

LOCAL LAW NO. __ OF 2024

**A LOCAL LAW OF THE CITY OF MOUNT
VERNON, NY ESTABLISHING A LOCAL
GOVERNMENT CODE ENFORCEMENT PROGRAM**

Be it enacted by the City Council of the City of Mount Vernon, New York, in the County of Westchester, as follows:

SECTION 1. PURPOSE AND INTENT

This local law, adopted pursuant to section 10 of the Municipal Home Rule 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 City of Mount Vernon, New York.

Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other Sections of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this Section:

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

“Building Inspector” shall mean the building inspector who is a certified code enforcement official responsible for participating in the inspection of building construction and repair for compliance with new and existing Federal, State and City of Mount Vernon Codes.

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

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

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

“Certificate of Tenancy” shall mean a Certificate of occupancy issued by the Commissioner of the Department of Buildings for a tenancy space. The certificate of tenancy is issued to the business owner and authorizes the occupancy of the tenancy space in accordance with such certificate and all applicable codes, rules, and regulations.

[“City” shall mean the City of Mount Vernon.]

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision A(7)(b) of section 3 of this local law. Code Enforcement Officers are responsible for enforcing the City’s ordinances and property maintenance and fire codes.

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

“Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 New York State Fire Code as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Inspector” shall be responsible for enforcing the codes related to the proper usage and occupancy as well as codes related to Fire Life safety, egress, fire penetrations, fire stops, fire escapes, membrane structures and fossil burning devices and equipment

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

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

“Housing Inspector” shall mean a certified enforcement official participating in the inspections of housing and dwelling units to determine and secure compliance with minimum housing standards set by the State and City of Mount Vernon Codes.

“Inspector” shall mean an inspector appointed pursuant to subdivision A(7)(a) of section 3 of this local law.

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

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit that is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

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

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

“PMCNY” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

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

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building to maintain it or correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for collecting, storing, or processing maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Temporary Certificate of Tenancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

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

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(A) The Office of Code Enforcement Officer, which consists of the City’s Building Department and Fire Department, has now been created. The Inspector or Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law.

The Code Enforcement Officer shall have the following powers and duties:

(1) To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Tenancy, Certificates of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) Upon approval of such applications which also require the signature of the Commissioner or Deputy Commissioner, to issue Building Permits, Certificates of Occupancy, Certificates of Tenancy, Certificates of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy, and Operating Permits, and include in terms and conditions the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Tenancy, Certificate of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy and Operating Permits;

(3) To conduct housing inspections, the Housing Inspector will conduct housing and dwelling unit inspections before issuing a Certificate of Occupancy, temporary Certificate of Occupancy inspections, and inspections incidental to investigating housing complaints to determine and secure compliance with minimum housing standards set by the State and City of Mount Vernon codes.

(4) To conduct building inspections, the Building Inspector will do inspections to be made before the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, Temporary Certificates of Tenancy and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;

(5) To issue Stop Work Orders signed by the Commissioner or Deputy Commissioner;

(6) To review and investigate complaints;

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

(a) The Commissioner of Buildings shall appoint the inspector. The inspector 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 inspectors (code enforcement personnel). The inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(b) The Commissioner of Buildings shall appoint the Code Enforcement Officer. The Code Enforcement Officer shall possess background experience related to building

construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel. The Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

- (c) If the Inspector or Code Enforcement Officer cannot serve as such for any reason, another individual shall be appointed by the Commissioner of Buildings (a certified enforcement officer) to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- (d) One or more Inspectors or code enforcement officers may be appointed by the Commissioner of Buildings, the lead code enforcement officer for the City, to assist the Code Enforcement Officer and the Deputy Commissioner of Buildings in exercising the powers and fulfilling the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector or code enforcement officer 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 or code enforcement officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(B) To conduct the fire inspection, the Fire Inspector shall have the following Duties:

- (1) To Inspect new and existing buildings, mobile food preparation vehicles, various structures, sprinkler systems, and alarm systems; conduct plan and specification reviews to ensure compliance with the NYS Uniform Code.
- (2) To assist in the Department's public fire safety education and public relations programs; investigate routine complaints of fire/life safety hazards; establish and maintain various records and files on program activities; conduct research and write various reports; and perform related duties as required.
- (3) To conduct inspections of new construction and existing buildings to ensure compliance with fire, life safety, and related codes.
- (4) To inspect fire escapes, emergency exits, fire and smoke alarms, sprinkler systems, hood systems, and other sophisticated fire protection equipment to verify proper operation and to ensure compliance with applicable codes and standards.
- (5) To review plans and specifications for new construction, alterations/additions, and various types of fire protection equipment as part of the permit application process to ensure compliance with applicable codes and regulations.
- (6) To confer with architects, engineers, developers, contractors, property owners, and the public on matters related to fire prevention, code enforcement, and hazardous material storage and disposal.
- (7) To establish and maintain files and records on inspection activities, programs, and investigations.
- (8) To prepare correspondence, research, compile information, and develop various reports.
- (9) To receive and process complaints of fire hazards and issue citations as appropriate. Attend training courses to maintain currency in fire prevention and fire and life safety.
- (10) To conduct oral presentations and provide information and training on fire prevention, fire, and life safety issues, as well as related codes and ordinances.

(C) The Fire Commissioner / Deputy Fire Commissioner / Chief of Operation / Deputy Fire Chiefs Additional Fire Officers and Firefighters; Fire Dispatchers, who are Certified NYS Code Enforcement Officers, are responsible for ensuring public safety by

identifying and mitigating fire hazards and enforcing fire/safety regulations in the following manner:

- (1) Inspecting buildings: Verifying compliance with fire codes and looking for potential hazards in structures and mobile food preparation vehicles,
- (2) Inspection /Licensing / Permits of Oil burners / Oil Tanks installation and removal,
- (3) Inspection of premises where materials that are potential fire hazards are manufactured or stored to detect the potential for fire and/or explosion,
- (4) Inspecting equipment: Testing fire protection equipment like sprinklers and fire alarms, and inspecting other equipment like air compressors and fuel storage tanks,
- (5) Reviewing documents: Reviewing building plans and emergency evacuation plans,
- (6) Advising: Advising developers or owners about violations and completing follow-up visits,
- (7) Issuance of Annual Operating permits for various occupancies and equipment,
- (8) Maintaining files: Keeping accurate files about inspections, programs, and investigations,
- (9) Inspecting ammunition storage,
- (10) Issuing Blasting permits,
- (11) Issue permits for carbon dioxide systems for beverage dispensing, Commercial garages (auto repair & body shops), gasoline stations, dip tanks/spray booths, dry-cleaning plants and inspect those items for compliance,
- (12) Inspect of maintenance of explosives,
- (13) Inspect nail salons for proper ventilation,
- (14) Inspect Fire protection systems,
- (15) Inspect the installation of sprinkler system, standpipe system,
- (16) Inspect fixed extinguishing system and flammable liquids storage,
- (17) Inspect Installation/modification of equipment,
- (18) Inspection of storage of Class I, Flammable liquids, storage of Class II, Flammable liquids, storage of Class III, Flammable liquids,
- (19) Inspection of testing of storage facilities, hazardous materials storage, industrial ovens,
- (20) Inspect the operation of liquified petroleum gas (LPG),
- (21) Inspect the storage of lumberyard, mobile food preparation vehicles, oil burner equipment,
- (22) Inspect the installation of public garage (1 to 25), Solar Panels,
- (23) Inspect installation self-service gasoline service stations, and
- (24) Inspection welding and cutting activities.

In addition to the tasks enumerated above, the Fire Commissioner / Deputy Fire Commissioner / Chief of Operation /Deputy Fire Chiefs Additional Fire Officers and Firefighters; Fire Dispatchers, who are Certified NYS Code Enforcement Officers, shall also be responsible for the following:

- a. Issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law signed by the Commissioner or Deputy Commissioner;
- b. Maintain records in the Department of Buildings, the Fire Prevention office, or within the City's digital software system;
- c. Collect fees as set by the City Council;
- d. Pursue administrative enforcement actions and proceedings;

- e. Consult with the Corporation Counsel to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this Section, a Building Permit shall be required for any work that 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 obtaining a Building Permit from the City of Mount Vernon.

Building permit applications shall include the following information:

- (1) A topographical survey of the property, including the trees' location, utilities' location, and all site improvements. A survey is not required to apply for interior repairs, window replacements, or re-roofing.
 - (2) A topographical survey-plot plan is required for new buildings, additions, decks, and site work-retaining walls and driveways and is to be submitted in addition to the topographical survey. The topographical survey plot plans must show the following:
 - (i) Name of the current owner;
 - (ii) Topography with appropriate contour intervals extended 10' into adjoining property.
 - (iii) Location of buildings, driveways, and any retaining walls, with all dimensions and setbacks, inclusive of all trees on private and public property.
 - (iv) Name the street, with elevations at the center line of the street, including reference grad to curb along the center line of the building and elevation of the lowest finished floor and roof if the roof is flat.
 - (v) Location of utilities in the street and connections to buildings. Must indicate invert and rim elevations at manholes closest to property sidelines.
 - (vi) Drainage system detailing each catch basin, and/or dry wells, and yard drainage, showing finished grade elevations and detailed storm runoff pattern (using drainage arrows.)
 - (vii) Driveway profile from the center line of the street to garage floor or parking space. Must indicate slopes by percent (%) of grade. The driveway profile must indicate the following – "1\4 inch to 1-foot pitch from property line to TOP of street curb." Elevations at center line of street, TOP of curb, and at property line must also be indicated on profile. Where there is no curb, the elevation at the center line of the street is assumed as curb elevation and should be so indicated.
- (b) Fire Commissioner / Deputy Fire Commissioner / Chief of Operation /Deputy Fire Chiefs Additional Fire Officers and Firefighters; Fire Dispatchers, who are Certified NYS Code Enforcement Officers, Exemptions. No Building Permit shall be required for work in any of the following categories:
- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet,
 - (2) Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
 - (3) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (4) Installation of partitions or movable cases less than 5'-9" in height;
 - (5) Interior Painting and Plastering; and

(6) Installation of listed portable electrical, plumbing, heating, ventilation, or cooling equipment or appliances.

(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 outlined in subdivision (b) of this Section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

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

(1) a description of the location, nature, extent, and scope of the proposed work;

(2) the tax map number and the street address of any affected building or structure;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and digital submission of construction documents (drawings and specifications) shall be required, which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements outlined in paragraph (5) of subdivision (d) of this Section. Construction documents accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing, by stamp, or in the case of electronic media, an electronic marking. The Code Enforcement Officer shall retain one set of the accepted construction documents, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work complies with the applicable

requirements of the Uniform Code and Energy Code. The Commissioner or one of the Deputy Commissioners of the Department of Buildings shall issue a Building Permit if the proposed work complies with the applicable Uniform Code and Energy Code requirements.

(g) Building Permits to be displayed. Building permits shall be displayed at the work site and remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed per the construction documents submitted and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within twelve (12) months following the date of issuance. Building Permits shall expire within twelve (12) months after the date of issuance. A Building Permit that has become invalid or expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until 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 comply with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined by the provisions outlined in section 18 (Fees) of this local law must be paid when applying for a Building Permit, an amended Building Permit, or a renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer, a Building Inspector, or a Fire Inspector, when applicable, authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this Section is ready for inspection.

(b) Elements of work to be inspected. The following aspects of the construction process shall be inspected, where applicable:

- (1) Worksite before the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection (sprinkler system-fire stops, fire alarm systems), and other similar service systems of the building;
- (6) fire-resistant construction in conjunction with a Fire Inspector;
- (7) fire-resistant penetrations in conjunction with a Fire Inspector;

- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents in conjunction with a Fire Inspector;
 - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
 - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
 - (11) A final inspection will be conducted 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 how the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work has 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 by the provisions outlined in section 18 (Fees) of this local law must be paid before or during each inspection performed under this Section.

SECTION 6. STOP WORK ORDERS.

- (a) Authority to issue. The Commissioner or one of the Deputy Building Commissioners is authorized to issue Stop Work Orders under this Section. The Commissioner and Deputy Commissioner shall issue a Stop Work Order to halt:
- (1) Any work that the Code Enforcement Officer determines to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, Building Inspector, or Fire Inspector 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, performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Commissioner or one of the Deputy Commissioners, (3) state the reason or reasons for issuance, and (4), if applicable, state the conditions that must be satisfied before work will be permitted to resume.
- (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; 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 that is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer, Building Inspector or Fire Inspector to correct the reason for issuing the Stop Work Order.

(e) Remedy is 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. 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 section 17 (Violations) of this local law or any other applicable local law or State law. Any other remedy or penalty may be pursued at any time, whether before, at the time of, or after a Stop Work Order issuance.

SECTION 7. CERTIFICATES OF OCCUPANCY, CERTIFICATES OF TENANCY, AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy, Certificates of Tenancy, and Certificates of Compliance are required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work subject to a Building Permit and for all structures, buildings, or portions converted from one use, 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, Certificate of Tenancies, or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy, Certificates of Tenancy, and Certificates of Compliance. The Commissioner or one of the Deputy Commissioners of Buildings shall issue a Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance if the work that was the subject of the Building Permit was completed by 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 relevant Uniform and Energy Code provisions.

(c) One of the City of Mount Vernon's Building Inspectors certified as code enforcement officers shall inspect the building, structure, or work before the Commissioner or one of the Deputy Commissioners will issue a Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance. In addition, where applicable, the following documents, prepared by the provisions of the Uniform Code by such Person or persons as may be designated by or otherwise acceptable to the Commissioner or one of the Deputy Commissioners of Buildings Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Commissioner or one of the Deputy Commissioners of Buildings before the issuance of the Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance:

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

(d) Contents of Certificates of Occupancy, Certificates of Tenancy, and Certificates of Compliance. A Certificate of Occupancy, Certificate of Tenancy or Certificate of Compliance shall contain the following information:

- (1) The Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;

- (3) the name (if any), address, and tax map number of the property;
 - (4) If the Certificate of Occupancy, Certificate of Tenancy, or Certificate of Compliance does not apply to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
 - (5) the use and occupancy classification of the structure;
 - (6) the type of construction of the structure;
 - (7) the occupant load of the assembly areas in the structure, if any;
 - (8) any special conditions imposed in connection with the issuance of the Building Permit and
 - (9) The signature of the Commissioner or one of the Deputy Commissioners of the Department of Buildings issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.
- (e) Temporary Certificate of Occupancy or Temporary Certificate of Tenancy. The Commissioner or one of the Deputy Commissioners of Buildings who are certified as code enforcement officers shall be permitted to issue a Temporary Certificate of Occupancy or Temporary Certificate of Tenancy allowing the temporary occupancy or tenancy of a building or structure, or a portion thereof, before completion of the work which is the subject of a Building Permit. However, in no event shall the Commissioner or one of the Deputy Commissioners of the Department of Buildings issue a Temporary Certificate of Occupancy or Temporary Certificate of Tenancy unless the Commissioner or one of the Deputy Commissioners of the Department of Buildings Code determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy or Temporary Certificate of Tenancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period not to exceed 90 days, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (f) Revocation or suspension of certificates. If the Commissioner or one of the Deputy Commissioners Department of Buildings determines that a Certificate of Occupancy, Certificate of Tenancy or Certification of Compliance, or a Temporary Certificate of Occupancy or Tenancy was issued in error or based on incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period as shall be specified by the Code Enforcement Officer, the Commissioner or Deputy Commissioner of Buildings shall revoke or suspend such certificate.
- (g) Fee. The fee specified in or determined per the provisions outlined in section 18 (Fees) of this local law must be paid when applying for a Certificate of Occupancy, Certificate of Tenancy, Certificate of Compliance, or Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The City of Mount Vernon Fire Department Chief or designee providing firefighting services for a property within this City shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney, or gas vent.

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, equipment, and conditions of imminent danger in this City shall be identified and addressed in accordance with the procedures established by Chapter 106-1, as now in effect or as hereafter amended from time to time.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any building, structure, or facility listed below:

(1) Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) Buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;

(ii) Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(vii) Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores more than 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

(viii) Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(ix) Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;

(x) Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, selling, or using explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;

(xi) Section 307, “Open Burning, Recreational Fires, and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces;

- (xii) Section 308, “Open Flames.” Removing paint with a torch or using open flames, fire, and burning in connection with assembly areas or educational occupancies;
- (xiii) Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle under the permitting requirements as established under Chapter 194 of the City of Mount Vernon Code, entitled “Peddling and Soliciting;” and
- (3) Energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in Section R327.5 of the RCNYS.
- (4) buildings containing one or more assembly areas;
- (5) Outdoor events where the planned attendance exceeds 1,000 persons;
- (6) Facilities that store, handle, or use hazardous production materials;
- (7) parking garages as defined in subdivision (a) of section 13 of this local law;
- (8) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the City Council of this City; and
- (9) Other processes or activities or for operating any building, structure, or facility as determined by resolution adopted by the City Council of this City.

Any person who proposes to undertake any activity or to operate any building listed in this subdivision (a) shall be required to obtain an Operating Permit before 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 Building Inspector or Fire Inspector, whomever is applicable. Such application shall include information the Building Inspector or Fire Inspector deems sufficient to permit a determination by the requisite Inspector, that quantities, materials, and activities conform to the requirements of the Uniform Code. If the requisite Inspector 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 requisite Inspector at the applicant's expense.

(c) Inspections. City of Mount Vernon Building Inspectors or Fire Inspectors certified as code enforcement officers, or both when necessary, shall inspect the subject premises before issuing an Operating Permit. Such inspections shall be performed in Person. After inspection, the premises shall be noted as satisfactory, and the operating permit shall be issued, or the operating permit holder shall be notified as to how the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this Section is to be conducted at a location, City of Mount Vernon Building Inspectors or Fire Inspector, when necessary, certified as code enforcement officers may require a separate Operating Permit for each such activity, or the Building Inspector or Fire Inspector, may, at their discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for a specified period consistent with local conditions, but in no event to exceed as follows:

- (1) Ninety (90) days for tents, special event structures, and other membrane structures;
- (2) Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this Section and
- (3) One (1) year for all other activities, structures, and operations identified in subdivision (a) of this Section.

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

(f) Revocation or suspension of Operating Permits. If the Building Inspector or Fire Inspector determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code. In that case, such an Operating Permit shall be revoked or suspended by the Commissioner of the Department of Buildings, one of the Deputy Commissioners of the Department of Buildings, or the Fire Department Chief when applicable.

(g) Fee. The fee specified in or determined in accordance with the provisions outlined in section 18 (Fees) of this local law must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Building Inspector or the Fire Inspector who is a certified Code Enforcement Officer, where applicable:

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

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this Section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or any dwelling unit, may also be performed by a Building Inspector or a Fire Inspector authorized to conduct fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) Receipt by the Building Inspector or Fire Inspector of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist or
- (3) Receipt by the Building Inspector or Fire Inspector of any other information reasonably believed by the 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;

However, 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 has been obtained.

(c) OFPC Inspections. Nothing in this Section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this Section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or

Section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e)
 - (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
 - (3) such inspections are performed no less frequently than once a year;
 - (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
 - (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.]
- (d) Fee. The fee specified in or determined in accordance with the provisions outlined in section 18 (Fees) of this local law must be paid before or at the time each inspection performed pursuant to this Section.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law Section 267 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 Code Enforcement Officer 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, provide the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and the opportunity to abate, correct, or cure the violation, or otherwise proceed in the manner described in section 17 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation that 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.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

- (a) Definitions. For the purposes of this Section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
- (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this Section, periodic condition assessments as described in subdivision (d) of this Section, and such additional condition assessments as may be required under subdivision (e) of this Section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the City in accordance with the requirements of subdivision (f) of this Section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- (c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
 - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) if originally constructed between January 1, 1984, and December 31, 2002, then prior to October 1, 2020; and
 - (iii) if originally constructed between January 1, 2003, and August 28, 2018, then prior to October 1, 2021.
 - (3) Any parking garage constructed before the effective date of the local law enacting this provision that has not undergone an initial condition assessment before that effective date shall undergo an initial condition assessment within six months of the effective date of this local law.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this Section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the City becomes aware of any new or increased deterioration which, in the judgment of the City indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this Section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the City to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the City of Mount Vernon City Engineer, and the Commissioners of the Department of Buildings and Public Works within forty-five (45) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance

history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) **Review Condition Assessment Reports.** The **City** shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the City shall, by Order to Remedy or such other means of enforcement as the City may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This Section shall not limit or impair the right of the City to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The City shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the **City** with a written statement attesting to the fact that he or she has been so engaged, the **City** shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The **City** shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This Section shall not limit or impair the right or the obligation of the **City**:

(1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the **City** by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this **City** as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- (i) the accompanying Flood Insurance Rate Map (FIRM);
 - (ii) Flood Boundary and Floodway Map (FBFM); and
 - (iii) related supporting data along with any revisions thereto.
- (b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this Section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 15. RECORD KEEPING.

- (a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
- (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;
 - (5) all statements and reports issued;
 - (6) all complaints received;
 - (7) all investigations conducted;
 - (8) all condition assessment reports received;
 - (9) all fees charged and collected; and
 - (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.
- (b) All such records shall be uploaded to the City's electronic database and also 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.

SECTION 16. PROGRAM REVIEW AND REPORTING

- (a) The Code Enforcement Officer shall annually submit to Mayor of this City a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- (b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this City on a form prescribed by the Secretary of State, a report of the activities of this City relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this City is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

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

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

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$500 per day of violation, or imprisonment not exceeding **15 days**, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than **\$500** for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this **City**.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this **City**, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this **City** 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 **City Council** of this **City**

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

SECTION 18: FEES

A fee schedule shall be established by resolution of the City Council of this **City**. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The **City Council** of this **City** may, by resolution, authorize the **Mayor** of this **City** to enter into an agreement, in the name of this **City**, with other governments to carry out the terms of this local law, 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.

SECTION 20. 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 of this local law.

SECTION 21. EFFECTIVE DATE

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