town of Williamson, has made provisions for the restoration, demolition or removal of unsafe buildings in Local Law # 1-1997, Chapter 135, Property Nuisance Abatement.

**ARTICLE VIII
Enforcement**

§ 68-32. Failure to comply.

It shall be unlawful for any person, firm or corporation to construct, alter, repair, remove, move, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provisions of this chapter or fail in any manner to comply with any notice, directive or order of the Building Inspector or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

§ 68-33. Compliance required.

Any individual, partnership, corporation or other firm owning, operating, occupying or maintaining property or premises within the scope of the Uniform Code or this chapter shall comply with all the provisions of the Uniform Code, this and all orders, notices, rules, regulations or determinations issued in connection therewith.

§ 68-34. Notices and appearance tickets.

- A. Whenever it is found that there has been a violation of the Uniform Code, this chapter or any rule or regulation adopted pursuant to this chapter, a violation notice and/or appearance ticket may be issued to the person, individual, partnership or corporation owning, operating or maintaining the premises in which such violation has been noted.
- B. Violation notices shall be in writing; shall identify the property or premises; shall specify the violation or remedial action to be taken; and shall provide that said violation must be corrected within 10 days from the receipt of said violation notice unless said ten-day period shall be modified in the discretion of the enforcement officer issuing such violation notice, or unless a shorter period of time has been prescribed for in this chapter.

C. Violation notices and other orders or notices referred to in this chapter shall be served on the owner or one of the owner's executors, legal representatives, agents, lessees, any tenant or other person occupying the premises or other person having a vested or contingent interest in the premises, either personally or by certified mail, addressed to the last known address, if any, of the owner or one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the last preceding completed record of the receiver of taxes or in the office of the County Clerk.

D. The Building Inspector shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket subscribed by him, directing a designated person to appear in court at a designated time in connection with the commission of a violation of the chapter or any order made there under.

§ 68-35. Penalties for offenses.

A. The provisions of this chapter shall be enforced in accordance with, and the penalties for violation thereof governed by, the provisions of Chapter 1, Article II, of this Code, and applicable to any person who shall violate any provision of this chapter, the Uniform Code, any rules or regulations adopted pursuant to this chapter, or any person who shall violate or fail to comply with any order made there under with the time fixed for compliance therewith, or any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent or their agents or any person taking part or assisting in the construction or use of any building or premises who shall violate the provisions of this chapter, the Uniform Code, rules, regulations or orders issued there under or who shall build in violation of any specifications or plans submitted and approved there under or any certification or permit issued there under. [Amended 10-12-1999 by L.L. No. 1-1999]

B. An action or proceeding in the name of the Town of Williamson, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this chapter, rule or regulation adopted pursuant to this chapter or a violation of any order to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

§ 68-36. Disclaimer.

This chapter shall not be construed to hold any Building Inspector or Assistant Building Inspector or the Town of Williamson responsible for any damages to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect, as required by this chapter or any permit issued there under, nor shall they be liable for any damage to person or property by reason of the Building Inspector's and/or his assistant's exercising their discretion as provided in this chapter.

Section 1. That the Town Code of the Town of Williamson is hereby amended, which shall provide as set forth in Schedule A annexed hereto and made a part hereof.

Section 2. All other local laws and ordinances thereof of the Town of Williamson inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section 3. If any of the provisions in the foregoing local law be decided by a court having jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the foregoing local law as a whole, or any part thereof, other than the part so decided to be unconstitutional or be invalid.

Section 4. This local law shall take effect immediately.

Councilman Verno made a motion, seconded by Councilman Warren, to reappoint Mr. Randy Peck to the Drainage Council. His term of office will be for three years, from January 1, 2007 to December 31, 2009. The motion was carried.

Councilman Orbaker informed the Board regarding a meeting that was held at Whispering Woods concerning drainage problems. An engineer for Whispering Woods did a presentation and gave them options to resolve issues.

Councilman Verno made a motion, seconded by Councilman Orbaker, to authorize the Town Supervisor to enter into an agreement with Wayne County for the Snow & Ice Control on County Roads in the Town of Williamson. This agreement will supercede any existing agreements we now have with the County. The agreement will be effective until May 30, 2007. The motion was carried.

Supervisor Hoffman stated there is a 20% increase from the County for this service.

Councilman Verno made a motion, seconded by Councilman Orbaker, to amend the beginning billing date of the resolution passed on December 12, 2006 setting water rates for Cadbury. The beginning billing date read, January 1, 2007 and should have read, beginning billing date of April 1, 2007. The motion was carried.

Public Comment: No one wished to comment.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to pay the following bills as audited:

<u>Account:</u>	<u>Voucher No.:</u>	<u>Totals:</u>
General Fund	666 through 697	\$ 31,358.11
Youth	111 through 116	
Highway Fund	437 through 451	\$ 114,100.36
Water Fund	361 through 372	\$ 148,739.87
Sewer Fund	226 through 243	\$ 132,167.26
Lighting Dist.	12	\$ 1 3,132.16
<u>Bus. Improv. Dist.</u>	<u>4</u>	<u>\$ 1 388.81</u>
Total:		\$129,886.57

The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Orbaker, to enter into Executive Session for discussion regarding a personnel matter at 7:57 PM. The motion was carried.

Councilman Monsees made a motion, seconded by Councilman Orbaker, to return to Open Session at 8:16 PM. The motion was carried.

Councilman Warren made a motion, seconded by Councilman Verno, to adjourn the meeting at 8:17 PM. The motion was carried.

Respectfully Submitted,

Marlene A. Gulick
Town Clerk