

## LEGAL NOTICE

Please take notice that the Albion Town Board will hold a Public Hearing to hear all persons for or against the adoption of Local Law #3 of 2022, amending Chapter 58 of the Albion Town Code, on December 12, 2022 at 5:00 p.m. at the Albion Town Hall, 3665 Clarendon Road, Albion, New York, 14411.

Be it further resolved that the said proposed Local Law #3 of 2022, amending Chapter 58 of the Albion Town Code, may be viewed at the Office of the Town Clerk during normal business hours or at the Town of Albion website, [www.townofalbion.com](http://www.townofalbion.com).

Please take further notice the Albion Town Board will commence their regular meeting immediately following the close of the public hearing.

F. Richard Remley  
Supervisor

RESOLUTION CALLING A PUBLIC HEARING  
FOR AMENDMENTS TO CHAPTER 58  
OF THE ALBION TOWN CODE

WHEREAS the Albion Town Board is desirous of amending Chapter 58 of the Albion Town Code; and

WHEREAS a proposed Local Law has been drawn in relationship to amending Chapter 58 of the Albion Town Code; and

WHEREAS the Town Board of the Town of Albion is required to hold a Public Hearing on the matter before passage if this Local Law.

NOW THEREFORE BE IT RESOLVED:

Section 1. The Albion Town Board hereby calls a Public Hearing to hear all persons for or against the amending Chapter 58 of the Albion Town Code concerning the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation and Construction Code, same to be held on December 12, 2022, 5:00 p.m. at the Albion Town Hall, 3665 Clarendon Road, Albion, New York.

Section 2. The Albion Town Clerk is authorized and directed to cause an appropriate notice of this Hearing to be published in the official newspaper of the Town, in accordance with Town Law §265.

Section 3. This Resolution shall take effect immediately.

MOTION for adoption of this Resolution by Councilperson  
Seconded by Councilperson

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Bensley  
Councilperson Wilbert  
Councilperson Allen  
Councilperson Benton  
Supervisor Remley

Submitted - , 2022

LOCAL LAW #3 OF 2022 AMENDING  
CHAPTER 58 OF THE ALBION TOWN CODE

Be it enacted by the Albion Town Board, County of Orleans, State of New York  
(hereinafter referred to as the Board) as follows:

SECTION 1 – TITLE

This Local Law shall be referred to as “Local Law #3 of 2022 amending Chapter 58 of the Albion Town Code”.

SECTION 2 – AUTHORIZATION

This Local Law is adopted pursuant to the legislative authority in the Municipal Home Rule Law, Town Law §261-264 and 19 NYCRR §1203.

SECTION 3 – PURPOSE AND INTENT

The Town of Albion (sometimes hereinafter referred to as Albion) deems it necessary to update this Chapter of the Albion Town Code relating to rules and regulations for the administration of the New York State Uniform Fire Prevention and Building Code (hereinafter referred to as the Uniform Code) and the New York State Energy Conservation Construction Code (hereinafter referred to as the Energy Code). Except as otherwise provided in the Uniform

Code, other state law or other sections in this Chapter, all buildings, structures and/or premises, regardless of use or occupancy, are subject to the provisions of this local law.

### SECTION 3 – AMENDMENT

Albion Town Code Section 58 is hereby deleted as it currently exists and changed to read as follows.

### SECTION 4 – DEFINITIONS (§58-1)

In this Local Law, the following terms shall have the meanings as shown in this Section.

A. “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.

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

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

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

E. "Code Enforcement Officer" - shall mean the Code Enforcement Officer appointed pursuant to this local law.

F. "Code Enforcement Personnel" - shall include the Code Enforcement Officer and all Inspectors.

G. "Codes" - shall mean the Uniform Code, the Energy Code and/or the Albion Town Code.

H. "Energy Code" - shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

I. "FCNYS"- shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

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

K. "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.

L. “Inspector” - shall mean an inspector appointed pursuant to of this local law.

M. “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.

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

O. “Order to Remedy” - shall mean an order issued by the Code Enforcement Officer pursuant to this local law.

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

Q. “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.

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

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

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

U. “Stop Work Order” shall mean an order issued pursuant this local law.

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

W. “Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to this local law. “Town” shall mean the Town of Albion.

X. “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 5 – CODE ENFORCEMENT  
OFFICER AND INSPECTORS (§58-2)

A. The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all provisions of the Uniform Code, the Energy Code and/or the Albion Town Code. 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 Compliance, Temporary Certificates of Occupancy, Operating Permits, and all plans, specifications, and construction documents submitted with such applications;

(2) upon approval of such applications to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate relating to same;

(3) to conduct construction inspections, inspections to be made prior to the issuance of any Certificate or Permit to conduct fire safety and property maintenance inspections, to conduct inspections incidental to the investigation of complaints, and/or to conduct all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders relating to any violation(s) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Board;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the attorney for Albion, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, the Albion Town Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code and/or the Albion Town Code or this local law; and

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

B. The Code Enforcement Officer shall be appointed by the Board. 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. In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his/her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

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

E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board.

#### SECTION 6 - BUILDING PERMITS (§58-3)

A. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code, the Energy Code and/or the Albion Town 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 work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

B. 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 (such as townhouses) which are used for tool/storage sheds, playhouses or similar uses;

(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 (such as townhouses);

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

(5) painting, wallpapering, tiling, carpeting, or other similar finish work;

(6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;

(8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of a part of the fire protection system for any period of time .

C. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code and/or the Albion Town Code.

D. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code, the Energy Code and/or the Albion Town 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
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of all 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 will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth herein. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code

Enforcement Officer and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall neither be construed as authorization to commence work nor an indication that a Building Permit will be issued. Work shall not be commenced until a Building Permit is issued.

F. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and/or the Albion Town Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and/or the Albion Town Code.

G. Building Permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

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

I. Any Building Permit shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Any Building Permit shall expire twelve (12) months after the date of issuance. Any Building Permit which has become invalid or which

has expired 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. 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, the Energy Code and/or the Albion Town Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code and/or the Albion Town Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code and/or the Albion Town Code.

K. Any fee specified in or determined in accordance with the provisions relating to this local law must be paid at the time of submission of an application for a Building Permit (or an amended Building Permit) or for renewal of a Building Permit.

#### SECTION 7 – CONSTRUCTION INSPECTION (§58-4)

A. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described herein is ready for inspection.

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

- (1) work site prior to the issuance of a Building Permit;

(2) footing and foundation;  
(3) preparation for concrete slab;  
(4) framing;  
(5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;

(6) fire resistant construction;  
(7) fire resistant penetrations;  
(8) solid fuel burning heating appliances, chimneys, flues or gas vents;  
(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 after all work authorized by the Building Permit has been completed.

C. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code, the Energy Code and/or the Albion Town Code. Should a

remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make such a determination, an in-person inspection shall be performed.

D. After inspection, the work or a portion thereof shall be noted satisfactory as completed or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code, the Energy Code and/or the Albion Town Code. Work not in compliance shall remain exposed until brought into compliance with all applicable provisions of the Uniform Code, the Energy Code and/or the Albion Town Code, reinspected and found satisfactory as completed.

E. Any fee specified in or determined in accordance with the provisions relating to this local law must be paid prior to or at the time of each inspection performed.

#### SECTION 8 – STOP WORK ORDERS (§58-5)

A. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code, the Energy Code and/or the Albion Town 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, regardless of whether such work is or is not work for which a Building Permit is required, and regardless of whether a Building Permit has or has not been issued for such work, or any work for which a Building Permit is required which is



being performed without the required Building Permit (or under a Building Permit that has become invalid) has expired and/or has been suspended or revoked.

B. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. 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, by registered mail 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, by registered mail 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. Upon the issuance of a Stop Work Order the owner of the affected property, the Permit Holder, and any other person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

E. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described herein, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty herein or under any other applicable state law or section of

the Albion Town Code. Any such other remedy or penalty may be pursued at any time, whether prior to, or at the time of.

SECTION 9 – CERTIFICATE OF OCCUPANCY  
AND CERTIFICATE OF COMPLIANCE (§58-6)

A. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building, structure, or portion thereof for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

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

Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special Inspections;
- (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, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

C. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable 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 Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

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

E. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the

satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

F. Any fee specified in or determined in accordance with the provisions set forth herein must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

SECTION 10 – NOTIFICATION REGARDING  
FIRE OR EXPLOSION (§58-7)

The chief of any fire department providing firefighting services for a property within Albion shall promptly notify the Code Enforcement Office of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

SECTION 11 – UNSAFE BUILDINGS, STRUCTURES,  
EQUIPMENT AND/OR CONDITIONS OF  
IMMINENT DANGER (§58-8)

Unsafe buildings, structures, and equipment and conditions of imminent danger in Albion shall be identified and addressed in accordance with the procedures established by various sections of this Code, including this immediate Local Law, now in effect or as hereafter amended from time to time.

SECTION 12 – OPERATING PERMITS (§58-9)

A. An Operating Permit shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

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

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the Chapter or section title of the 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 in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

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

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

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

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

(xii) Section 308, “Open Flames.” Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies;  
and

(xiii) Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle in accordance with any permitting requirements established by the Albion Town Code, as now in effect or as hereafter amended from time to time.

(3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.

(4) buildings containing one or more assembly areas;

(5) outdoor events where the planned attendance exceeds 1,000 persons;

(6) facilities that store, handle or use hazardous production materials;

(7) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined through resolution adopted by the Board; and

(8) other processes or activities or for operating any type of building, structure or facility as determined through resolution adopted by the Board.

B. Any person who proposes to undertake any activity or to operate any type of building listed herein shall be required to obtain an Operating Permit prior to commencing such activity or operation.

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



person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer at the expense of the applicant.

D. The Code Enforcement Officer, or an Inspector authorized by the Code Enforcement Officer, shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code, the Energy Code and/or the Albion Town Code. Should a remote inspection not afford the Town sufficient information to make such a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted satisfactory as completed and the operating permit shall be issued or the operating Permit Holder shall be notified as to the manner in which the premises fail to comply with the Uniform Code, the Energy Code and/or the Albion Town Code including a citation to specific provision(s) that have not been met.

E. In any circumstance in which more than one activity listed herein is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity or the Code Enforcement Officer may, in his/her discretion, issue a single Operating Permit to apply to all such activities.

F. Operating permits shall be issued for a specified period of time consistent with local conditions but in no event to exceed:

(1) one hundred eighty (180) days for tents, special event structures, and other membrane structures;

(2) sixty (60) days for alternative activities at a sugarhouse;

(3) one (1) year for all other activities, structures, and operations identified herein. The effective period of each Operating Permit shall be specified in the Operating Permit.

An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

G. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

H. Any fee specified in or determined in accordance with the provisions set forth herein must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

### SECTION 13 – FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS (§58-10)

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

(1) at least once every twelve (12) months for buildings which contain an assembly area;

(2) at least once every twelve (12) months for public and private schools and/or 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 thirty six (36) months for multiple dwellings and all nonresidential occupancies.

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

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

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

(2) receipt by the Code Enforcement Officer of a written statement alleging that

conditions or activities fail to comply with the Uniform Code, the Energy Code and/or the Albion Town Code; or

(3) receipt by the Code Enforcement Officer of any other information believed by the Code Enforcement Officer to be reliable and giving rise to reasonably believe that conditions or activities fail to comply with the Uniform Code, the Energy Code and/or the Albion Town Code provided that nothing herein shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required unless such court order or warrant shall have been obtained.

D. Nothing herein 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.

E. The fee specified in or determined in accordance with the provisions as set forth herein must be paid prior to or at the time each inspection performed. This subdivision shall not apply to inspections performed by OFPC.

#### SECTION 14 – COMPLAINTS (§58-11)

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code and/or the Albion Town Code. The process for responding to a complaint shall include any of the following steps as the Code Enforcement Officer deems appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in

violation and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described herein;

(c) if appropriate, issuing a Stop Work Order;

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

SECTION 15 – CLIMATIC AND GEOGRAPHIC  
DESIGN CRITERIA (§58-12)

A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within Albion 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 termites winter design temperature, if ice barrier underlayment is required, 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 16 – RECORDKEEPING (§58-13)

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 this local

law.

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

#### SECTION 17 – PROGRAM REVIEW AND REPORTING (§58-14)

A. The Code Enforcement Officer shall annually submit to the Board 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 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 the Town, on a form prescribed by the Secretary of State, a report of the activities of the Town 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, copies of the records and related materials Albion is required to maintain, copies 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, the Energy Code and/or the Albion Town Code as may be requested by the Department of State.

SECTION 18 – VIOLATIONS (§58-15)

A. 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 and/or the Albion Town Code. 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 and/or the Albion Town Code, shall specify the provision or provisions of said Codes and shall include a statement substantially similar to the following:

“The person or entity served with an 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 herein 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, by registered mail or by 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, by registered mail or by 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. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation.

C. In addition to such other penalties as may be prescribed by State law, (1) any person who violates any provision herein 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 herein, shall be punishable by a fine of not more than Two Hundred Dollars (\$200.00) per day of violation, or imprisonment not exceeding fifteen (15) days, or both; and (2) any person who violates any provision of the Uniform Code, the Energy Code and/or the Albion Town Code, 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 Two Hundred Dollars (\$200.00) 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 Albion.

D. An action or proceeding may be instituted in the name of Albion with 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 and/or the Albion Town Code, 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 herein. 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 and/or the Albion Town Code or any Stop Work Order, Order to Remedy or other order obtained under said Codes, an action or proceeding may be commenced in the name of the Albion with the Supreme Court or any other court having the requisite jurisdiction to obtain an order directing the removal of the building or structure or an abatement of the violative conditions. No action or proceeding shall be commenced without appropriate authorization from the Board.

E. No remedy or penalty specified in this section shall be the exclusive 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 herein or in any other applicable law. Any remedy or penalty specified herein may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified herein 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 Executive Law §382(2) and any remedy or penalty specified herein may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Executive Law §382(2).

SECTION 19 – FEES (§58-16)

A. The Board shall from time to time, at least annually, establish by resolution the fee schedule for the following:

- (1) Building fee schedule.
  - (a) Residential new construction;
  - (b) Commercial;
  - (c) Additions/alternations; and
  - (d) Agricultural building.
- (2) Subdivision.
  - (a) Minor;
  - (b) Major.
- (3) Meteorological towers.
- (4) Telecommunication towers.
- (5) Carports, sheds.
- (6) Swimming pools.
  - (a) Aboveground.
  - (b) In-ground.
- (7) Applications to Zoning Board of Appeals.

- (8) Plan review.
- (9) Certificate of occupancy.
- (10) Temporary certificate of occupancy.
- (11) Sign permits.
- (12) Chimney, fireplaces and stoves.
- (13) Unregistered vehicle, six month permit, renewable parking permit (limit one per address or parcel at any time).
- (14) Job site trailers at construction site.
- (15) Demolition permit.
- (16) Site plan review (plus cost of engineering fees and attorney fees, if required): \$50.
- (17) Special use permit (plus the cost of engineering fees and attorney fees, if required; includes site plan): \$100.
- (18) Area variances.
- (19) Use variance.
- (20) Appeal/interpretation.
- (21) Petition for zoning amendment.
- (22) Application for site plan approval (per lot).
- (23) Decks and porches.
- (24) Commercial solar arms.

B. A fee schedule is located in the Office of the Town Clerk and at the Office of Code Enforcement for the Town of Albion.

C. All fees must be paid at the time of submitting an application.

D. All fees are nonrefundable.

E. If other costs are actually incurred by Albion, said cost will be in addition to the established fee.

SECTION 20 – INTERMUNICIPAL AGREEMENTS (§58-17)

The Board may by resolution authorize entering into an agreement with other governments or municipalities to carry out the terms herein provided same does not violate any provision of the Uniform Code, the Energy Code and/or the Albion Town Code.

SECTION 21. SEVERABILITY AND/OR VALIDITY (§58-18)

If any clause, sentence, paragraph, subdivision, section or part of this Local Law, or the application thereof to any person, individual, firm or corporation, or circumstance, shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which said order or judgment shall be rendered.

