

Local Law No. 3 of 2023 TO AMEND CERTAIN PROVISIONS OF THE CODE OF THE VILLAGE OF WEBSTER

Be it enacted by the **Board of Trustees** of the **Village** of Webster, in the County of Monroe, as follows:

1. This local law shall be entitled “Village of Webster New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) Administration and Enforcement Local Law”

2. Chapter 5 is amended as follows:

§ 5-2 is eliminated and replaced as follows:

§ 5-2. Authorized servers; specific areas of enforcement.

The Code Enforcement Officer, Acting Code Enforcement Officer, Inspectors, and local law enforcement officers are hereby authorized to issue and serve appearance tickets, as defined by § 150.10 of the Criminal Procedure Law, with respect to violations of a state statute, a local law, rule, or regulation of the Village of Webster that such public servants are required or authorized to enforce. Specific areas of enforcement include but are not limited to: fire prevention and building construction, dogs or other animals, solid waste reuse and recycling, Chapter 156 Vehicles and Traffic, Chapter 175 Zoning, and all other zoning or planning regulations related to the health, safety, and welfare of the occupants of any building or of persons subject to the use of property within the Village.

§ 5-4 is deleted in its entirety.

3. Chapter 30 is hereby eliminated in its entirety and replaced by the following:

Chapter 30

Building Construction

Article I

Administration and Enforcement

§ 30-1 Title.

This Article shall be known as the “Village of Webster New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) Administration and Enforcement Law”

§ 30-2 Intent.

It is the intent of this article to provide for the administration and enforcement of the New York

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

§ 30-3 Definitions.

As used in this article, the following terms shall have the meanings indicated:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Inspector” shall mean a Code Enforcement Officer

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Completion” shall mean a document issued by the Village stating that work was done, but not necessarily in compliance with approved construction documents and the Codes.

“Certificate of Compliance” shall mean a document issued by the Village stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the Village certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Village, and indicating that the building or structure, or portion thereof is in a condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to §30-6 of this chapter.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the current Uniform Code and Energy Code and as they may be amended.

“Energy Code” shall mean the current New York State Energy Conservation Construction Code

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adopted pursuant to Article 11 of the Energy Law and as it may be amended.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225 and as it may be amended.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to §30-6 of this chapter.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to §46-5 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of §30-19 of this local law.

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

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226 and as it may be amended.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220 and as it may be amended.

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“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant §30-7 of this chapter.

“Structure” shall mean anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include buildings, walls, fences, billboards, poster panels and pools 24 inches deep or more.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of §30-8 of this local law.

“Town” shall mean the Town of Webster

“Uniform Code” shall mean the current New York State Uniform Fire Prevention and Building Code Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law and as it may be amended.

“Village” shall mean the Village of Webster

§ 30-4 Adoption of standards.

The Village Board of Trustees of the Village of Webster hereby adopts the New York State Uniform Fire Prevention and Building Code (the Uniform Code), and the State Energy Conservation Code (the Energy Code)," and all subsequent amendments thereto.

§ 30-5 Code enforcement officials.

The Building Inspector, Deputy Building Inspector, Fire Marshal, Deputy Fire Marshal, Code Enforcement Officer, and Superintendent of Public Works are code enforcement officials as defined in the Uniform Code.

§ 30-6 Office of the Code Enforcement Officer.

- A. The Board of Trustees of the Village of Webster does hereby establish the Office to be known as the "Office of the Code Enforcement Officer" within the Department of Public Works. The office shall be occupied by a Building Inspector or Acting Building Inspector, and a Deputy Building Inspector and/or one, or several, Inspectors as determined by the Board of Trustees. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

- (1) 1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the

plans, specifications, and construction documents submitted with such applications;

- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Certificates of Completion, Temporary Certificates of Occupancy, and Operating Permits, and to include such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) to conduct construction inspections; inspections to be made prior to the issuance to Certificates of Occupancy, Certificates of Compliance, Certificates of Completion, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;
- (4) to issue Stop Work Orders;
- (5) to review and investigate complaints;
- (6) to issue orders and appearance tickets pursuant to subdivisions (a) and (b) of §30-17 of this local law;
- (7) to maintain records;
- (8) to collect fees as set by the Board of Trustees of this Village;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law;
- (11) Specific powers and duties of Building Inspector and Fire Marshal.
 - (a) Building Inspector. Except as otherwise provided by law, ordinance, rule or regulation, the Building Inspector shall administer and enforce all provisions of laws, codes, ordinances, 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 thereof not specifically delegated as responsibilities of the Fire Marshal.
 - (b) Fire Marshal. Except as otherwise provided by law, ordinance, rule or regulation, the Fire Marshal shall administer and enforce all laws, codes,

ordinances, rules, regulations and orders applicable to fire prevention and fire safety under Chapter 46, Fire Prevention. The Fire Marshal for the Town of Webster shall also act as the Fire Marshal for the Village.

- (c) Joint responsibilities on Uniform Code. The Building Inspector and the Fire Marshal shall jointly administer and enforce those provisions of the Uniform Code dealing with building construction related to fire prevention and fire safety.

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

- B. The Code Enforcement Officer shall be appointed by the Village Board of Trustees, as a Building Inspector, or any such title created in the future, subject to the provisions of the New York State Civil Service Law. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by Village Board of Trustees, subject to the provisions of New York State Civil Service Law, to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- D. One or more Inspectors may be appointed Village Board of Trustees, subject to the provisions of New York State Civil Service Law, to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder. Notwithstanding the above, the Village Board of Trustees shall appoint the Town Fire Marshal as an Inspector who shall report to the Superintendent of Public Works for all matters within the Village.
- E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Village Board of Trustees of this Village.

§ 30-7 Cooperation of municipal officials.

The Building Inspector may request and shall receive, so far as may be necessary in the discharge of the Building Inspector's duties, the assistance and cooperation of all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation

of equipment therein.

§ 30-8 Applicability of standards; continuance of nonconforming conditions.

- A. The provisions of the Uniform Code relating to maintenance, housekeeping and behavior regulations so as to protect life and property against the hazards of fire, explosion and the release of toxic gases arising from the storage, handling or use of combustible or hazardous substances, materials or devices shall apply equally to new and existing buildings and conditions.
- B. The Building Inspector and/or Fire Marshal, as may be appropriate, shall have the authority to permit the continuance of existing conditions not in strict compliance with the terms of this article where the exceptions do not constitute a distinct hazard to life or property.

§ 30-9 Appeals; removal of hazards.

- A. Whenever the Building Inspector or Fire Marshal shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the Uniform Code do not apply or that the intent and meaning of this article have been misconstrued or misinterpreted, the person affected may appeal from the decision of the Building Inspector or Fire Marshal to the State Fire Prevention and Building Code Council of the New York State Executive Law.
- B. The procedures set forth herein for appeals shall not prohibit the Building Inspector or Fire Marshal from immediately removing a hazard or ordering the immediate closing of a building or premises until a violation of this article has been corrected when such hazard or the existence of such violation constitutes a distinct hazard to life or public safety.

§ 30-10 Building Permits.

- A. Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in accordance with the New York State Fire Code. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Village.
 - (1) In all cases where there is to be installation of new plumbing or alteration of existing plumbing, a plumbing permit must be obtained.
 - (2) The Fire Marshal shall issue all permits for solid-fuel-burning appliances, chimneys and/or flues, as governed by § 46-11B in Chapter 46, Fire Prevention.
- B. Exemptions. No Building Permit shall be required for work in any of the following categories:
 - (1) construction of temporary sets and scenery associated with motion picture,

television, and theater uses;

- (2) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) installation of partitions or movable cases less than 5'-9" in height;
- (4) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (5) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (6) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

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

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

- (1) a description of the location, nature, extent, and scope of the proposed work;
- (2) the tax map number and the street address of any affected building or structure;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;
- (5) and at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other

pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

- E. The aforementioned requirements of this section may be waived by the Code Enforcement Officer where it appears that strict application of this section would create an undue hardship and where it further appears that the strict application of this section would not result in a violation by the applicant of any of the other sections of this article or of any other local law, rule or regulation.
- F. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- G. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. All Permits issued shall include a list of required inspections.
- H. Building Permits to be displayed. Building permits shall be visibly displayed at the work

site and shall remain visible until the authorized work has been completed.

- I. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- J. Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid, or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- K. Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- L. Fee. The fee specified in or determined in accordance with the provisions set forth in §30-20 of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

§ 30-11 Issuance of permits; non-transferability; extensions; consent to inspections; consolidated permits.

- A. The Building Inspector and/or Fire Marshal, as may be appropriate, 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 the applicable provisions, rules and regulations of this article, a permit may be issued by and bear the name and signature of the Building Inspector or Fire Marshal, as may be appropriate.
- 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 in said permit.
- D. Any permit granted hereunder shall not be transferable except when transfer is approved by

the appropriate official, and any change in the activity, size, extent or type of operation, location, ownership, or use shall require a new permit.

- E. Permits shall continue until revoked as provided for herein or for a period of time designated at the time of issuance. An extension of the permit time period may be granted, provided that satisfactory justification can be shown for failure to start or complete the work or activity authorized within the required time period.
- F. Any application for or acceptance of any permit issued or requested pursuant to this article constitutes agreement and consent by the person making application or accepting the permit to allow the Building Inspector and/or Fire Marshal to enter upon the premises at any and/or during reasonable/normal working hours to conduct inspections as required by this article. Refusal to allow the Building Inspector or Fire Marshal to conduct said inspections of the premises and their records related to such permit or required to be maintained by this article shall constitute sufficient justification for the summary and immediate revocation or suspension of said permit. In addition, should the Building Inspector or Fire Marshal deem it necessary, either may make an application to any court of competent jurisdiction to obtain a warrant authorizing an inspection of the premises in question.
- G. Consolidated permits. When more than one permit is required by the Fire Marshal for the same property or premises, a single permit may be issued listing all materials or operations covered. Revocation or suspension as set forth herein of a portion or portions of such consolidated permit for specific hazardous materials or operations may, at the sole discretion of the Fire Marshal, be sufficient cause to revoke or suspend the other permitted activities.

§ 30-12 Expiration of permits, approvals and variances.

Any approval issued by any Village official under this article, any zoning variance, any subdivision approval granted under Chapter 137, Subdivision of Land, and any other permit of any kind which is approved under this article shall expire if the construction or use permitted by such approval, variance or permit is not begun within 6 months after the granting of the approval, variance or permit. The recipient of any such approval, permit or variance may apply to the Board or official who issued the approval, permit or variance for an extension of up to 6 months in which to begin construction. This section shall apply to all permits, approvals and variances granted before the effective date of this article or hereafter.

§ 30-13 Construction Inspections.

Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection. Notification to the Code Enforcement Officer shall not be less than 48 hours prior to the requested inspection time. Failure to request a required inspection shall be cause for rejection of the work or an order to expose the work for inspection.

- A. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
 - (1) work site prior to the issuance of a Building Permit;

- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
 - (a) Inspections of the installation of any solid-fuel-burning heating appliances and associated chimneys and flues shall be conducted by the Fire Marshal. No person shall use or permit the use of any solid-fuel-burning appliance, chimney or flue which has been installed, constructed, reconstructed, repaired or altered or which has been subjected to a chimney fire unless and until said appliance, chimney or flue has been inspected by the Fire Marshal and a certificate of compliance issued by the Fire Marshal. Failure to comply with these provisions is a violation of this article and is grounds for ordering that the premises be vacated.
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energyrecovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
- (11) any other inspection required to ensure compliance with the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the State Energy Conservation Construction Code (the Energy Code), or this any local law; and
- (12) a final inspection after all work authorized by the Building Permit has been completed.

- B. Remote Inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination concerning the work, then an in-person inspection shall be performed.
- C. Inspection Results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- D. Upon written complaint of any person, duly affirmed under penalty of perjury, alleging a violation of this article or of the Uniform Code, the Code Enforcement Officer shall investigate the complaint and make written report to the complainant, the owner of the property, the Mayor, and the Village Board.
- E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 30-20 of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 30-14 Stop-work orders.

- A. Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
 - (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work; or
 - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a

- Building Permit has or has not been issued for such work; or
- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail or certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail or certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order. The Stop Work Order shall bear the signature of the Code Enforcement Officer and shall be prominently posted at the work site.
- D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.
- E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 30-19. of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§ 30-15 Inspections; complaints.

- A. Fire safety inspections shall be conducted on a regular schedule by the Fire Marshal. All areas of public assembly shall be inspected at least once each year. Multiple dwellings and all nonresidential occupancies shall be inspected at least once every two years. Dwellings shall be inspected only upon bona fide complaints or upon the request of the owner or occupant.

- B. The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. Should entrance to inspect 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.
- C. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:
- (1) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
 - (2) if a violation is found to exist, providing the owner of the property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in §30-19 of this local law;
 - (a) Notices of Violation shall be in writing, shall identify the property or premises, shall specify the violation and remedial action to be taken, and shall provide a reasonable time limit for compliance.
 - (b) Notices of Violation may be served by personal service, by mailing by registered or certified mail, by posting a copy thereof in a conspicuous place on the premises and by mailing a copy thereof to the premises on the same day as posted, enclosed in a postpaid wrapper addressed to the person responsible.
 - (c) In case the owner, lessor, occupant, or the agent of any of them shall fail, neglect, or refuse to remove, eliminate, or abate the violation within the time specified in the Notices of Violation, an appearance ticket will be issued by the Code Enforcement Officer or Inspector.
 - (3) if appropriate, issuing a Stop Work Order.
- D. If a violation was found to exist that is abated or corrected, the Code Enforcement Officer shall perform an inspection to ensure that the violation has been abated or corrected, and shall prepare a final written report reflecting such abatement or correction, which report shall be filed with the complaint.

§ 30-16 Certificates of occupancy/certificates of compliance.

- A. A Certificate of Occupancy or 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 Certificate of Compliance.

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

- (1) A written statement of structural observations and/or a final report of special inspections; and
- (2) Flood hazard certifications, where applicable.
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

C. 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 building permit, if any;
- (3) The name, address and Tax Map number of the property;
- (4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;
- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The assembly occupant load of the structure, if any;
- (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) Any special conditions imposed in connection with the issuance of the building permit;
and

(10) The signature of the Building Inspector issuing the certificate of occupancy/certificate of compliance and the date of issuance.

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

E. A certificate of occupancy for a multiple-family dwelling, or a commercial or industrial building shall expire upon the first to occur of the following:

(1) Change in use

(2) Sale or transfer of title, other than a sale or transfer that is:

(a) A transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer; or

(b) A transfer is to a person or persons related by blood, marriage or adoption to the transferor or to one or more of the transferors or to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor); or

(c) A transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.

- (3) Reoccupying a building or portion thereof after it has remained vacant or unoccupied for a period of 200 days;
- (4) Sixty days following the issuance of a second or subsequent Order to Remedy or appearance ticket under § 30-19 of this Code unless such violation has been cured during that sixty-day period.

Inspections and issuance of renewal certificates of occupancy for a multiple-family dwelling, or a commercial or industrial building shall be governed by the standards described in the Property Maintenance Code of New York State.

- F. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate
- G. Certificates of Completion. A certificate of completion may be issued by the Village, following the request of a property owner and inspection by the code enforcement officer, to certify that work was completed on or for a building or structure, but not necessarily completed in compliance with approved construction documents or the Uniform Code or Energy Code.
- H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 30-20 of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, Certificate of Completion, or for Temporary Certificate of Occupancy.

§ 30-17. Notification Regarding Fire or Explosion.

The Chief of any fire department providing firefighting services for a property within this Village shall promptly notify the Fire Marshal, deputy Fire Marshal, or if not available, the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

§ 30-18. Unsafe Buildings, Structures, and Equipment and Conditions of Imminent Danger.

- A. Purpose. Unsafe buildings pose a threat to the health and safety of the residents of the Village of Webster. Buildings may become unsafe by reason of fire, damage caused by other elements, age and/or general deterioration. Vacant buildings that are not properly secured serve as attractive nuisances for young children and provide a place for older children and transients to congregate unsupervised. A dilapidated building may also serve as a place of rodent or other infestation, creating a health menace to the community. The

outdoor storage, accumulation, deposit, or placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, solid waste, appliances, machinery or equipment of any kind, or garbage upon private property likewise threatens the health, safety and welfare of the residents of the Village of Webster. It is the purpose of this section to promote the public health, safety, and general welfare of the residents of the Village of Webster by providing for a procedure and process to deal with unsafe buildings by requiring that they be either repaired or demolished and removed and to deal with unsafe property by requiring that accumulated debris, junked motor vehicles, appliances, machinery, garbage and solid waste be removed.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

APPLIANCE- Includes any device or piece of equipment designed for a specific, normally domestic, task. Examples include, but are not limited to; outdoor grills, stoves, washing machines, dryers, dishwashers, refrigerators, freezers, cooktops and wood burning stoves.

BUILDING — Includes any building, structure or portion thereof used for residential, business, agricultural, industrial, or other use.

DEBRIS — Includes all materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads, as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal storm-related cleanup. Such materials shall include, but not be limited to, bricks, concrete and other masonry material, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non asbestos insulation, roofing shingles, asphalt pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum or vinyl flooring, metals or combinations thereof which are incidental to construction, excavation, renovation, equipping, remodeling, repair or demolition. Notwithstanding the foregoing, materials that are being used on the owner's premises for an ongoing improvement for which a building permit is in effect shall not be deemed to be "debris," provided that, if stored outside, they are covered by tarps or the equivalent to protect the materials from the weather.

EQUIPMENT- Includes a tangible item that is functionally complete for its intended purpose. Examples include, but are not limited to; hand tools, electronics, furniture and tool boxes.

GARBAGE — Includes all putrescible animal and vegetable waste resulting from the growing, processing, marketing and preparation of food items, including containers in which packaged, and animal feces from household pets.

JUNKED MOTOR VEHICLE — Includes a motor vehicle which is wrecked, abandoned, dismantled or partially dismantled and which is in such a deteriorated condition that it cannot be legally operated upon the public highways without substantial repairs. With respect to any motor vehicle not required to be licensed or motor vehicles not usually used on public highways, the fact that such motor vehicle has remained unused for six months or

more and is not in condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a junked motor vehicle.

MACHINERY- Includes any mechanical device used to perform a function that is not a Motor Vehicle. Examples include, but are not limited to; lawn mowers, snow blowers, plows, tractors, and implements.

SOLID WASTE — Includes all putrescible and non-putrescible materials and substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including but not limited to household and commercial garbage, industrial waste, rubbish, debris, litter and ashes.

UNSAFE BUILDINGS AND STRUCTURES —

(1) Buildings or other structures which have any of the following defects:

- (a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (b) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of non-supporting, enclosing or outside walls or covering.
- (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Those which have been damaged by fire, wind, snow load or other causes so as to have become dangerous to the life, safety and general welfare of the residents of the Village of Webster.
- (e) Those which have become or are so dilapidated, decayed, unsafe or unsanitary that they are unfit for occupation by humans or animals or for use for storage.
- (f) Those buildings intended or used for human occupation that are inadequate to protect the health, safety and general welfare of human residents living therein.
- (g) Those buildings that lack adequate facilities for ingress and egress in case of fire or other emergency or those having insufficient stairways, elevators, fire escapes or other means of escape.
- (h) Those which have parts thereof which are so attached that they may fall and injure persons on the property or members of the general public or cause damage to other property.
- (i) Those buildings and structures which violate the provisions of the New York State

Uniform Fire Prevention and Building Code, the Zoning Law of the Village of Webster, the Property Maintenance Code of New York State, the Building Code of New York State, the Fire Code of New York State, the Residential Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Energy Code of New York State and any other applicable laws of the State of New York, County of Monroe or Village of Webster.

- (j) Any building which remains vacant and unattended continuously for a period of one year or longer, without adequate safeguards to prevent unauthorized entry.
- (2) This Code provision shall be applicable to all properties in the Village of Webster, whether existing at the time of the adoption of this provision or constructed thereafter.

UNSAFE PROPERTY — Includes a property upon which debris, garbage, junked motor vehicles, machinery, appliances, rubbish and/or solid waste have been allowed to accumulate to the extent that their presence constitutes a hazard to public health by creating a hazardous condition for those persons entering onto the property whether by invitation or in response to emergency calls, provides a habitat for rats and other undesirable animals or creates an eyesore to the community.

C. Notification of unsafe condition; demolition or reconstruction.

- (1) When a building has been damaged by a fire or explosion, it shall be the obligation of the owner to notify the Code Enforcement Official of such occurrence within 72 hours after such occurrence. Notwithstanding this notification requirement, if the Code Enforcement Official has already been notified of the damage, this notice provision shall be waived.
- (2) If fire, explosion or other natural disaster or general neglect shall render the building so damaged as to be incapable of being occupied or used in accordance with the New York State Uniform Fire Prevention and Building Code and/or Chapter 175, Zoning, of the Code of the Village of Webster, the owner of such building shall also, within 72 hours after such occurrence or, in the case of a building that has become deteriorated by general neglect, within 72 hours after being notified by the Code Enforcement Official of the deterioration of the building into an unsafe condition, seal said building against access by unauthorized persons and shall clear the site of debris incident to the occurrence within two weeks after the occurrence.
- (3) Within 60 days after an occurrence as set forth in Subsection C(2) above, the owner shall notify the Code Enforcement Official in writing of his or her intent to either demolish the building and not rebuild or to rebuild the building. The owner shall have the right to request a sixty-day extension if the delay is caused by circumstances beyond his control, including but not limited to delay in settlement with his insurance company.
- (4) If the owner notifies the Code Enforcement Official of his intent to demolish the

building and not rebuild, the owner must commence demolition within 30 days thereafter and demolition must be completed, and all debris removed within 30 days thereafter (60 days after notice of election to demolish).

- (5) If the owner notifies the Code Enforcement Official of his intent to rebuild or reconstruct the building, application for a building permit must be obtained within 60 days after notice of election to rebuild. The owner shall have a total of six months to complete the rebuilding or reconstruction of the building but shall have the right to request an extension if necessary to finish the reconstruction; provided, however, that during such period the building must remain secured as to not present a hazard to the public. The Code Enforcement Official shall grant an extension if it appears that rebuilding or reconstruction is continuing and that during such rebuilding or reconstruction the building is secured so as not to create a hazard to the public. Any extension granted by the Code Enforcement Official shall not extend beyond one year following the election to rebuild unless the consent of the Village Board to a further extension is granted.

D. Investigation and report.

- (1) Upon receipt of a report filed with the Code Enforcement Official in accordance with Subsection C above or when, in the opinion of the Code Enforcement Official or upon receipt of information from another source that a building or structure is or may be an unsafe building as defined in Subsection B hereof, the Code Enforcement Official shall cause or make an inspection of the same and report in writing to the Village Board of his findings and any recommendations in regard to the unsafe building or structure, its repair or demolition and removal. The Code Enforcement Official shall be required to identify himself to any reputed owner or occupant thereof. If in the opinion of the Code Enforcement Official an interior inspection is warranted, the Code Enforcement Official shall have the authority to obtain an administrative search warrant.
- (2) Upon receipt of a complaint from a person indicating that a property may have been rendered an unsafe property due to the accumulation of debris, junked cars, appliances, machinery, equipment, rubbish and/or solid waste on a property or upon personal observation by the Code Enforcement Official, the Code Enforcement Official shall be required to identify himself to any reputed owner or occupant thereof. If, following an inspection, the Code Enforcement Official believes that the property is in violation, the Code Enforcement Official shall serve or caused to be served notice, in person or by certified mail, upon the owner or owner's agent and upon the occupant or lessee of the property, if applicable. Said notice shall specify the name of the owner, the address of the property where the violation exists, the SBL number of the property, and a statement of the conditions that exist on the property that make the property in violation of this section and shall demand that the items which have resulted in the violation be removed within 10 days following receipt of written notice of violation. The Code Enforcement Official shall inspect the property 10 days after the giving of written notice, as provided above, and if violations have been corrected, the matter shall be deemed closed. If the violations have not been corrected, the Code Enforcement Official shall file a report to

the Village Board.

E. Village Board order. The Village Board shall review the report submitted by the Code Enforcement Official and by resolution determine if, in its opinion, based solely upon the report, it is indicated that the building is an unsafe building or that the property is an unsafe property, as defined herein, and, if it so finds, order that a hearing be held before the Village Board to determine whether the building is an unsafe building or the property is an unsafe property, as defined herein, with notice to the owner of the building or property.

F. Contents of notice; noncompliance.

(1) The notice shall contain the following:

(a) A description of the premises, including tax account number and street address.

(b) A statement of the particulars in which the building or property is unsafe or dangerous.

(c) An order outlining the manner in which the building is to be made safe and secure, or demolished and removed, or the manner in which the property is to be rendered safe.

(d) A statement that the securing or removal of such building or the removal of the debris, junked motor vehicles, rubbish, machinery, appliances, equipment, and/or solid waste shall commence within 30 days following a further decision of the Village Board rendered following the hearing specified hereafter and shall be completed within 60 days thereafter, unless for good cause shown the Village Board shall extend such time.

(e) A date, time, and place for a hearing set by the Village Board before the Village Board in relation to such dangerous or unsafe building, or unsafe property which hearing shall be scheduled not less than 15 business days from the date of service of the notice.

(2) The notice shall further state that, in the event of the refusal or neglect of the person so notified to comply with the order of the Village Board following the hearing, the Village Board may provide for the repairing and securing or demolition and removal of such building or the removal of the debris, junked motor vehicles, appliances, machinery, equipment, rubbish and/or solid waste either by Village employees or by contract and that the expenses of such repairing and securing or demolition and removal will be assessed back against the owner in accordance with Subsection L of this section.

(3) As an alternative, the Village Board may, in its discretion, elect to direct the Code Enforcement Official to apply to the Supreme Court of the State of New York for an order directing that the building be repaired and secured or demolished and removed or that the property be cleaned up.

- G. Service of notice. Said notice shall be served personally upon the owner as shown by the records of the Town of Webster Assessor or the Monroe County Clerk's office. In the event that the reputed owner is deceased, service shall be made upon the owner's executors, legal representatives, agents, lessees, heirs or distributees, as determined after review of Surrogate Court or other relevant records. If no such person can be reasonably found, such notice shall be served by mailing, both by regular and certified mail addressed to the last known address, if any, of the owner or the owner's executors, legal representatives, agents, lessees, heirs or distributees. If such notice is served by regular and certified mail, a copy of such notice shall be posted on the premises.
- H. Filing of notices. A copy of the notice served as provided herein shall be filed in the Monroe County Clerk's office in the same manner as provided for in the case of a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules of the State of New York and shall have the same effect as the filing of a notice of pendency as provided therein. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon an order of a judge or justice of a court of record or upon the consent of the Attorney for the Village. The County Clerk shall mark such notice and record or docket thereof as canceled of record upon the presentation and filing of such consent or a certified copy of such order. In addition, a copy of said notice shall be filed in the office of the Webster Village Clerk.
- I. Hearing, determination, and order.
- (1) At the time and place specified in the notice issued pursuant to Subsection F of this section, the Village Board shall conduct a hearing to review the report prepared by the Code Enforcement Official, the testimony of the Code Enforcement Official and such other evidence as the owner or Code Enforcement Official shall introduce having relevance to the proceedings. At such hearing, the owner, his executor, legal representative, agent, lessees, heirs, or distributees shall be entitled to introduce evidence to rebut the report submitted by the Code Enforcement Official and his testimony, including but not limited to the owner's own testimony, photographic evidence, reports of licensed Building Inspectors and other relevant evidence. In addition, the owner shall have the right to request the Village Board to personally visit the building and/or the property.
- (2) At the close of the hearing, the Village Board shall by resolution affirm, modify, or rescind its initial decision and order. If the initial order is affirmed or affirmed with modification, the Village Board shall issue an order directing that the owner shall, within 30 days following the service upon the owner of the Village Board's order following the hearing, commence with the repairing and securing of the building or the demolition and removal of the building in accordance with the order of the Village Board or in the case of an unsafe property that the owner shall remove and dispose of the items that have rendered the property unsafe and that such repairing and securing or demolition and removal shall be completed within 60 days thereafter.

J. Repair or demolition by Village.

- (1) If the owner shall fail to commence repairing and securing or demolishing and removing the building or cleaning up of the property within 30 days following service upon the owner of the order of the Village Board following the hearing or fails to complete said repairing and securing or demolition and removal or cleaning up of the property within 60 days thereafter, the Village Board may provide for the repairing and securing of the building or the demolition and removal of the building or cleaning up of the property by Village employees or by contract and that said expenses be assessed back against the owner in accordance with Subsection L hereof. Except in the case of an emergency as provided in Subsection K hereof, any contract for the repairing and securing or the demolition and removal of a building in excess of the monetary limits established in § 103 of the General Municipal Law shall be awarded by the Village Board through competitive bidding.
- (2) As an alternative, the Village Board may, in its discretion, elect to direct the Code Enforcement Official to apply to the Supreme Court of the State of New York for an order directing that the building be repaired and secured or demolished and removed or that the property be cleaned up and the items that render it unsafe be removed and disposed of properly.

K. Emergency actions. Where the Village Board determines that there is a clear and imminent danger to the life, safety or health of persons and/or property unless an unsafe building is immediately repaired and secured or demolished and removed or unless an unsafe property is immediately cleaned up with items rendering it unsafe removed, the Village Board may by resolution authorize the Code Enforcement Official to immediately cause the repair or demolition of such unsafe building and/ or the cleaning up of the property and removal of the items that rendered the property unsafe. The expenses of any repair and securing or demolition and removal shall be a charge against the real property upon which such unsafe building is located and shall be assessed, levied, and collected as provided for in Subsection L hereof.

L. Assessment and collection of Village's expenses. All expenses incurred by the Village in connection with proceedings to compel the repair and securing or demolition and removal of an unsafe building and any cost of the actual repair and securing or demolition and removal and the cost of cleaning up an unsafe property and removal of all items that have caused the property to become unsafe shall be assessed upon the real property upon which such unsafe building or the unsafe property is located and shall be levied and collected in the same manner as provided for in Article 5 of the Village Law for the levy and collection of special ad valorem assessments.

§ 30-19 Violations.

A. Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure,

or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- B. Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code or this local law as described in Chapter 5 of this local law.
- C. Penalties. In addition to such other penalties as may be prescribed by State law,
 - (1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days, or both; and
- D. Injunctive Relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of

Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Trustees of this Village.

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

§ 30-20 Fees.

A fee schedule shall be established by resolution of the Board of Trustees of this Village. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Certificate of Completion, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law. Fees associated with the work of the Fire Marshal shall be charged and collected based upon the schedule of fees adopted by Webster Town Board, from time to time.

§ 30-21 Climatic and Geographic Design Criteria.

- A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Village as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria

to be so determined shall include but shall not necessarily be limited to, the following:

- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
 - (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
 - (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
 - i. the accompanying Flood Insurance Rate Map (FIRM);
 - ii. Flood Boundary and Floodway Map (FBFM); and
 - iii. related supporting data along with any revisions thereto.
- B. The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

§ 30-22 Recordkeeping.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
- (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;
 - (5) all statements and reports issued;

- (6) all complaints received;
- (7) all investigations conducted;
- (8) all fees charged and collected; and
- (9) all other features and activities specified in or contemplated by this Chapter 30.

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

§ 30-23 Program review and reporting.

- A. The Code Enforcement Officer shall monthly submit to the Board of Trustees of this Village a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in §30-22 of this local law and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Village is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§ 30-24 Indemnification of Village.

This article shall not be construed to hold any Code Enforcement Officer of the Village of Webster, or Inspector, or the Village of Webster responsible for any damages to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect as required by any permits under this article, nor shall the Code Enforcement Officer or the Village be liable for any damage to persons or property by reason of the Building Inspector's and/or Fire Marshal's exercising their discretion as provided in this article.

§ 30-23 Conflict with other provisions.

In the event that the provisions of this article shall be in conflict with any other law, rule or regulation, the more stringent provision shall govern.

4. Chapter 46 is hereby eliminated in its entirety and replaced by the following:

Chapter 46 Fire Prevention

Article I Adoption of Standards

§ 46-1 Adoption of standards, Definitions

- A. The Village Board of the Village of Webster hereby adopts the New York State Uniform Fire Prevention and Building Code (the Uniform Code), and the State Energy Conservation Code (the Energy Code)," and all subsequent amendments thereto.
- B. The terms defined in §30-3 of this code shall have the same meanings when used in this chapter.

Article II Administration and Enforcement

§ 46-2 Scope; hazardous conditions.

- A. This Article shall provide the basic method for administration and enforcement of the Uniform Code and Energy Code and shall establish powers, duties, and responsibilities in connection therewith.
- B. The provisions of this code shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the opinion of the Fire Marshal or Deputy Fire Marshals.
- C. Whenever the Fire Marshal or duly authorized assistant deems that a violation, condition, or situation as set forth in this code constitutes a distinct hazard to life or public safety, said officer may remove the hazard and/or order the building or premises immediately closed to the public until said violation, condition or situation is corrected at the owner's expense.

§ 46-3 Administration.

- A. The Village Board of the Village of Webster hereby appoints any duly appointed Town of Webster Fire Marshal or Deputy Fire Marshal as Fire Marshal or Deputy Fire Marshal in the Village of Webster to administer and enforce the New York State Uniform Fire Prevention and Building Code and this chapter as it relates to fire prevention, control and investigation within the Village of Webster.
- B. The Fire Marshal in charge of the Office of the Fire Marshal as well as the Deputy Fire Marshal shall report to the Superintendent of Public Works for matters related to the area

within the Village of Webster.

- C. The Chiefs of the Fire Departments that serve the Village of Webster may detail such members of their Fire Departments as inspectors as shall from time to time be necessary in the opinion of the Fire Marshal and upon the Fire Marshal's request therefor.
- D. The Office of the Fire Marshal shall investigate the cause, origin and circumstances of every fire occurring in the municipality which is of suspicious nature, or which involves the loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigation shall commence immediately following extinguishment of such fire with the approval of the fire officer in charge, and, if it appears that such fire is of suspicious origin, the Chief of the Fire Department shall be immediately notified of the facts. The Office of the Fire Marshal shall preserve immediately any physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. The foregoing shall be without prejudice to the right of the Fire Officer in charge to notify the proper authorities directly and to turn over the evidence gathered at the scene of the fire to such authorities.
- E. Every structure fire shall be reported to the Office of the Fire Marshal after the occurrence of the same as soon as practicable by the Fire Officer in charge. Furthermore, the Office of the Fire Marshal shall be notified upon the occurrence of a working fire as soon as possible.
- F. A report of the Office of Fire Marshal shall be made monthly and annually and transmitted to the Village Board, Town Board, Fire Commissioner and Chiefs of each district of the town; it shall contain all proceedings under this code, with such statistics as the Fire Marshal may wish to include therein. The Fire Marshal shall also recommend amendments to the code which, in the Fire Marshal's judgment, shall be desirable. Itemized reports of complaints shall be kept separate, Village from Town.

§ 46-4 Adoption and publication of rules and regulations.

- A. The Webster Village Board may adopt rules and regulations for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code. Such rules and regulations shall not conflict with the New York State Uniform Fire Prevention and Building Code, this Chapter, or any other provision of law.
- B. The Village Clerk of the Village of Webster shall publish all rules and regulations at least 30 days prior to the effective date thereof in a newspaper of general circulation within the Village of Webster.

§ 46-4 Fire Prevention Permit procedures.

- A. Upon the payment of a fee as prescribed in the schedule of fees adopted by the Webster Village Board by resolution from time to time, permits shall be issued by and bear the name and signature of the Fire Marshal of the Village of Webster and shall specify:
 - (1) The activity or operation for which the permit is issued.

- (2) The address or location where the activity or operation is to be conducted.
 - (3) The name and address of the permittee.
 - (4) The permit number and date of issuance.
 - (5) The period of permit validity.
- B. Permits shall not be transferable, and any change in activity, operation, location, ownership or use shall require a new permit.
- C. Permits shall continue until revoked or for a period of time designated at the time of issuance. An extension of the permit time period may be granted, provided that a satisfactory reason can be shown for failure to start or complete the work or activity authorized within the required time period.
- D. Permits shall be obtained for the following:
- (1) Acetylene generators: to operate an acetylene generator, carbide capacity exceeding five pounds.
 - (2) Automobile tire rebuilding plants: to operate an automobile tire rebuilding plant.
 - (3) Automobile wrecking yards: to operate an automobile wrecking yard.
 - (4) Bowling establishments: for bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.
 - (5) Cellulose nitrate motion-picture film: to store, keep or have on hand more than 25 pounds of cellulose nitrate motion-picture film.
 - (6) Cellulose nitrate plastics (pyroxylin):
 - (a) To store, keep or have on hand more than 25 pounds of cellulose nitrate plastics (pyroxylin) motion-picture film.
 - (b) To manufacture articles of cellulose nitrate plastics (pyroxylin), which shall include the use of cellulose nitrate plastics (pyroxylin) in the manufacture or assembling of other articles.
 - (7) Combustible fibers: to store, handle or use combustible fibers in quantities in excess of 100 cubic feet, except agricultural products on a farm.
 - (8) Combustible materials: to store combustible materials, including but not limited to empty combustible packing cases, boxes, barrels or similar containers, rubber tires, baled cotton, rubber, cork, or other similar materials in excess of 2,500 cubic feet gross volume, on any premises.
 - (9) Compressed gases.

- (a) To store, handle or use at normal temperatures and pressures more than:
 - i. Two thousand cubic feet of flammable compressed gas.
 - ii. Six thousand cubic feet of nonflammable compressed gas.
 - (b) To store, handle or use any quantity of liquefied natural or hydrogen gas.
- (10) Cryogenics: to store, handle or use cryogenic fluids used as a motor fuel and stored in motor vehicle tanks as follows:
- (a) Production, sale, or storage of cryogenic fluids.
 - (b) Storage or use of flammable cryogenic fluids, cryogenic oxidizers or liquefied oxygen in excess of 10 gallons.
- (11) Dry-cleaning plants: to use in excess of four gallons of solvents or cleaning agents classified as flammable or combustible.
- (12) Dust-producing plants: to operate any grain elevator, flour, starch or feed mill, woodworking plant or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, sulfur or other materials producing explosive-potential dust.
- (13) Explosive ammunition and blasting agents.
- (a) To manufacture, possess, store, sell or otherwise dispose of explosives and blasting agents.
 - (b) To use explosives or blasting agents.
 - (c) To operate a terminal for handling explosives or blasting agents.
- (14) Fireworks: for the public or private display of fireworks. See also § **46-11(I)**.
- (15) Flammable and combustible liquids:
- (a) To store, handle or use flammable liquids in excess of 6 1/2 gallons inside any building or other occupancy or in excess of 60 gallons outside of any building.
 - (b) This shall not apply to:
 - i. Liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine, boat, or portable heating plant.
 - ii. Paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes.
- (16) Flammable finishing: for spraying, coating or dipping operations utilizing

flammable or combustible liquids.

- (17) Fruit-ripening process: to conduct a fruit-ripening process using ethylene gas.
- (18) Fumigation and thermal insecticidal fogging: to conduct fumigation or thermal insecticidal fogging operations.
- (19) Hazardous chemicals.
 - (a) To store, handle or use more than 55 gallons of corrosive liquids or more than 50 pounds of oxidizing materials or more than 10 pounds of organic peroxides or more than 50 pounds of nitromethane or 1,000 pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures containing 60% or more ammonium or any amount of toxic material or poisonous gas.
 - (b) To store, handle or use any quantity of air-reactive, water-reactive or unstable materials.
- (20) Junkyards: to operate a junkyard.
- (21) Liquefied petroleum gas: for each installation of liquefied petroleum gas employing a container or an aggregate or interconnected containers of 500 gallons or more of water capacity and for each permanent installation, irrespective of size of containers, made at buildings in which 20 or more persons congregate for civic, political, educational, religious, social, or recreational purposes. Installers shall maintain a record of all installations and replacement of portable cylinders and have it available for inspection.
- (22) Lumberyards: to operate a lumberyard.
- (23) Magnesium: for melting, casting, heat-treating, machining or grinding of more than 10 pounds of magnesium per working day.
- (24) Matches.
 - (a) To manufacture matches.
 - (b) To store matches in excess of 25 cases. (NOTE: One case equals one matchman's gross of 14,400 matches.)
- (25) Organic coatings: to perform organic coating operations utilizing more than one gallon of organic coating on any working day.
- (26) Ovens and furnaces: to operate ovens and furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400° F.
- (27) Solid-Fuel appliances: installation in reference to § **46-11B**.

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- E. Consolidated permits. When more than one permit is required for the same property or premises, a single permit may be issued listing all materials or operations covered. Revocation of a portion or portions of such consolidated permit for specific hazardous materials or operations shall not invalidate the remainder.
- F. Location of permits. Permits issued by the Fire Marshal shall be kept posted in a conspicuous place on the property or premises covered by the permit for as long a period of time as the permitted activity continues.
- G. Revocation of permits. Permits may be suspended or revoked when it is determined that there is a violation of a condition under which the permit was issued or there has been misrepresentation or falsification of material facts in connection with the permit application or a condition of the permit.
- H. Permit fees; validity of permits; renewal.
 - (1) Except as to bulk storage permit fees and flammable liquid transport vehicle permit fees as set from time to time by the Village Board, whenever the code provides or requires the issuance of a permit, application therefor shall be made to the Fire Marshal of the Village of Webster. Upon the filing of the application, a fee in the amount per the fee schedule shall be paid to the Village Clerk of the Village of Webster.
 - (2) All such permits as herein required shall be valid for a period of one year and shall be renewed yearly upon application therefor and the payment of the permit fee as herein required.

§ 46-5 Operating permits.

- A. Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
 - (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
 - (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the Current FCNYS as it may, from time to time be amended, as follows:
 - i. Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;
 - ii. Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by

- Chapter 24 of the FCNYS;
- iii. Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas.
 - iv. Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - v. Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - vi. Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - vii. Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - viii. Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - ix. Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - x. Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - xi. Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." "Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - xii. Section 308, "Open Flames." Removing paint with a torch, or using

open flames, fire, and burning in connection with assembly areas or educational occupancies; and

- xiii. Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle in accordance with the permitting requirements detailed in Chapter 97 of this code.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
- (4) buildings containing one or more assembly areas;
- (5) outdoor events where the planned attendance exceeds 1,000 persons;
- (6) facilities that store, handle or use hazardous production materials;
- (7) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village; and
- (8) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Trustees of this Village.

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

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

C. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an

Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

- D. Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.
- E. Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
 - (1) 180 days for tents, special event structures, and other membrane structures;
 - (2) 60 days for alternative activities at a sugarhouse;
 - (3) 3 years for the activities, structures, and operations determined per paragraph (8) of subdivision (a) of this section, and
 - (4) 1 year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- F. Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does

not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

- G. Fee. The fee specified in or determined in accordance with the provisions set forth in §30-20 of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an operating permit.

§ 46-6 Fire Safety and property maintenance inspections.

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) at least once every 12 months for buildings which contain an assembly area;
- (2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) at least once every 24 months for multiple dwellings; and
- (4) at least once every 36 months for all nonresidential occupancies.

- B. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

- C. Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;

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

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

D. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) such inspections are performed no less frequently than once a year;
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by §30-19 of this local law.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in §30-20 of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 46-7 Prohibited acts.

- A. A person owning, operating, occupying, or maintaining property or premises within the scope of the New York State Uniform Code or this chapter shall comply with all the provisions of the Uniform Code, the Energy Code, this chapter and all orders, notices, rules, regulations, or determinations issued in connection therewith.
- B. Whenever the Fire Marshal of the Village of Webster finds that there has been a violation

of the Uniform Code, the Energy Code, this chapter or any rule or regulation adopted pursuant to this chapter, a violation order shall be issued to the person or persons responsible.

- C. Violation orders shall be in writing, shall identify the property or premises, shall specify the violation and remedial action to be taken, shall provide a reasonable time limit for compliance and shall state the time within which an appeal may be taken.
- D. Violation orders shall be in writing, shall identify the property or premises, shall specify the violation and remedial action to be taken, shall provide a reasonable time limit for reinspection to determine compliance and shall state the time within which an appeal may be made.
- E. Violation orders may be served by personal service, by mailing and by posting a copy thereof in a conspicuous place on the premises
- F. In case the owner, lessor, occupant or the agent of any of them shall fail, neglect or refuse to remove, eliminate or abate the violation within the time specified in the violation order, an appearance ticket will be issued by the Fire Marshal or Deputy Fire Marshal.

§ 46-8 Penalties for offenses.

- A. Unless otherwise provided in § 382 of the Executive Law, failure to comply with any provision of the New York State Uniform Fire Prevention and Building Code, this chapter or a violation order shall be deemed a violation, and the violator shall be liable for a fine of not more than \$250 or imprisonment not to exceed 15 days, or both, and each day such violation continues shall constitute a separate violation.
- B. An action or proceeding in the name of the Village of Webster 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, the Energy Code, this chapter or any rule or regulation adopted pursuant to this chapter or a violation order or 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.
- C. In addition to the foregoing penalties, any vehicle or other obstruction found parked in a fire lane will be ticketed for a no-parking violation, removed, or towed away and stored by or at the direction of any peace or law enforcement officer, Fire Marshal or Deputy Fire Marshal. Any such removal, towing or storage as herein provided may be performed by a private towing contractor, and any and all expenses related thereto shall be at the full responsibility of the owner or person entitled to possession of said vehicle or obstructing article.
- D. In addition, no person shall stop, stand, or park a vehicle within 15 feet of a fire hydrant except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of emergency, unless a different distance is indicated by official signs, markings, or parking meters.

§ 46-9 Records.

The Fire Marshal of the Village of Webster shall keep official records of all permits, inspection

reports, recommendations, complaints, violation orders, investigations and any other documents deemed necessary.

§ 46-10 Appeals.

- A. The Webster Village Board is hereby designated as the hearing board for appeals in connection with this chapter. This Board shall be responsible for hearing and rendering decisions regarding appeals to this chapter.
- B. Where a person seeks relief from a decision of the Fire Marshal enforcing provisions of this chapter, including permits, waivers, alternate materials, alternate methods, approvals or variances or matters of local law interpretations, that person may request reconsideration of the Fire Marshal's decision by appealing to the Webster Village Board in writing within 15 days of the Fire Marshal's decision. The appeal shall state the reasons why relief is sought and what decision the person feels should be forthcoming. A copy of the appeal shall be transmitted to the Office of the Fire Marshal. Upon giving not less than five business days' notice to the persons interested, a hearing shall be held. The Board may, after such hearing, by a majority vote, affirm, annul or modify the action of the Fire Marshal. The decision of the Board shall be in writing, and a copy shall be mailed to the appellant within seven business days after the conclusion of the hearing, and any decisions made shall be final. Further recourse shall be through established legal procedures.
- C. The provisions of this chapter shall be applied to this chapter only. Any appeals seeking relief to the requirements and provisions of the New York State Uniform Fire Prevention and Building Code shall be transmitted to the appropriate Board of Review as described in 19 NYCRR 1205.
- D. The procedure set forth herein for appeals shall not prohibit the Fire Marshal from immediately removing a hazard or ordering the immediate closing of a building or premises until a violation of this chapter has been corrected when such hazard or existence of such violation constitutes, in the sole discretion of the Fire Marshal, a distinct hazard to life or public safety.

§ 46-11 Supplementary administrative and enforcement procedures.

- A. Fire Department and emergency service access shall be in accordance with the Uniform Code and the following:
 - 1. Fire lanes in commercial and industrial districts shall be 30 feet in width.
 - 2. Fire lanes in multiple residential districts shall be 25 feet in width.
 - 3. Fire lanes in school areas shall be 20 feet in width.
 - 4. Fire lanes shall be clearly designated by approved markings on pavement or sign or both. Signs shall be posted on both sides of a designated fire lane. The top of the sign shall be six feet from the ground.
 - a. Signs in commercial areas shall be no more than 50 feet apart

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- b. Signs in residential areas shall be placed at a distance to be determined by the Fire Marshal.
 - c. Signs shall read NO PARKING FIRE LANE and shall have arrows pointing in the direction of the area designated to be the fire lane.
 - d. All signs shall be stationary. Signs shall be 12 inches by 18 inches in size, with a white background, red legend and three-inch letters.
 5. Pavement markings shall be no more than 50 feet apart and shall read NO PARKING FIRE LANE.
 6. Pavement markings shall be painted on the pavement to read in the direction of travel. If two-way traffic is maintained, every other marking shall be painted in the opposite direction.
 7. Pavement markings shall be painted on the pavement to the following specifications:
 - a. All word markings shall be yellow in color.
 - b. All word markings shall read up, i.e., the first word shall be nearest to the driver.
 - c. The elongated height of each letter shall be 26 inches.
 - d. The width of each letter shall be 18 inches. The letter “I” is excluded from this requirement.
 - e. The stroke of each letter shall be five inches.
 8. In addition, the operator of a motor vehicle shall not stop that vehicle within a fire lane, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the loading and unloading of merchandise or passengers.
 9. The markings of fire lanes on private property devoted to public use shall be approved by the Fire Marshal, the Chief of Police or both. The locations of signs shall be shown on final utility/ grading plans submitted for approval.
 10. The owner or occupant of the property shall be required to post signs or pavement markings, or both, approved by the Fire Marshal, Chief of Police or both and maintain them in good condition. Failure to replace or repair damaged, faded, rusted or obsolete signs or faded pavement markings within 30 days after written notice served by the Fire Marshal or Chief of Police shall constitute a violation under this chapter.
- B. Heating systems and chimneys, flues, and gas vents.
 1. Solid Fuel appliances.
 - a. Definition. a “Solid Fuel Appliance” is any appliance intended for burning wood,

pellets, corn, and coal, such as, but not limited to, freestanding fireplaces, airtight stoves, fireplace inserts, etc., except a standard masonry fireplace installed as a part of the original construction of a building.

b. Permits required.

- i. A Fire Prevention Permit is required prior to the installation of a Solid Fuel appliance.
- ii. Application for permit to the Fire Marshal shall include location of installation, type of installation and manufacturer, if available. A permit shall be issued after approval of the application and the fees are paid.

c. Inspection and approval is required for any installation of a solid fuel appliance.

C. Fire-protection equipment and water supply.

1. Fire Department connections for standpipe and sprinkler systems are to be maintained accessible at all times. No large shrubbery, fences or barriers of any type shall be placed within 10 feet of connections. This shall also apply to snow removal or plowing.
2. The Fire Marshal shall approve hydrant locations, site of hydrants and water mains in new subdivisions, apartment projects, commercial and industrial areas and where new schools and churches are being constructed. Such approvals shall be in line with the following procedures:
 - a. The Village Building Inspector or other appropriate officer shall furnish the Fire Marshal with maps or plans showing street and water main locations, together with other site information.
 - b. The Fire Marshal will be allowed five days for the review of plans, location of hydrants and water mains. The Fire Marshal's recommendations shall be plainly shown on the plans and signed by the Fire Marshal. Two complete copies of the plans shall be returned to the Fire Marshal upon final approval.

3. Fire Hydrants

- a. Hydrants shall not exceed a maximum of 500 feet apart on each street in residential districts and shall be located at intersections, whenever possible.
- b. Hydrants shall not exceed a maximum of 300 feet apart in commercial and industrial areas and shall be located so that all buildings can be reached by comparatively short hose lays from more than one hydrant.
- c. Hydrants must be installed and flow tested before above-the-ground construction is commenced. The flow test shall comply with the specifications of the Insurance Services Office of New York to produce an A-rating.
- d. Temporary exceptions may be made during construction by the Fire Marshal.

- e. No person shall place any object, including bushes, trees, flowers, posts, fence, etc., within 15 feet of any hydrant, except in emergency conditions with the approval of the Fire Marshal.
- f. All publicly owned fire hydrants shall be painted yellow. In addition, the two and one-half-inch caps shall be painted red for flows of less than 500 gpm. Water flows shall be determined in a manner approved by the Fire Marshal.
- g. All privately owned fire hydrants and water mains shall be installed, tested, and maintained in accordance with the current editions of NFPA 24 and NFPA 25. Hydrants shall be painted red. In addition, whenever a private hydrant or water main shall be out of service for repairs in excess of 24 hours, the Fire Marshal shall be notified. In the case of a hydrant being out of service, the hydrant shall be bagged or otherwise identified as being out of service.

4. Sprinkler, standpipe, and other fire-protection systems.

- a. Definition. As used in this subsection, the following terms shall have the meanings indicated.

“Fire Protection Systems” – Fire-protection systems include a range of products such as wet and dry sprinkler and standpipe systems, manual and automatic chemical and foam fire-suppression systems, smoke/ heat detectors, fire alarms, and their associated components. These help to detect sources of fire, warn the occupants of a building and attempt to extinguish the fire.

- b. The Fire Marshal shall be notified before any tests, repairs, alterations or additions are made to any fire-protection system that will reduce or impair the operation of the system while said work or testing is being done.
- c. A copy of the testing report shall be kept on the premises so that the same is available for examination.

5. Fire-protection systems shall be approved by the Fire Marshal prior to installation.

D. Storage and handling of motor vehicle fuel.

- 1. Portable containers for motor vehicle fuel shall be clearly marked with the name of the product contained. This marking shall have been applied to such container by the manufacturer of the same.
- 2. Underground storage tanks containing gasoline, oil or other liquid that generates a flammable vapor at normal temperature and having a maximum individual capacity of up to 10,000 gallons may be installed. The maximum aggregate capacity at any site shall not exceed 24,000 gallons' total capacity. The maximum aggregate capacity may be increased upon written application to the Webster Village Board with the use of double-wall tanks and electronic monitoring devices and other provisions approved by the Fire Marshal.
- 3. The Fire Marshal or the Fire Marshal's designated representative is further authorized to

order the owner or occupants of premises having flammable liquids storage tanks located thereon to have such tanks tested by methods prescribed by the Fire Marshal to determine if such tanks are leaking, if the Fire Marshal has reasonable belief that such tanks may contain a leak.

4. Above ground storage tanks of flammable liquids shall be prohibited.
 5. Underground storage tanks containing Class I liquids shall be prohibited in residential districts.
 6. Installation or alteration permit. No installation, alteration or replacement of underground or aboveground tanks, pumps, piping and other equipment relating to the storage of flammable liquids shall be commenced without first obtaining a permit therefor from the Fire Marshal.
 7. Noncompliance with the requirements of this chapter shall be sufficient cause for the suspension or revocation by the Fire Marshal of any permit issued hereunder in this chapter.
 8. Leaking tanks, pumps or piping shall be repaired or replaced immediately, and it shall be within the discretion of the Fire Marshal as to whether the station or facility must cease any and/or all operations while repairs or replacements are being made.
 9. There is to be no more than one gasoline tank truck delivering flammable liquids on the premises of a gasoline service facility at any one time. Before making any deliveries to underground tanks, the driver or other authorized person shall set the brakes of the truck and shall turn off the engine of the vehicle. Evertite or O.P.W. fill couplings or equivalent must be used when unloading flammable liquids from a tank truck to storage tank. The driver shall remain at the point of delivery to prevent spillage and overflow. In case of spillage or overflow, the appropriate Fire Department and the Fire Marshal shall be notified immediately.
 10. In the event of accidental spillage or leakage of a flammable liquid in quantities of five United States gallons or greater, whether or not it may enter sewers, the appropriate Fire Department and the Fire Marshal shall be notified immediately.
 11. A minimum of five fifty-pound bags of Stay Dry absorbent or equivalent must be kept on the premises at all times for flammable liquid spills and should be used for this purpose whenever possible, instead of flushing with water.
 12. All tanks containing flammable liquids must be tested weekly for water infiltration, and records kept on the premises showing the date, hour and results of such tests. When any test shows water present in the flammable liquid, the Fire Marshal shall be immediately notified. Such water may not be removed until after notification of the Fire Marshal.
- E. Dispensing of motor vehicle fuel.
1. Dispensing devices for Class I or Class II flammable liquids shall be of the type approved by the Fire Marshal.

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2. Dispensing of Class I or Class II flammable liquids by persons other than the service attendant or supervisor shall be prohibited, except as set forth in Subsection **E(3)** below.
3. Self-service stations.
 - a. "Self-service stations" shall mean that portion of property where flammable and combustible liquids used as motor fuels are stored and subsequently dispensed from fixed approved dispensing equipment into the fuel tanks of motor vehicles by persons other than the service station attendant and can include facilities available for the sale of other retail products.
 - b. Approved dispensing devices, such as but not limited to coin-operated, card-operated and remote-controlled types, are permitted at self-service stations.
 - c. Emergency controls specified in the provisions of New York State Uniform Fire Prevention and Building Code shall be installed at a location acceptable to the Fire Marshal, but controls shall not be more than 100 feet from the dispensers.
 - d. All pump islands shall be protected against physical damage by the installation of pipe or post bumpers (eight inches minimum diameter) in locations approved by the Fire Marshal.
 - e. Gasoline self-service stations shall provide automatic fire-extinguishing systems installed in conformity with nationally recognized good practices and approved by the Fire Marshal. Where a station has one self-service island with dispensing units within 30 feet of a full-service island, both shall have an automatic fire-extinguishing system installed and approved by the Fire Marshal.

F. Tents and air-supported structures.

1. Smoking shall be prohibited and adequate signs posted.
2. Fire watchers shall be employed for crowds over 50 persons to enforce Subsection **F(1)** above and to maintain clear exit aisles.
3. Safety provisions shall be provided for as requested by the Fire Marshal.
4. Tents shall comply with the requirements of the Uniform Code.

G. Hazardous chemicals.

1. The transportation of hazardous chemicals and other dangerous articles by motor vehicles shall comply with Department of Transportation regulations.
2. Shipments whose origin and destination are outside the Village of Webster are confined to the use of state highways.

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3. Shipments of an intra-town nature (either originating in or destined to a Webster location) shall follow a route to be designated by the Fire Marshal.

H. Explosives, ammunition and blasting agents.

1. The storage of explosives and blasting agents shall be prohibited within the boundaries of the Village of Webster.
2. Establishment of motor vehicle routes for vehicles transporting explosives and blasting agents.
 - a. Shipments whose origin and destination are outside the Village of Webster are confined to the use of state highways.
 - b. Shipments of intratown nature (either originating in or destined to a Webster location) shall follow a route designated by the Fire Marshal.

I. Manufacture, sale, and discharge of fireworks.

1. The manufacture or storage of fireworks is prohibited within the Village of Webster.
2. It shall be unlawful to explode any fireworks within the Village of Webster without a permit.
3. The Fire Marshal may grant a permit for supervised public display of fireworks by municipalities, fair associations, amusement parks or other organizations or groups of individuals provided that:
 - a. Proper application, in writing, at least 30 days in advance of the date of the display.
 - b. The applicant shall furnish proper proof of financial responsibility for damage.

J. Street numbering of buildings.

1. All occupancies within the Village of Webster shall be provided with street numbers to assist emergency personnel in locating the same. This shall apply but not be limited to all residential, commercial, industrial, and private structures. Said numbers shall be assigned by the Village Board or its designee.
2. Numbers shall be four inches in height with a minimum stroke width of 0.5 inches, Arabic style (lettering shall not be accepted) and shall be mounted in a secure fashion to the structure's front wall or to a porch or other fixed appurtenance in front of the structure in the vicinity of the main entryway or main path of travel leading to the main entrance from a public street or otherwise separately mounted in an approved manner upon the face of a wall or upon a post in the front yard of the premises.
3. All street numbers shall be mounted at a height between four feet and 10 feet above the adjacent grade, street or exterior porch landing directly beneath, but never higher than 15 feet above the adjoining grade. They shall be legible as to contrasting background,

arrangement, spacing, size and uniformity of the whole so that the numbers may be read with ease during daylight hours by persons possessing at least 20/40 vision as they view the numbers from the center line of the facing street and at an elevation of five feet above the finished surface thereof. Trees, shrubs, or other obstructions shall not block said street numbers.

4. All existing structures shall comply with the requirements of this subsection

K. Key boxes.

1. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, the Fire Marshal is authorized to require a locking key box to be installed in an accessible location. The key box shall be a type approved by the Fire Marshal and shall contain keys to gain necessary access as required by the Fire Marshal and local Fire Department.
2. Where electric or manually operated gates are used to limit and control entry into a property or area, a key switch or padlock shall be used. The key switch or padlock shall be of a type approved by the Fire Marshal.

L. Open Burning

1. All campfires, outdoor fireplaces, fires used solely for recreational purposes and approved agricultural burning shall be in accordance with the provisions of the Monroe County Sanitary Code, Article V, Open Burning Control. In addition, the Fire Marshal and/ or the Building Inspector may prohibit any and/ or all open fires where atmospheric conditions or local circumstances make such fires a hazard and/or nuisance.
2. All other forms of outdoor burning shall be prohibited unless approved by the Fire Marshal.

M. Residential Sprinklers, one- and two-family dwellings.

1. Where one and two-family dwellings are located on properties that are served by a municipal water supply, such dwellings shall be located within 500 feet of a fire hydrant. Said distance shall be measured along the route normally driven by motor vehicles.
2. Where said dwellings are located in excess of 500 feet from a hydrant, an approved residential sprinkler system shall be installed in accordance with the current edition of the referenced standard NFPA 13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.
3. In lieu of the approve requirements, alternative methods (such as stored water sprinkler systems, dry hydrant installations, etc.) may be submitted to the Fire Marshal and/or Building Inspector for approval.

5. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.