

## **Chapter 64**

### **BUILDING CONSTRUCTION**

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**[HISTORY: Adopted by the Town Board of the Town of Patterson 3-10-1993 by L.L. No. 2-1993.1 Amended in its entirety 1-10-07 by L.L. No. 2 -2007. Amended in its entirety 5-23-2007 by L.L. No. 8-2007. Amendments noted where applicable.]**

<sup>1</sup> Editor's Note: This local law replaced a resolution adopted June 2, 1961, which accepted the applicability of the State Building Construction Code for the Town of Patterson. to be effective August 1, 1961.

#### GENERAL REFERENCES

Blasting - See Ch. 58.

Unsafe buildings - See Ch. 67.

Fire prevention - See Ch. 90.

Flood damage prevention - See Ch. 91.

Subdivision of land - See Ch. 138.

Zoning - See Ch. 154.

## **§ 64-1. Purpose and Intent**

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

## **§ 64.2. Definitions**

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

**BUILDING PERMIT**- shall mean a permit issued pursuant to Section 64-7 of this chapter. The term Building Permit shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this chapter.

**CERTIFICATE OF OCCUPANCY** - A certificate issued pursuant to §64-10.F of this chapter.

**DIRECTOR OF CODES ENFORCEMENT** - shall mean the Director of Codes Enforcement appointed pursuant to subdivision (B) of Section 64-3 of this chapter.

**CODE ENFORCEMENT PERSONNEL** - Includes the Director of Codes Enforcement and all Inspectors.

**COMPLIANCE ORDER** - An order issued by the Director of Codes Enforcement pursuant to §64-19.B of this chapter.

**DEMOLITION** - - Any act or process that destroys, removes or deconstructs more than twenty-five percent (25%) of any building or structure, or that destroys, removes or deconstructs any structural component or load bearing wall of a building or structure.

**ENERGY CODE** - The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

**INSPECTOR** - An inspector appointed pursuant to §64-3.C of this chapter.

**OPERATING PERMIT** - A permit issued pursuant to §64-13 of this chapter. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this chapter.

**PERMIT HOLDER** - The Person to whom a Building Permit has been issued.

**PERSON** - Includes an individual, corporation, limited liability company, partnership, limited

partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP WORK ORDER - An order issued pursuant to section 6 of this chapter.

TEMPORARY CERTIFICATE - A certificate issued pursuant to §64-10.H of this chapter.

TOWN - The Town of Patterson.

UNIFORM CODE - The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

### **§ 64-3. Director of Codes Enforcement and Inspectors.**

A. The office of Director of Codes Enforcement is hereby created. The Director of Codes Enforcement, shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this chapter. The Director of Codes Enforcement shall have the following powers and duties:

- (1) To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits such terms and conditions as the Director of Codes Enforcement may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;
- (4) To issue Stop Work Orders;
- (5) To review and investigate complaints;
- (6) To issue orders or violations pursuant to §64-19, Enforcement; penalties for offenses of this chapter;
- (7) To maintain records;
- (8) To collect fees as set from time to time by resolution of the Town Board of the Town of Patterson;

- (9) To pursue administrative enforcement actions and proceedings;
- (10) In consultation with the Town attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and
- (11) To exercise all other powers and fulfill all other duties conferred upon the Director of Codes Enforcement by this chapter.

B. The Director of Codes Enforcement shall be appointed by resolution of the Town Board of the Town of Patterson. The Director of Codes Enforcement 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 Director of Codes Enforcement shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

C. One or more Inspectors may be appointed by the Town Board of the Town of Patterson to act under the supervision and direction of the Director of Codes Enforcement and to assist the Director of Codes Enforcement in the exercise of the powers and fulfillment of the duties conferred upon the Director of Codes Enforcement by this chapter. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

D. The compensation for the Director of Codes Enforcement and Inspectors shall be fixed from time to time by the Town Board of the Town of Patterson.

#### **§ 64-4. Acting Director of Codes Enforcement and contract services.**

A. In the absence of the Director of Codes Enforcement or in the case of the Director of Codes Enforcement's inability to act for any reason, the Town Board shall designate a person to act on behalf of the Director of Codes Enforcement and to exercise all of the powers conferred upon that office by this chapter. Such Acting Director of Codes Enforcement shall have the training and experience necessary to meet the minimum standards for Uniform Code Enforcement personnel established by New York State.

B. The Town Board does hereby establish the authority to negotiate a contract with a qualified independent contractor to provide specific services relative to the administration of the New York State Uniform Fire Prevention and Building Code. The negotiated contract shall be approved by a majority vote of the Town Board. The contractor shall perform inspections as provided for in this chapter and shall review applications for building permits and certificates of occupancy and shall

advise the Director of Codes Enforcement or Inspectors when such permits or certificates of occupancy should be issued.

**§ 64-5. Restrictions on officers and employees; exceptions.**

No officer or employee of the Building Department shall engage in any activity inconsistent with the duties or with the interests of the Building Department or, during the term of office or employment, be engaged directly or indirectly in any building business, in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building or in the preparation of plans or specifications thereof within the town. This provision shall not prohibit any officer or employee from such activities in connection with the construction of a building or structure owned by the officer or employee and not constructed for sale. The Town Board may permit an exception in special circumstances where acceptable code inspection services are provided by an outside agency or inspector.

**§ 64-6. Records and reports.**

A. The Director of Codes Enforcement shall keep permanent official records in the form and manner approved by the Town Board of all transactions and activities conducted by the Building Department, including all applications received, plans approved and denied, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated and notices and orders issued. All such records shall be public records open to public inspection during normal business hours pursuant to the Public Officers Law.

B. The Director of Codes Enforcement shall submit to the Town Board a monthly written report of all activity and business conducted by the Building Department detailing the activities specified in Subsection A.

**§ 64.-7. Building Permits.**

A. Building Permits Required. Except as otherwise provided in Subsection B of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Director of Codes Enforcement.

B. Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) Construction or installation of one story detached structure associated with one- or

two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

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

(3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(4) Installation of fences which are not part of an enclosure surrounding a swimming pool;

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

(6) Construction of temporary motion picture, television and theater stage sets and scenery;

(7) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

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

(9) Painting, wallpapering, tiling, carpeting, or other similar finish work;

(10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11) Replacement of any equipment provided the replacement does not alter the equipments listing or render it inconsistent with the equipments original specifications; or

(12) Repairs, provided that such repairs do not involve :

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

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

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

(d) The removal from service of all or part of a fire protection system for any

period of time.

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

D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Director of Codes Enforcement. 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 Director of Codes Enforcement deems sufficient to permit a determination by the Director of Codes Enforcement 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 brief description of the proposed work;
- (2) The tax map number and the street address of the premises where the work is to be performed;
- (3) The occupancy classification of any affected building or structure;
- (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) Where applicable at least 3 sets of construction documents (drawings and/or specifications) which:
  - (a) Define the scope of the proposed work;
  - (b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law, and bear the stamp of the licensed professional who prepared the drawings;
  - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
  - (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
  - (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

- (6) A description of the land on which the proposed work is to be done.
- (7) A statement of the use or occupancy of all parts of the land and of the building or structure, both existing and proposed.
- (8) The estimated cost of the proposed work with appropriate substantiation.
- (9) The full name and address of the owner and the applicant and the names and addresses of their responsible officers, if any of them are corporations.

E. Additional information to accompany each application.

- (1) Plans and specifications. Each application for a building permit shall be accompanied by three (3) copies of a survey, prepared by a surveyor licensed in the State of New York, drawn to scale and showing the location and size of all proposed new construction and all existing structures, wetlands and watercourses on the site, distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys and, where required by the Director of Codes Enforcement, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings and shall be in compliance with the requirements of the New York State Education Law for submission of plans. In the sole discretion of the Director of Codes Enforcement, the necessity of submitting a survey may be waived, in whole or in part when the submission of a survey would result in an unnecessary hardship.
- (2) Each application for a building permit shall be accompanied by written evidence of all required regulatory approvals and bonds.
- (3) Where the building permit is for an activity that is part of a common plan of development that results in land disturbance of one or more acres, a copy of the Notice of Intent and the contractor's certification, as required by the New York State General Permit for Stormwater Discharges from Construction Activity Permit No. GP-02-01, from each contractor or sub-contractor that will be responsible for completing any of the measures identified in a stormwater pollution prevention plan or erosion and sediment control plan.

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 Subsection D(5) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Director of Codes Enforcement in writing or by stamp. One set of the accepted construction documents shall be retained by the Director of Codes Enforcement, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be

construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

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 Director of Codes Enforcement shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

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 Director of Codes Enforcement of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Director of Codes Enforcement 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 six (6) months following the date of issuance. Building Permits shall expire twelve (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 Director of Codes Enforcement. In the event the Permit Holder's Putnam County Health Department's approval expires, or any other approval upon which issuance of the building permit is predicated expires or becomes null and void, the building permit issued by the Director of Codes Enforcement shall become invalid.

K. Revocation or suspension of Building Permits. If the Director of Codes Enforcement 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 Director of Codes Enforcement 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 §64-20, Fees of this chapter 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.

## **§ 64-8. Construction Inspections.**

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Director of Codes Enforcement or by an Inspector authorized by the Director of Codes Enforcement. The Permit Holder shall notify the Director of Codes Enforcement when any element of work described in Subsection B of this section is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected , where applicable:

- (1) Work-site prior to the issuance of a Building Permit including, but not limited to verification of location of structures, and compliance with Town of Patterson Codes;
- (2) Footing and foundation;
- (3) Preparation for concrete slab;
- (4) Framing;
- (5) Building systems, including underground and rough-in;
- (6) Fire resistant construction;
- (7) Fire resistant penetrations;
- (8) Solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance (insulation); and
- (10) A final inspection after all work authorized by the Building Permit has been completed.

C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in §64-20, Fees of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

## **§ 64-9. Stop Work Orders.**

A. Authority to issue. The Director of Codes Enforcement is authorized to issue Stop Work Orders pursuant to this section. The Director of Codes Enforcement shall issue a Stop Work Order to halt:

(1) Any work that is determined by the Director of Codes Enforcement 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 Director of Codes Enforcement, 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 be in writing, be dated and signed by the Director of Codes Enforcement, state the reason or reasons for issuance, and if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of Stop Work Orders. The Director of Codes Enforcement 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 certified mail, return receipt requested. The Director of Codes Enforcement 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 certified mail, return receipt requested; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under §64-19, Violations of this chapter or under any other applicable chapter 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.

## **§ 64-10. Certificates of Occupancy.**

A. Certificates of Occupancy required. A Certificate of Occupancy 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.

B. Prior to issuing a certificate of occupancy, the Director of Codes Enforcement shall require written evidence of all regulatory approvals and bonds and shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy, and an authorized Director of Codes Enforcement may conduct such inspections as is appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained in the Building Department a record of all such examinations and inspections, together with a record of findings of violations of the law. When the authorized Director of Codes Enforcement determines that the structure complies in full with the provisions of this chapter and the codes of the Town of Patterson and, in the case where required, a site plan approved by the Planning Board, whose site improvements have been completed and duly certified by the Town Engineer and acknowledged by the Planning Board, the authorized Director of Codes Enforcement, upon written request by the owner on forms supplied by the Director of Codes Enforcement and subject to receipt of the following items, shall issue in the name of the owner a certificate of occupancy, specifying in detail the provisions and conditions of any land use approvals where appropriate:

- (1) Certificate of construction compliance issued by the Putnam County Department of Health, guaranty of septic system, well log and as-built drawing of septic system.
- (2) Certification of electrical installation by the New York State Board of Fire Underwriters or other electrical inspection agency as approved by the Town Board of the Town of Patterson.
- (3) Final survey showing completed construction as prepared by a surveyor licensed by the State of New York.
- (4) Certificate of compliance for completed driveway issued by the appropriate Highway Department.

C. Tests. Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the New York State Uniform Fire Prevention and Building Code and other applicable building laws or regulations, the Director of Codes Enforcement may require the same to be subjected to tests in order to furnish proof of such compliance.

D. All fees, charges, assessments and taxes, including but not limited to recreation fees, water or sewer tap-in fees, planning and zoning fees, and improvement and inspection fees due and owing to the town, must be paid prior to the issuance of a certificate of occupancy.

E. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, or at all commercial businesses, or for all non-residential common areas at multifamily housing complexes, the Director of Codes Enforcement is authorized to require a key box (a.k.a.Knox Box®) to be installed in an approved location

F. Issuance of Certificates of Occupancy. The Director of Codes Enforcement shall issue a Certificate of Occupancy if Subsections B through F of this section have been satisfactorily completed, 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 Director of Codes Enforcement or an Inspector authorized by the Director of Codes Enforcement shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy. 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 Director of Codes Enforcement, at the expense of the applicant for the Certificate of Occupancy, shall be provided to the Director of Codes Enforcement prior to the issuance of the Certificate of Occupancy:

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

G. Contents of Certificates of Occupancy. A Certificate of Occupancy 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 is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy 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 Director of Codes Enforcement issuing the Certificate of Occupancy and the date of issuance.

H. Temporary Certificate. The Director of Codes Enforcement shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, except for a building, or any portion of a building used for residential occupation, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Director of Codes Enforcement issue a Temporary Certificate unless the Director of Codes Enforcement determines that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and that all required means of egress from the building or structure have been provided. The Director of Codes Enforcement may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six ( 6) months, which shall be determined by the Director of Codes Enforcement and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

I. Revocation or suspension of certificates. If the Director of Codes Enforcement determines that a Certificate of Occupancy or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Director of Codes Enforcement within such period of time as shall be specified by the Director of Codes Enforcement, the Director of Codes Enforcement shall revoke or suspend such certificate.

J. Fee. The fee specified in or determined in accordance with the provisions set forth in §64-20, Fees of this chapter must be paid at the time of submission of an application for a Certificate of Occupancy or for Temporary Certificate.

#### **§ 64-11. Notification Regarding Fire or Explosion.**

The chief of any fire department providing fire fighting services for a property within the Town of Patterson shall promptly notify the Director of Codes Enforcement of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

## **§ 64-12. Unsafe Buildings and Structures.**

Unsafe structures and equipment in the Town of Patterson shall be identified and addressed in accordance with the procedures established by Chapter 67 of the Town Code of the Town of Patterson, as now in effect or as hereafter amended from time to time.

## **§ 64-13. Operating Permits.**

A. Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

- (1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled Fire Code of New York State and incorporated by reference in 19 NYCRR section 1225.1;
- (2) Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) Use of pyrotechnic devices in assembly occupancies;
- (4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of the Town of Patterson.
- (6) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection 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 Director of Codes Enforcement. Such application shall include such information as the Director of Codes Enforcement deems sufficient to permit a determination by the Director of Codes Enforcement that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Director of Codes Enforcement 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 Director of Codes Enforcement, at the expense of the applicant.

C. Inspections. The Director of Codes Enforcement or an Inspector authorized by the Director

of Codes Enforcement shall inspect the subject premises prior to the issuance of an Operating Permit.

D. Multiple Activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Director of Codes Enforcement may require a separate Operating Permit for each such activity, or the Director of Codes Enforcement may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

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

F. Revocation or suspension of Operating Permits. If the Director of Codes Enforcement 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 §64-20 Fees of this chapter 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.

#### **§ 64-14. Fire Safety and Property Maintenance Inspections.**

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

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) shall be performed not less than once every twenty-four months.

B. Inspections permitted.

(1) In addition to the inspections required by Subsection 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 Director of Codes Enforcement or an Inspector designated by the Director of Codes Enforcement at any time upon:

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

(b) receipt by the Director of Codes Enforcement of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(c) receipt by the Director of Codes Enforcement of any other information, reasonably believed by the Director of Codes Enforcement 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;

(2) Nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC Inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (OFPC) and the New York State Fire Administrator under Executive Law §156-e and Education Law §807-b.

**§ 64-15. Demolition Permits**

A. Prior to the demolition of an building, or of any structure, or of any portion of any building or structure, a permit for said demolition will be issued by the Director of Codes Enforcement.

B. In addition to the information required under §64-7(D), an application for a demolition permit shall contain the following information:

(1) Whether any portion of the work will be conducted within 100 feet of a wetland, stream or body of water regulated by the Town of Patterson.

(2) The method of heating the structure, whether there are underground storage tanks on the site for fuel oil or other materials, and whether they will be abandoned in place, removed or reused.

(3) The location and type of any waste disposal system, whether any tanks, galleys,

cesspools, or leach pits will be demolished, removed or reused, and the means by which all sewage been removed from the sewage lines and tanks including the name of waste hauler that removed the sewage.

(4) The location of any groundwater well on the site and whether the well(s) will it be abandoned, capped, filled or reused. A copy of a permit from the Putnam County Health Department shall be provided for any well that will be abandoned.

(5) Whether the structure contain and asbestos insulation, asbestos shingles or any friable asbestos.

(6) The location of any drywells on the site.

(7) A description of any underground utility lines or services, including a sketch showing there location and how they will be treated.

(8) A detailed description of how the structure will be demolished.

(9) A description of how the demolition material be removed from the site. (C&D material may not be buried on the site).

(10) If only a portion of the structure is to be removed , a shoring plan shall be provided.

(11) Notice that the utility companies been notified to disconnect all utility services.

(12) Whether the building or structure contains any lead-based paints.

#### **§ 64-16. Complaints.**

The Director of Codes Enforcement 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 chapter, or any other chapter, or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Director of Codes Enforcement may deem to be appropriate:

A Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B If a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in Section 64-18 (Violations) of this chapter;

(1) If appropriate, issuing a Stop Work Order;

(2) If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

**§ 64-17. Record Keeping.**

A. The Director of Codes Enforcement 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, 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 other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this chapter, including; and
- (9) All fees charged and collected.

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

**§ 64-18. Program Review and Reporting.**

A. The Director of Codes Enforcement shall annually submit to Town Board of the Town of Patterson a written report and summary of all business conducted by the Director of Codes Enforcement and the Inspectors, including a report and summary of all transactions and activities described in §64-6 of this chapter and a report and summary of all appeals or litigation pending or concluded.

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

C. The Director of Codes Enforcement shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the Town of Patterson is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town of Patterson in connection with administration and enforcement of the Uniform Code.

#### **§ 64-19. Violations.**

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the New York State Uniform Fire Prevention and Building Code, or any amendment hereafter made thereto, as well as any regulation or rule promulgated by the Town Board, or to fail to comply with a notice, order or directive of the Director of Codes Enforcement or its authorized deputy or to construct, alter, repair,, move or equip any building or structure or part thereof in a manner not permitted by an approved building permit.

B. Compliance Orders. The Director of Codes Enforcement 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 chapter. Upon finding that any such condition or activity exists, the Director of Codes Enforcement shall issue a Compliance Order. The Compliance Order shall be in writing; be dated and signed by the Director of Codes Enforcement; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; specify the period of time which the Director of Codes Enforcement deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Director of Codes Enforcement shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail, return receipt requested. The Director of Codes Enforcement shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail, return receipt requested; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

C. Appearance Tickets. The Director of Codes Enforcement and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

D. Civil Penalties. In addition to those penalties proscribed by State law, any Person, including any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction, alteration, repair, movement or equipping or use of any building, who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Director of Codes Enforcement pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town of Patterson.

E. Alternatively or in addition to an action to recover a civil penalty, any person who shall violate any of the provisions of this chapter, the Uniform Code or any rules or regulations adopted pursuant to this chapter 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.) nor more than two hundred fifty dollars (\$250.) or by imprisonment for not more than thirty (30) days, or both fine and imprisonment for the first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than two hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. . 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 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 application for an injunction.

F. Injunctive Relief. An action or proceeding may be instituted in the name of the Town of Patterson, 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 chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Director of Codes Enforcement pursuant to any provision of this chapter. 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 chapter, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town of Patterson, 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 Town Board of the Town of Patterson.

G. 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 64-9 (Stop Work Orders) of this chapter, in any other section of this chapter, 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 §64-9, Stop Work Orders of this chapter, in any other section of this chapter, 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.

#### **§ 64-20. Fees**

A fee schedule shall be established by resolution of the Town Board of the Town of Patterson. 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, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Director of Codes Enforcement described in or contemplated by this chapter.

#### **§ 64-21. Intermunicipal Agreements.**

The Town Board of the Town of Patterson may, by resolution, enter into an agreement, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

#### **§ 64-22. Severability.**

The provisions of this law are hereby declared to be severable. If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

#### **§ 64-23. Effective Date.**

This chapter shall take effect immediately.