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Adjournment

There being no further comment on the local law, Mayor Getchonis closed the public hearing at 7:30 p.m.

Respectfully submitted,

Paul C. Kogut
Paul C. Kogut
Village Clerk

April 28, 1987

A public hearing was held by the Village Board on April 28, 1987 at 7:30 p.m. in the Village Library for the purpose of receiving public comment regarding a proposed local law for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code. Members present were: Mayor Getchonis, Trustees Ray, Baker, Erb, Village Attorney Hughes, Village Clerk-Treasurer Kogut, Otto Young, and John Rathbone.

Discussion

Attorney Hughes stated that the purpose of this local law was to grant local authority to enforce the code. The law pretty closely followed what was recommended for this kind of law, but it included special sections on stop-work orders and the issuance of appearance tickets.

Adjournment

There being no additional comment on the local law, Mayor Getchonis closed the public hearing at 8:00 p.m.

May 12, 1987

The regular meeting of the Village Board was held on May 12, 1987 at 7:00 p.m. at the Village Library. Members present were: Mayor Getchonis, Trustees Ray, Baker, Fuller, Erb, Village Attorney Hughes, and Village Clerk-Treasurer Kogut.

Appointments

Motion was made by Trustee Erb, seconded by Trustee Fuller and carried that the following individuals be appointed to serve as election inspectors for the 1987 Registration Day and Election Day, at the rates indicated:

| | |
|--------------------------|-----------------|
| Caroldine Ray, Chairman | \$4.00 per hour |
| Gladys Jaquay | 3.75 per hour |
| Myron Bachellor | 3.75 per hour |
| Susan Naef | 3.75 per hour |
| Susan McVaugh, Alternate | 3.75 per hour |
| Carol Swan, Alternate | 3.75 per hour |

Motion was made by Trustee Ray, seconded by Trustee Erb and carried that Richard Ryan and Richard Haley be appointed voting machine custodians at a rate of \$4.00 per hour.

Approval of Minutes

Motion was made by Trustee Erb, seconded by Trustee Baker, and carried that the minutes of the regular meeting of April 14, 1987 be approved as submitted.

Motion was made by Trustee Baker, seconded by Trustee Ray and carried that the minutes of the public hearing of April 15, 1987 be approved as submitted.

Motion was made by Trustee Ray, seconded by Trustee Erb and carried that the minutes of the special meeting of April 15, 1987 be approved as submitted.

Motion was made by Trustee Baker, seconded by Trustee Erb and carried that the minutes of the public hearing of April 28, 1987 be approved as submitted.

Motion was made by Trustee Baker, seconded by Trustee Erb and carried that the minutes of the second public hearing of April 28, 1987 be approved as submitted.

Claims

Motion was made by Trustee Erb, seconded by Trustee Ray and carried that the claims for April 1987 be approved as follows:

| | |
|-----------------------|-------------|
| Village General | \$ 7,401.55 |
| Trust & Agency | 18,000.51 |
| Community Development | 7,935.43 |
| Joint Activity | 1,167.60 |

Reports

Motion was made by Trustee Fuller, seconded by Trustee Erb and carried that the Treasurer's Report for April 1987 be approved.

Correspondence

- A. From Luch Howe, Librarian re: free summer concert, 7/16/87 by Chris Holder. No problems expected with having it in the park.
- B. Paragon Cable re: renewal of franchise in 1990.
- C. Lewiston Construction re: their proposal for Senior Citizen Housing on Madison Street. Mayor Getchonis indicated that after Mr. Capozzi's presentation and the letter he sent, he is prepared to indicate to Mr. Capozzi that the Village is not interested in the proposal.

Old Business

- A. Prior to voting on Local Law #2-1987, Open Storage of Junk Vehicles, Attorney Hughes highlighted the changes that were requested.

Motion was made by Trustee Baker, seconded by Trustee Ray and carried that Local Law #2-1987, Open Storage of Junk Vehicles be adopted as follows:

Section 1. Statement of legislative intent.

It is hereby declared that a clean, wholesome, attractive environment is of importance to health and safety of Village inhabitants and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Village and the general welfare of its citizens. The open storage of junk motor vehicles not in operating condition is a hazard to such health, safety and welfare of citizens of the Village, necessitating the regulation, restraint, and elimination thereof. This artical is enacted in recognition of the fact that even a single "junk vehicle" abandoned or stored on private or public property:

- 1) Can constitute both a public or private nuisance;
- 2) Is a source of potential harm to children and others who find them an attractive nuisance;
- 3) Constitutes a blight on the Village of Hamilton landscape;
- 4) Destroys the aesthetic qualities of the Village of Hamilton and is generally unsightly;
- 5) Tends to depreciate not only the property on which it is located, but also the property of other persons in the neighborhood and the Village of Hamilton generally;
- 6) Makes the Village a less safe and less pleasant place in which to live and to do business;
- 7) Damages the welfare of the Village of Hamilton as a whole;
- 8) Tends to result in uncontrolled grass and the collection of debris; and
- 9) Tends to be a breeding ground for insects, rodents and similar harmful creatures.

Section 2. Definitions.

a) Junk vehicle. A junk vehicle as the term is used herein, shall mean any motor vehicle, whether automobile, bus, trailer, truck, tractor, mobile home, motorcycle, motor bicycle, mini-bicycle or snowmobile, or any other contraption originally intended for travel on the public highways which is abandoned, stored, left or located by its owner or any other person, or is permitted or condoned to be abandoned, stored, left or located by its owner or any other person, on public or private premises in the Village of Hamilton, or outside any establishment duly licensed by the Village of Hamilton for the storage of junk vehicles which:

- 1) Is not registered by the State of New York for operation on public highways and which has not been registered during the preceding three (3) months; or
- 2) Is not currently registered and not in a condition for legal use on the public highways; a vehicle which is in condition to pass the requirements for the New York state motor vehicle inspection sticker shall be deemed to be in condition for legal use on the public highways (the lack of a current registration or a current inspection permit shall not be considered in determining whether a vehicle is in such condition); or
- 3) Is no longer intended to be used on the public highways, the condition of the vehicle and circumstances surrounding its storage or abandonment being admissible for purposes of determining such intent; or
- 4) Is being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming some or all of the materials therein, or for the purpose of disposing of the same.

b) Village. Includes all areas within the Village of Hamilton, including both public and private areas.

c) Person. Includes natural persons, corporations, partnerships, unincorporated association or any other organization of two (2) or more persons.

d) Open storage shall mean storage other than in a completely enclosed structure, such as a garage, which structure is constructed in accordance with all applicable State and Local building code requirements.

e) Commercial garage. Any business repairing motor vehicles or any part thereof.

f) Personal service shall mean personal delivery of the notice or document by any person over the age of eighteen (18) including any agent

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or employee of the Village of Hamilton; and, shall include any alternative form of service provided for in the Civil Practice Law and Rules.

g) Posting shall mean official postmark of the United States Post Office.

h) Repair settlement. Determination by whatever means, including settlement of a claim, arbitration or legal action that any person other than the owner of a vehicle is liable to pay or will pay for repair of damage to a vehicle resulting from any vehicular accident.

i) Site shall mean a contiguous parcel of land owned by or leased to that person(s) storing or permitting the storage of junk vehicles thereon. Two (2) parcels of land may comprise one site if they are contiguous and are owned by or leased to the same

j) Wrecker. Any business operating a vehicle for towing or hauling other motor vehicles.

k) Wrecker - Commercial garage. Any business operating as a Wrecker and as a commercial garage or any two (2) businesses operating such two (2) businesses from the same parcel of property or any two (2) such businesses having fifty percent (50%) common ownership.

l) The term shall is always mandatory. The use of any term in the singular herein is intended, when applicable, to include the plural and vice-versa.

Section 3. Restrictions.

a. Open storage of one (1) or more junk vehicles shall not be permitted on private or public property within the Village of Hamilton except as permitted by this local law.

b. Notwithstanding any other provisions of this local law to the contrary, no person shall deposit, place, or leave any junk vehicle within the Village of Hamilton without obtaining the prior consent of the owner or leasee of the premises upon which any such vehicle is placed. A violation of this provision shall not be subject to the provisions of Sections 4, 5, or 10 of this local law.

Section 4. Notice and Determination.

a. The Village shall give written notice by registered or certified mail or personal service on the owner of the junk vehicle or on the owner or the tenant of any property on which a junk vehicle is openly stored. If the owner of such premises is absent from the Village or is a nonresident of the Village, the Village Clerk shall mail or caused to be mailed by certified or registered mail, a copy of the notice addressed to the owner at his last known address as the same may appear upon the last Village assessment roll. Such notice shall direct the person so served (regardless of the ownership of the junk vehicle if the property owner or tenant is served) to terminate the open storage of such vehicle within the Village of Hamilton within ten (10) days of personal services or within thirteen (13) days from posting, where service is by registered or certified mail.

b. If the person(s) served contend(s) that said vehicle is not a junk vehicle:

i) They shall notify the Village Codes Enforcement Officer, in writing, of such contention within the time period specified above for termination of open storage. Such notice shall be in writing and personally served upon a Village Official, or mailed via registered or certified mail to the Village Office and post-marked prior to expiration of the time specified for termination of open storage; and,

ii) Such notice of contention shall provide written permission for the Village to inspect such vehicle within five (5) days after receipt of such notice.

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c. The Village's notice of termination shall contain an explanation of this procedure and shall state that a copy of this local law is available for inspection at the Village office.

d. Upon timely receipt of such notice of contention, a representative of the Village shall conduct an inspection of the vehicle(s). Within five (5) days after such inspection, the Village shall inform the person served of its findings in writing, by registered or certified mail or personal service.

e. If the findings are that one (1) or more of the junk vehicles specified in the original notice are being openly stored by the person served with the original notice, said person shall terminate open storage of said junk vehicle(s) within the Village of Hamilton within five (5) days of personal service if such findings or within eight (8) days from posting where service of such findings is by registered or certified mail.

Section 5. Permits for Restoration.

a. Upon written application and the deposit of ten dollars (\$10.00), the Village code enforcement officer may issue a permit for the open storage of a junk vehicle under the terms of this local law, pending the making of such repairs as are necessary to place said vehicle in a condition for legal operation on a public highway. No junk vehicle, permitted to be openly stored pursuant to the provisions of this Section, shall be openly stored closer than ten (10) feet from the edge or lot line of any site.

b. The application shall contain the following:

i) A statement by the application that the applicant intends, within the permit period, to repair the vehicle so that it will be in a condition for legal operation on public highways; and, that if said repairs have not been made by the end of the permit period, that the applicant will terminate open storage of the vehicle within the Village of Hamilton by the end of the permit period;

ii) The name and residence address of the applicant;

iii) The name and address of the vehicle owner;

iv) The vehicle make, model, year, color, type, and vehicle identification number;

v) The most recent state of registration and state license plate numbers and the most recent vehicle inspection;

vi) A description of the defect which is to be repaired under the permit, an estimated cost of such repairs, and the person(s) who will make such repairs;

vii) The location where the vehicle is stored and the location where the vehicle will be repaired.

c. The applicant shall also provide to the Village written permission, signed by the owner or tenant in possession of such premises, as part of the application which shall provide permission to the Village and its designees for the following:

i) Permission to enter upon such premises for the purpose of inspecting said vehicle and for removing said vehicle from the premises following the expiration of the permit period if, at such time, the vehicle is a junk vehicle as herein defined;

ii) Permission for the Village to make such inspection and removal from any other premises owned by the applicant or the owner and tenant in possession to which such vehicle may be moved within the Village of Hamilton.

d. Such written permission shall also state that it is irrevocable for a period of forty-five (45) days from the expiration of the permit. The ten dollars (\$10.00) deposit shall be refunded if, within the permit period, the vehicle shall cease to be a junk vehicle, as defined herein, or open storage within the Village of Hamilton such vehicle is terminated; but, if neither condition is complied with, the deposit shall be forfeited to the Village of Hamilton. A separate permit shall be required for each separate vehicle to be repaired. Such permits shall be issued for not in excess of thirty (30) days and may be extended once only for up to fifteen (15) days. No permit shall be issued after the original notice provided for in Section 4 has been personally served or mailed by registered certified mail, unless the applicant supplies the Codes Enforcement Officer with an affidavit reasonably establishing that he had no knowledge of the junk vehicle local law, and the requirement that a permit be acquired for the restoration of junk vehicles, prior to bringing junk vehicles into the Village. Inspection after the permit period has expired shall be at a time specified in a notice of inspection at least one (1) day following personal service or three (3) days following service by registered or certified mail. The applicant may participate in the inspection. The procedure of the preceding section for service of the determination, and time for removal following such service, shall apply to such post-permit proceedings.

Section 6. Rights of Entry.

If within the time period provided for removal following service of a determination that a vehicle is a junk vehicle, including any extension of time pursuant to this local law, the open storage of such junk vehicle within the Village of Hamilton is not terminated, such junk vehicle shall be automatically deemed a public nuisance, and the Village or representative of the Village shall have the right to enter and remove such vehicle from any premises within the Village where such vehicle may be found and to dispose of such vehicle. Neither the Village nor any person acting on behalf of the Village shall be liable to any person for the disposal or destruction of such junk vehicles. Said right of entry shall not be limited in any way by the existence or lack of existence of a request, authorization, license or other consent or approval of entry, inspection or removal.

Section 7. Amnesty period.

No legal action shall be taken against any person with regard to any violation of this local law which violation exists on the date of the enactment of this local law, provided that such person terminates all violations by him, whether by removal, repair or permit, as herein provided, within forty-five (45) days of such enactment date.

Section 8. Violations and penalties.

A violation, of any of the provisions of this local law, shall be punishable by a fine up to fifty dollars (\$50.00) per violation or imprisonment of up to fifteen (15) days, or both. A violation of any of the provisions of this local law shall also subject the violator to a civil penalty of the greater of fifty dollars (\$50.00) per separate violation, or the Village's costs of inspection, service of notices, removal, towing and permanently disposing of such vehicles, less any criminal monetary fine which may have been imposed. Each junk vehicle stored in violation of the local law shall constitute a separate violation. Each week that such separate violation shall continue or be carried on shall constitute additional separate violation.

Section 9. Rules and regulations.

The Village Board of Trustees may issue reasonable regulations in furtherance of and consistent with this local law.

Section 10. Storage by wreckers, commercial garages and wrecker-commercial garages.

a) Provided that such operations are permitted by all applicable zoning laws and regulations, including any limitations, restrictions or conditions established according to law by the Village Board, the Zoning Board of Appeals, the Planning Board or any Court of competent jurisdiction and are not in violation of any applicable private restrictive covenant or agreement filed or recorded in the Madison County Clerk's office:

1) Any wrecker may store junk vehicles on one site, but not on more than one site, within the Village, provided that no junk vehicle is so stored within the Village for more than fifteen (15) days;

2) Any commercial garage may store junk vehicles on any one site, but not on more than one site, within the Village, pending and during repair of such vehicles provided that no junk vehicle is so stored within the Village for more than forty-five (45) days, or if a permit for extended storage is issued, for forty-five (45) days, plus any extension permitted;

3) Any wrecker-commercial garage may store junk vehicles on any site, but not on more than one site within the Village provided that if such storage of any junk vehicle exceeds fifteen (15) days, that it shall be pending and during repair and shall not exceed an additional thirty (30) days plus any extension permitted. Where a repair settlement is pending, in good faith, the foregoing time periods shall not start to run until either a repair settlement has been made or the junk vehicle has been stored within the Village for two (2) months, whichever sooner occurs.

b) For good cause shown, the Codes Enforcement Officer may extend by permit any time period in this Section for such period of time as he determines is reasonably necessary to permit repair of a junk vehicle, but in no case shall such extension exceed an additional forty-five (45) days. The Codes Enforcement Officer may refuse to permit such extended storage if he determines that the applicant has not attempted to complete repairs within the regular time period, is not in good faith, or is in violation of this article in any way. A ten dollar (\$10.00) fee shall be paid for each permit and the applicant shall agree that the vehicle will be repaired or removed from the Village at the end of such extension.

c) Wreckers, commercial garages and wrecker-commercial garages shall keep records showing the make, engine number, license plate number, if any, vehicle owner, vehicle owner's address, purpose for storage, any prior storage within twelve (12) months by them and the starting and ending dates of storage of each junk vehicle. Such records shall be shown to Village officials upon request during business hours. In the absence of such records or other sufficient proof that a junk vehicle has not been stored in violation of this local law, the operator of such businesses shall terminate storage of the vehicle within the Village within five (5) days of receipt of a notice to terminate such storage unless:

- 1) He contends that the vehicle is not a junk vehicle and requests an inspection under Section 4; and
- 2) He obtains a permit for extended storage for repair under this Section; or
- 3) He establishes by sufficient proof that the storage period has not expired.

d) Anything in this local law notwithstanding, any disabled vehicle may be stored on the premises of any gasoline station for up to seven (7) days. For this purpose, a vehicle shall be deemed disabled if within twenty-four (24) hours prior to such storage its condition changes so that it becomes a junk vehicle as defined in Section 2 of this local law.

e) Notwithstanding any other provision of this local law to the contrary, no junk vehicle shall be openly stored closer than ten (10) feet from the edge or lot line of any site.

f) Notwithstanding any other provision of this local law to the contrary, no more than five (5) junk vehicles may be openly stored on any one site within the Village of Hamilton at any one time.

g) The time periods set forth in this Section shall be cumulative for any junk vehicle stored by any wrecker or any commercial garage within the Village within thirty (30) days of being stored on any site within the Village by any wrecker or commercial garage, whether stored by the same or a different wrecker or commercial garage, or stored on the same or a different site.

Section 11. Savings clause.

If any provision, sentence, clause, section or part of this local law or the application thereof to any person or circumstance shall for any reason be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this local law or the application thereof to other persons or circumstances, but shall be confined in its operation to the provision, sentence, clause, section, paragraph or other part of this local law and the persons and circumstances directly involved in the controversy in which said judgment was rendered. It is hereby declared to be the intent of the Village Board of the Village of Hamilton that this local law would have been adopted, had such unconstitutional or invalid provision, sentence, clause, section, paragraph or part of this application not been included herein.

Section 12. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Motion was made by Trustee Baker, seconded by Trustee Erb and carried that Local Law #3-1987, Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code be adopted as follows:

Section 1. Enforcement Officer.

There is hereby designated in the Village of Hamilton a public official to be known as the Code Enforcement Officer who shall be appointed by the Mayor with the approval of the Board of Trustees at a compensation to be fixed by it. The Code Enforcement Officer of the Village of Hamilton is hereby designated to administer and enforce the New York State Uniform Fire Prevention and Building Code (Uniform Code) in the Village of Hamilton.

Section 2. Building Permits.

A. No person, firm, corporation, association, or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal, or demolition of any building or structure, except an agricultural building or structure, nor install heating equipment without having applied for and obtained a permit from the Code Enforcement Officer. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature and which are done in conformance with the Uniform Code. This local law shall not relieve or reduce any requirements of the Village of Hamilton Zoning Ordinance.

B. Applications for a building permit may be obtained from the Office of the Village Clerk. A completed application shall be delivered to the Code Enforcement Officer, and must include:

- I. The signature of the applicant or authorized agent;
- II. A description of the site on which the proposed work is to be done;
- III. A statement of the use or occupancy of all parts of the land and of the proposed building or structure;
- IV. A brief description of the proposed work;
- V. The estimated cost of the proposed work with appropriate substantiation;
- VI. The full name and address of the owner and the applicant, and, if either be a corporation, the names and addresses of responsible officers;
- VII. One set of plans and specifications for the proposed work;
- VIII. The fee specified in this local law; and
- IX. A statement granting the applicant's permission for the Code Enforcement Officer to enter the property and structure thereon as frequently as he deems necessary to inspect the same for the compliance with the Uniform Code.

The applicant may request that the requirement of plans and specifications be waived where the work to be done involves minor alterations or is otherwise unnecessary.

C. In addition to the requirements set forth in Sections 7209 and 7307 of the New York State Education Law, all plans or specifications for the

construction of any new residence building, regardless of its size, shall require:

- 1) The seal of an architect or professional engineer licensed in this state and bearing the authorized facsimile of the signature of such architect or professional engineer to be affixed to the face thereof or,
- 2) The official seal and authorized facsimile of the signature of an architect or professional engineer not a resident of this state and having no established business in this state or country, provided that such person may lawfully practice as such in this state, and provided further that the plans or specifications are accompanied by and have attached hereto written authorization issued by the department certifying to such right or practice at such time.

To all plans, specifications, plats and/or reports to which such seal has been applied, there shall also be applied a stamp with appropriate wording warning that it is a violation of the law for any person, unless he is acting under the direction of a licensed professional engineer or architect, to alter an item in any way.

D. The applicant shall notify the Code Enforcement Officer of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein.

E. A building permit issued pursuant to this local law shall be prominently displayed on the property or premises to which it pertains.

F. A building permit issued pursuant to this local law may be suspended or revised if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been a misrepresentation or falsification of a material fact in connection with the application for the permit.

G. A building permit issued pursuant to this local law shall expire one (1) year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods provided that: 1) The permit has not been revoked or suspended at the time the application for renewal is made; 2) the relevant information in the application is up to date; and, 3) the renewal fee is paid.

Section 3. Certificate of Occupancy.

A. No building erected subject to the Uniform Code and this local law shall be used or occupied, except to the extent provided in this section, until a Certificate of Occupancy has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than thirty (30) days after the completion of the alteration or work unless a Certificate of Occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a Certificate of Occupancy authorizing the change has been issued. The owner or his agent shall make application for a Certificate of Occupancy.

B. A temporary Certificate of Occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete so that it may be put to the use for which it is intended. A temporary Certificate of Occupancy shall expire six (6) months from the date of issuance, but may be renewed an indefinite number of times.

C. No Certificate of Occupancy shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation of the Uniform Code in the area intended for use and upon payment of the appropriate fee.

Section 4. Inspection

A. Work for which a building permit has been issued under this local law shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the owner, applicant, or his agent: to inform the Code Enforcement Officer that the work is ready for inspection; to schedule such inspection during regular inspection hours as set forth in Section 7 of this law and as from time to time amended pursuant to that section; and, to allow a reasonable amount of time (not less than one business day) for such inspection to be completed.

B. An existing building shall be subject to periodic inspections for compliance with the Uniform Code in accordance with the following schedule: All areas of public assembly, defined in the Uniform Code, all buildings or structures containing areas of public assembly, and the common areas of multiple dwellings - every twelve (12) months; all buildings or structures open to the general public - every twelve (12) months; all multiple dwelling as defined in the Uniform Code - every twenty-four (24) months. Notwithstanding any requirement of the subdivision to the contrary, no regular, periodic inspections of occupied dwelling units shall be required, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety, or welfare.

Section 5. Inspectors

A. The inspections required by Section 4 of this local law may be performed by the Code Enforcement Officer. The Code Enforcement Officer is authorized to order, in writing, the correction of any condition in violation of the Uniform Code found in, on or about any building. Such orders shall be served in person upon a responsible party or his authorized agent or by certified mail sent to the address of a responsible party set forth in any relevant application for a permit or in any relevant certificate. A responsible party who fails to correct the condition within the specified time shall be subject to penalty as provided by this law.

B. A person subject to inspection under Section 4 may be required by the Code Enforcement Officer to have such inspection performed at his own cost and expense by a competent inspector acceptable to the Code Enforcement Officer. Such inspector may be a registered architect, licensed professional engineer, certified Code Enforcement Officer, or other person whose experience and training has been demonstrated to the satisfaction of the Code Enforcement Officer. Any person required by the Code Enforcement Officer to have an inspection performed at his own cost and expense shall not be assessed the fees otherwise prescribed in this local law.

C. If the Code Enforcement Officer is the owner of or is involved in work on the premises to be inspected, or if there shall otherwise be any conflict of interest, the Village Board shall appoint a qualified individual to perform such duties.

Section 6. Stop-Work Orders

A. Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is proceeding without a permit or is otherwise in violation of the provisions of any applicable law, code, ordinance or regulation or is not in conformity with any of the provisions of the application, plans or specifications on the basis of which a permit was issued, or is being conducted in an unsafe and dangerous manner, he shall notify either the owner of the property or the owner's agent or the person, firm, or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately suspend all related activities until the stop-work order has been duly rescinded.

B. Such stop-work order shall be writing on a form prescribed by the Code Enforcement Officer and shall state the reasons for the stop-work order, together with the date of issuance. The stop-work order shall bear the signature of the Code Enforcement Officer or that of a duly authorized designee and shall be prominently posted at the work site.

Section 7. Fees

A. Fees will be charged for the issuance of building permits in accordance with the following schedule:

| <u>Construction Costs</u> | <u>Building Permit Fee</u> |
|---------------------------|--------------------------------------------|
| \$ 0 - \$ 1,000 | \$ 10.00 |
| \$ 1,001 - \$ 2,000 | \$ 15.00 |
| \$ 2,001 - \$ 4,000 | \$ 20.00 |
| \$ 4,001 - \$10,000 | \$ 25.00 |
| 10,001 - \$100,000 | Add \$1.00 per \$1,000 construction costs. |
| \$101,000 - \$200,000 | Add \$.75 per \$1,000 |
| \$201,000 - \$500,000 | Add \$.50 per \$1,000 |
| Over \$500,000 | Add \$.25 per \$1,000 thereafter |

B. Other fees shall be as follows:

| | |
|----------------------------------------------------------------------------------------------------------|--------------|
| - Renewal of Building Permit | \$10.00 |
| - Temporary Certificate of Occupancy | \$10.00 |
| - Certificate of Occupancy | No Charge |
| - Third or Subsequent Temporary Certificate of Occupancy | \$100.00 |
| - Requested inspections outside scheduled hours (Minimum charge: 2 hours in addition to the permit fee). | \$15.00/hour |
| - Additional plan review required by changes, additions or revisions to approved plans. | \$15.00/hour |

Regular inspection hours shall be as follows:

8:00 a.m. to 12:00 noon on Mondays, Wednesdays and Fridays.

C. The Board of Trustees of the Village of Hamilton is hereby authorized to modify the fee schedule set forth at Section 7 of this local law from time to time by resolution of the Board.

Section 8. Penalties

A. Any person who shall willfully fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance herewith and any owner, building, architect, tenant, or contractor, sub-contractor, plumber, construction superintendent, or their agents, or any other person taking part of assisting in the construction or use of any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made thereunder or in addition to any other penalties provided for in this local law, any person who shall violate any of the provisions of this local, the Uniform Code, any rules or regulations adopted pursuant to this local law or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, shall severally for each and every such violation be guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty (\$250.00) or by imprisonment for not more than thirty (30) days, or both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified each day that the prohibited conditions(s) or violation continues shall constitute a separate offense. The imposition of any such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.

B. An action or proceeding in the name of the Village of Hamilton, New York, may be commenced in any Court of competent jurisdiction to compel compliance with, or restrain by injunction, the violation of any provision of the Uniform Code, this local law, any rule or regulation adopted pursuant to this local law, or any Order issued pursuant to this local law. Such remedy shall be in addition to penalties otherwise prescribed by law.

Section 9. Appearance Tickets

The Code Enforcement Officer, upon being duly appointed by the Board of Trustees of the Village of Hamilton, shall have authority, pursuant to Article 150 of the New York Criminal Procedure Law, to issue appearance tickets as defined therein for the purpose of enforcing Section 8 of this Local Law.

Section 10. Partial Invalidity

If any section of this local law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder thereof.

Section 11. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

C. Mayor Getchonis reported that Village Court personnel have requested that carpeting be installed. Costs for carpeting alone are \$450 to \$500. It was also felt that there may be a need for installation of underlayment or other floor preparations. No action was taken pending a complete review and cost estimate.

D. Mayor Getchonis set a meeting date of May 26 with Cambell Design to begin Phase I of the Economic Development Strategy.

New Business

A. Utica Street Parking Lot was discussed. Mayor Getchonis wants to see the lot paved.

B. Motion was made by Trustee Ray, seconded by Trustee Fuller and carried that the Village adopt the Investment Policies and Guidelines as prepared by the treasurer.

C. Motion was made by Trustee Baker, seconded by Trustee Erb and carried that the Village of Hamilton enter into an agreement with General Code Publishers Corp. for the codification of our legislation, at a cost not to exceed \$9,600 and to be funded over two fiscal years.

Board Members

A. Trustee Fuller stated that he felt there were still some problems with the Local Law for the Farmers Market in the area of fees. The Clerk added that that is probably true, and he would like to see the trustees clearly define their intent and then we could make the policy effective. Attorney Hughes suggested that the and Trustee Fuller work on the correct wording.

B. Mayor Getchonis advised the Board members that he has been in contact with Stan Young regarding the Veterans Group and the POW/MIA flag. When the appropriate publicity has been arranged, the flag will be raised.