

FILE COPY

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Springwater

Local Law No. 02 of the year 20¹⁵

A local law providing for the administration and enforcement of the New York State Uniform Fire
(Insert Title)
Prevention and Building Code and to repeal and replace Local Law #2 of 2006.

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Springwater as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 02 of 2015 of the ~~(County)(City)(Town)(Village)~~ of Springwater was duly passed by the Springwater Town Board on July 6, 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

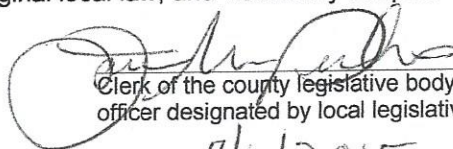
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date:

7/6/2015

(Seal)

LOCAL LAW #2 of 2015

LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

The Town of Springwater repeals LOCAL LAW #2 of 2006 and replaces it with

LOCAL LAW #2 of 2015

Be it enacted by the Town of Springwater, in the County of Livingston, as follows:

SECTION 1: PURPOSE AND INTENT

This local law shall provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) in the Town of Springwater. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this law, state law, or within the Uniform Code, all premises regardless of use, are subject to the provisions which follow.

SECTION 2: 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 3: ADOPTION OF STANDARDS

The Town Board of the Town of Springwater hereby adopts and ratifies any previous adoption of the New York State Uniform Fire Prevention and Building Code (henceforth collectively referred to as the "Uniform Code"), and the New York State Energy Conservation Construction Code (henceforth collectively referred to as the Energy Code) if any, and all subsequent amendments thereto.

SECTION 4: CEO, DUTIES AND POWERS

A. The Town Board of the Town of Springwater does hereby acknowledge and ratify the establishment of the position to be known as "Code Enforcement Officer," hereinafter referred to as "CEO" This position shall be filled by an appointment of the Town Board. The CEO shall possess background experience related to building construction or fire prevention and shall, within the time constraints proscribed by law, obtain such training as the State of New York shall require for code enforcement personnel.

B. In the absence of the CEO, or in the case of his inability to act for any reason, the Town Supervisor shall have the power, with the consent of the Town Board to designate

a person to act on behalf of the CEO and to exercise all the powers conferred upon him by this local law

C. The Town Supervisor, with the approval of the Town Board, may appoint one inspector or more, as the need may appear, to act under the supervision and direction of the CEO and to exercise any portion of the powers and duties of the CEO as directed by the CEO.

D. The compensation for the CEO, acting CEO and inspectors shall be fixed and adjusted as needed by the Town Board.

E. The CEO shall administer and enforce all the provisions of the Uniform Code, Energy Code and the provisions of this local law, including receiving building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Town Board and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Town Board. Additionally, the CEO shall administer and enforce those provisions of the Building Code dealing with building construction related to fire prevention and fire/life safety.

F. The CEO shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, inspection reports, all rules and regulations promulgated by him with the consent of the Town Board, and notices and orders issued. 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.

G. The CEO shall issue notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction or demolition and to assure compliance with all applicable laws, codes, ordinances, rules and regulations.

SECTION 5: APPLICABILITY OF STANDARDS

A. The provisions of the Uniform Code relating to maintenance, housekeeping and behavior regulations so as to protect life and property against the hazards of fire, explosion, and the release of toxic gases arising from the storage, handling or use of combustible or hazardous substances, materials or devices shall apply equally to new and existing buildings and conditions.

B. The CEO shall have the authority to permit the continuance of existing conditions not in strict compliance with the terms of this local law where the exceptions do not constitute a distinct hazard to life or property.

SECTION 6: BUILDING PERMITS

A. Permits Required.

1. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid fuel burning heating appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the CEO.

2. No permit shall be required for:

- a) Necessary repairs which do not materially affect structural features;
- b) Alterations to existing buildings provided that the alterations:
 - i) Cost less than \$10,000
 - ii) Do not materially affect structural features;
 - iii) Do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;
 - iv) Do not involve the installation or extension of electrical systems and;
 - v) Do not include the installation of solid fuel burning heating appliances and associated chimneys and flues.
- c) Residential storage sheds and other small noncommercial structures less than 120 square feet which are not intended for use by one or more persons as quarters for living, sleeping, eating or cooking.
- d) Installation of swings and other playground equipment associated with a one or two family dwelling.
- e) Installation of swimming pools associated with a one or two family dwelling where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground.
- f) Installation of fences which are not part of an enclosure surrounding a swimming pool.
- g) Nonresidential farm buildings, including barns, sheds, poultry houses and either buildings used directly and solely for agricultural purposes.

B. Application for a permit.

1. The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.

2. The form of the permit and application therefore shall be approved by the Town Board. The application shall be signed by the owner (or his authorized agent) of the building and shall contain at least the following:

- a) Full name and address of the owner and if by a corporation, the name and addresses of the responsible officials;
- b) Identification and/or description of the land on which the work is to be done;
- c) Description of use or occupancy of the land and existing or proposed building;
- d) Description of the proposed work;
- e) Two sets of plans and specifications, where required, including plot plans drawn to scale, showing the location and size of all proposed new construction as well as the location of all existing structures on the site; distances from lot lines; the relationship of structures on adjacent property; widths and grades of

adjoining streets, walks, and alleys; watercourses, easements, and utilities on the property and;

f) The required fee.

3. The CEO may waive the requirement of plans and specifications when the work to be done involves minor alterations or is otherwise unnecessary.

4. Applicant shall notify the CEO 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 has been 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. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the CEO and approval shall be received from the CEO prior to the commencement of such change of work.

5. Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by the CEO, the seal of a licensed architect or a licensed professional engineer.

C. General Requirements.

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

2. Acceptance of any permit issued pursuant to this local law constitutes agreement and consent by the person accepting the permit to allow the CEO to enter upon the premises at any reasonable time to conduct inspections as required by this local law. Refusal to allow such inspections and the records related to the permit shall constitute sufficient justification for the summary and immediate revocation or suspension of said permit.

3. A building permit issued pursuant to this Local Law may be suspended or revoked if it is determined that the permit was issued in error and should not have been issued in accordance with the applicable laws, codes, ordinances, rules or regulations, or 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 misrepresentation or falsification of a material fact in connection with the application for the permit.

4. 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 a successive six month period provided that:

- a) The permit has not been revoked or suspended at the time the application for renewal is made,
- b) The relevant information in the application is up to date, and
- c) The renewal fee is paid.

SECTION 7: OPERATING PERMITS

1. Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
 - a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4), of the Uniform Code of New York State (see 19 NYCRR Part 1225);
 - b) 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;
 - c) Use of pyrotechnic devices in assembly occupancies;
 - d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
 - e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the CEO.
2. Parties who propose to undertake the types of activities or operate the type of buildings listed in paragraph (1) of the subdivision shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall contain sufficient information to permit a determination that quantities, materials, and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required.
3. An inspection of the premises shall be conducted prior to the issuance of an operating permit.
4. A single operating permit may apply to more than one hazardous activity.
5. Operating permits may remain in effect until reissued, renewed or revoked or may be issued for a specified period of time consistent with local conditions.
6. Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

SECTION 8: FEES

A fee schedule shall be established, and changed as needed, by resolution of the Town Board, subject to a Public Hearing. Such fees may be charged for the issuance of permits, certificates of occupancy, temporary certificates of occupancy, and for fire safety inspections.

SECTION 9: CERTIFICATE OF OCCUPANCY

A. No building hereafter erected subject to the Uniform Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy or a certificate of compliance has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a

building permit shall be occupied or used more than 30 days after the completion of the alteration or work unless a certificate of compliance has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy or compliance, authorizing the change has been issued. The owner or his agent shall make application for such a certificate.

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 that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire forty five days from the date of issuance or at an earlier date if so specified. The CEO may place special conditions on Temporary Certificates of Occupancy as necessary to insure safety and to protect the interest of the Town.

SECTION 10: INSPECTION

A. Inspections during construction:

1. Work for which a building permit has been issued hereunder 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; footing and foundation; preparation for concrete slab; framing; building systems; fire resistant construction; fire resistant penetrations; superstructure; solid fuel burning appliances, chimneys, flues or gas vents; energy code compliance; electrical; plumbing; and heating and air conditioning. It shall be the responsibility of the owner, applicant, or his agent to inform the inspector that the work is ready for inspection and to schedule such inspection. Such notification shall be given to the CEO not less than one working day prior to the time the inspection is to be scheduled unless otherwise approved by the CEO. All inspections shall be scheduled on regular working days during normal working hours.
2. Work which requires special inspections during construction shall be the responsibility of the owner, applicant, or his agent, at their expense. A statement of the special inspections, including a complete list of materials and work requiring such inspections, and a list of the individuals, and approved agencies shall be provided to the CEO for the permit application file. The reports of such special inspections shall be provided to the CEO for the permanent record.
3. If entrance to make an inspection is refused or cannot be obtained, the Town Board, after being notified by the inspector of the situation, may apply to any court of competent jurisdiction for an order to make an inspection.
4. Failure to request an inspection shall be cause for rejection of the work or an order to expose the work for inspection

B. Fire Prevention and Property Maintenance Inspections

1. Fire safety inspections of buildings or structures having areas of public assembly, defined as "all buildings or portions of buildings used for gathering together fifty or more persons for amusement, athletic, civic, dining, educational, entertainment, patriotic, political, recreational, religious, social, or similar purposes, the entire fire area of which they are a part, and the means of egress there from" shall be performed at least once in every twelve (12) months.
 2. All other buildings, uses and occupancies (except one- or two-family dwellings) shall be inspected at any other time upon:
 - a.) The request of the owner, authorized agent, or tenant.
 - b.) Other reasonable and reliable information that a violation exists.
- C. The CEO may, at any reasonable hour, enter any building, with the exception of a dwelling, for the purpose of making any inspection or investigation to ensure compliance with the provisions of this local law and the Uniform Code. Should entrance be refused or permission to enter be unable to be obtained, application may be made for an order to make such inspection to any court of competent jurisdiction.
- D. The chief of any fire department providing fire fighting services for a property shall notify the CEO of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent. The chief shall provide such notification to the CEO, in writing, within five (5) business days of the date of the fire or explosion. Such notice shall contain the following:
1. Full name and address of the owner and if by a corporation, the name and address of the responsible officials;
 2. Location of the property; and
 3. Description of the structural damage or fuel burning appliance, chimney or gas vent involved.

SECTION 11: VIOLATIONS

A. Determination of Violation

1. The CEO shall determine that a violation of the Uniform Code, Energy Code or this local law exists in, on, or about any building or premises. Such determination shall be based upon factual information that a clear violation of rule, regulation, procedure or standard has been violated in the course of permitting, construction or occupancy of a land use or uniform.

B. Procedures and Penalties

1. **Procedures.** Code enforcement actions within the town shall follow the procedures set forth in this section. Code enforcement actions fall into five primary steps: initial notice, order to remedy and notice of civil penalty, notice to abate and citation.

a. **Stop Work Order.** The CEO may issue a stop work order immediately if the CEO finds: (a) the violation poses an immediate threat to the general health, safety or general welfare of the public, or (b) if continued, would result in damage to public or private property or the environment, or (c) the work is being performed in a manner contrary to the provisions of the code or this local law without a permit having been issued.

i. **Issuance.** A stop work order shall be in writing and shall be given to the owner of the property or to the owner's agent or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

ii. **Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed and informed to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred dollars nor more than five hundred dollars per day for each day that the work continues.

iii. **Appeal.** A stop work order may be appealed provided, however, that no work may be resumed pending the appeal process.

2. Initial Notice.

a. Upon receipt of a valid complaint or observation of a violation by the CEO, if the activity does not require a stop work order, the CEO shall within twenty-four hours give an initial notice, in writing, to the property owner or violator. The initial notice shall include the following information:

i. The name and address of the person or persons to whom the notice of violation is directed;

ii. The street address when available or a legal description sufficient for the identification of the building, structure, premises or land upon which or within which the violation is occurring;

iii. A brief and concise description of the history of the violation, including dates of initial notice, written warning and corrective notice, and the name of officer involved in each of these prior steps;

iv. A concise description of the nature of the violation;

v. A statement of the action required to be taken as determined by the official and a date for correction as set forth in the applicable sections of this law;

vi. A statement that the maximum cumulative civil penalty in the amount of one thousand dollars per violation per day shall be assessed against the person to whom the notice of violation is directed for each and every day following the date

set for correction on which the violation continues, and a statement of the section of the Town of Springwater's local law authorizing such penalty;

vii. A statement that the CEO's determination of violation may be appealed to a state Board of Appeals and that the per-day civil penalty shall not accrue while an administrative appeal is pending, but that mitigation or abatement may be sought to relieve imminent threat to the health, safety and general welfare of the community or environment.

b. Such initial notice shall be sent via U.S. mail or delivered by personal service within five (5) days of the date of the order.

c. Contents of Initial Notice. The initial notice shall include the information outlined above as well as the following:

i. Specific description of the violation;

ii. Reference to portion of the Uniform Code and or Energy Code being violated;

iii. Steps necessary to correct violation; and

iv. Time frame for correction.

d. Time Frames for Compliance. Any violator shall have a maximum of seven (7) days to initiate steps toward compliance (i.e., application for permit, physical correction of violation), and shall have fourteen days from the date of initial notice to complete correction of violation. If remedy of the violation is pursued within established time frames, then there are no punitive consequences associated with an initial notice.

e. Depending upon the nature of the violation, the time frames indicated for an initial notice may be extended by the Code Enforcement Officer upon consultation with the town board.

f. If the violation is not corrected within the time frames established pursuant to this section, the CEO shall proceed with an Order to Remedy and notice of civil penalty.

3. Order to Remedy and Notice of Civil Penalty.

a. Within twenty-four hours following the end time frame for compliance identified in the initial notice, the Code Enforcement Officer shall issue an order to remedy and notice of civil penalty. This notice shall contain the information required by NYS Rule 1203.5 as well as the following:

i. NOTICE; Full compliance with this order to remedy is required by _____ [specify date], which is thirty (30) days after the date of this order.

ii. A statement that a civil penalty has commenced to accrue in accordance with Table 1; and that if the person or entity served with this order to remedy fails to comply in full with this order to remedy within the thirty (30) day period, that person or entity will be subject to a fine of not more than \$1,000.00 per day of violation, or imprisonment not exceeding one year, or both.

iii. A statement that the town may pursue abatement authority to address the violation if not corrected within the time frames specified in the order to remedy;

iii. A statement that the town may pursue abatement authority to address the violation if not corrected within the time frames specified in the order to remedy or notice of civil penalty, and enter a citation in the local court in the Town of Springwater authorizing such abatement;

iv. A statement that the town may issue a civil citation if the violation is not corrected within the time frames identified in the notice of civil penalty;

v. Contact person and phone number for additional information.

b. Said notice of civil penalty shall be sent via certified U.S. mail or personal service, within forty-eight hours following the end time frame established with the corrective order.

c. Civil fines imposed pursuant to a notice of civil penalty shall accrue in accordance with Section 11 subsection C of this local law. (A) retroactive to the date of the initial notice and in accordance with Table 1. The CEO may waive or reduce the civil penalty if circumstances warrant such action.

d. If the violation is not corrected within the time frames established with the notice of civil penalty, the CEO shall issue or cause to be issued a civil citation and proceed to notice to abate.

e. A notice of civil penalty may be appealed pursuant to local and NYS law.

4. Notice to Abate.

a. When the circumstances are such that correction of the code violation is impossible or extremely difficult, the CEO shall issue a notice to abate. This notice to abate also includes the abatement of nuisances under Local Law # 1 of 1999 and dangerous buildings under Local Law # 5 of 2013. The notice to abate shall contain the information required by LL #2 of 2015, as well as the following:

i. A brief and concise description of the history of the violation, including dates of initial notice, corrective order, notice of civil penalty, and the name of CEO involved in each of these prior steps;

ii. Date by which abatement must be completed;

iii. A statement that the town will seek abatement of the violation from the court if not corrected within the time frames specified in the notice to abate, and a citation of the regulatory authority in the Town of Springwater Local Law # authorizing such pursuit;

iv. Contact person and phone number for additional information.

b. Time Frames for Compliance. Any violator shall have a maximum of fourteen days to abate; provided, however, that if there are threats to public health, safety or welfare, the CEO may order immediate abatement of the code violation and take whatever steps he deems to be necessary to cause the abatement to occur.

c. A notice to abate may be appealed pursuant to local and state laws.

5. **Citation.** A citation may be issued under the following circumstances:

a. Citation in Conjunction with Progressive Step of Enforcement Action. Within twenty-four hours following the end time frame for correction identified in the notice to abate, the CEO shall issue or cause to be issued a citation and proceed with criminal prosecution pursuant to LL 2 of 2015.

b. Citation Subsequent to Violation of Stop Work Order. If the violator continues active violation of the uniform code after issuance of a stop work order, the officer may issue a citation pursuant to Section 11B subsection 1a of Local Law 2 of 2015.

C. Criminal prosecution, civil penalty, injunctive relief, revocation and suspension of applicable permits and other remedies.

1. **Civil Penalty.** Any person, firm or corporation which violates or continues to violate any provision of the uniform code or any chapter thereunder shall be liable to the town for a civil penalty up to one thousand dollars per violation per day. Each day upon which a violation occurs or continues shall constitute a separate violation. If the town concludes it should prosecute the violator under the criminal section as provided for in this title, such decision shall not compromise its ability to seek both criminal and civil penalties provided for in this chapter. The civil penalty shall generally be applied to first violations and other violations when deemed effective and appropriate. The penalty shall be as defined in Table 1. In addition to the civil penalty amounts assessable herein, the town may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the costs of any actual damages incurred by the town, including penalties for noncompliance with any state or federal regulatory permit to the extent attributable to the violator.

2. **Criminal Prosecution.** Any person, firm or corporation which willfully violates any section of the uniform code or continues to violate the uniform code after notice shall be guilty of a misdemeanor under the laws of the state of New York and shall be punishable by a fine or imprisonment not to exceed one thousand dollars or ninety days in jail.

3. **Injunctive Relief.** When the town finds that any person, firm or corporation has violated and continues to violate or threaten to violate any provision of the uniform code or any chapter thereof or order issued under the uniform code by a responsible town official, then the town may petition to the appropriate court with jurisdiction for the issuance of a temporary or permanent injunction or restraining order as is deemed appropriate which restrains the continued violation of any provision of this code or compels the specific performance as required or such other requirement imposed by the uniform code on the activities of the violator. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against the violator.

4. **Abatement.** When judgment is rendered by the municipal court against any person, persons, firm or corporation, finding them guilty of violation of the uniform code, it shall be the duty of the court before whom the conviction is had, in addition to imposing the penalty or penalties provided for in this title, to order the defendant or defendants in such action to forthwith abate and remove such violation or nuisances; and, if the violation or nuisance is not abated or removed by such offender within twenty-four hours thereafter, or such time allowed by the court, it shall be abated and removed by order of the CEO on authority of the court, or by any other individual authorized by order of the court, which order of abatement shall be entered upon the docket of the court and made a part of the judgment in the action. The provisions of this section relative to the abatement of violation of the uniform code are not exclusive, and all other rights or remedies of the town of Springwater, and any citizen thereof, relative to the abatement of uniform code violations, are declared to remain in full force and effect.

5. **Revocation and Suspension of Applicable Permits.** When the town finds that any person, firm or corporation continues to violate or threatens to continue to violate any provision of the uniform code, the town reserves the right to deny, suspend or revoke any applicable permit which is authorized under the uniform code. The Code Enforcement Officer is authorized to immediately suspend the application of any permit or the activity provided thereunder in the event of the immediate threat to the public health or safety. In the event the CEO deems it appropriate to revoke any applicable permit granted under the uniform code, he shall so notify the violating party and shall thereafter note the matter for public hearing by the town board. Notice of said public hearing shall be pursuant to state and local laws.

6. **Liens.** Upon order and judgment by municipal court of any violation of the uniform code, the town may seek to have liens placed against the property subject to the code enforcement action in amounts equal to the costs incurred in enforcing the uniform code not otherwise paid by the violator.

7. **Other Remedies.** Provisions related herein regarding enforcement of the uniform code are not exclusive remedies. The town reserves the right to take any and all or a combination of these actions concurrently or sequentially against a noncompliant person, firm or corporation or may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the violator to conduct environmental remediation.

Table 1: Table of Fines	
Date of Continued Violation	Fine
First week following the date of initial notice	25% of daily maximum
Second week following the date of initial notice	50% of daily maximum
Third week following the date of initial notice	75% of daily maximum
Fourth week following the date of initial notice	100% of daily maximum
All time following fourth week from the date of initial notice until violation is corrected	100% of daily maximum

D. Contents of notices.

A. Whenever the CEO issues a written warning, corrective order, citation or notice of abatement pursuant to this chapter, such notice shall contain the following information:

1. The name and address of the person or persons to whom the notice of violation is directed;
2. The street address when available or a legal description sufficient for the identification of the building, structure, premises or land upon which or within which the violation is occurring;
3. A brief and concise description of the history of the violation, including dates of initial notice, written warning and corrective notice, and the name of officer involved in each of these prior steps;
4. A concise description of the nature of the violation;
5. A statement of the action required to be taken as determined by the CEO and a date for correction as set forth in the applicable sections of this local law;
6. A statement that the maximum cumulative civil penalty in the amount of one thousand dollars per violation per day shall be assessed against the person to whom the notice of violation is directed for each and every day following the date set for correction on which the violation continues, and a statement of the section of this local law authorizing such penalty;
7. A statement that the CEO's determination of violation may be appealed to the State of NY Board of Appeals and that the per-day civil penalty shall not accrue while an administrative appeal is pending, but that mitigation or abatement may be

sought to relieve imminent threat to the health, safety and general welfare of the community or environment.

B. For good cause, the CEO may extend the date for correction of the violation as stated in the citation; provided, that such extension shall not affect or extend the time within which an administrative appeal may be filed. The civil penalty constitutes a personal obligation of the person or persons to whom the citation is directed. The town attorney on behalf of the town is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.

Appeals.

Appeals of the CEO's determination as it relates to the uniform code and the energy code must be made to the Regional Representative of the Department of State for schedule to the NY State regional Board of Appeal. Appeals of criminal citations under this title shall be processed in accordance with applicable state and municipal laws. Appeals to local laws shall be made to the Town of Springwater Board of Appeals for land use and to the Town Board of Springwater for all other matters.

SECTION 12: DEPARTMENT RECORDS AND REPORTS

A. The CEO shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Town Board, and notices and orders issued. 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.

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

SECTION 13: LIABILITY OF TOWN

This local law shall not be construed to hold any CEO of the Town of Springwater responsible for any damages to persons or property by the reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect, as required by any permits under this local law, nor shall the Town be liable for any damages to persons or property by reason of the CEO exercising their discretion as provided in this local law.

SECTION 14: MORE STRINGENT RESTRICTIONS TO APPLY

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

SECTION 15: APPLICABILITY

This local law shall apply, upon its effective date, to all buildings, structures or appurtenances thereto or portions thereof in the Town of Springwater. This local law, upon its effective date, shall also apply to all departments of the Town of Springwater, all residents, citizens, and businesses, and all permits or certificates of occupancy or compliance issued or to be issued and all actions of the Town of Springwater, its offices and employees in carrying out and enforcing the Uniform Code and related laws, codes, ordinances and regulations, as more fully set forth within.

SECTION 16: EFFECTIVE DATE

This local law shall be effective upon its filing with the New York State Secretary of State