

PUBLIC HEARING 12.6.22 – 7:00 PM
INTRODUCTORY LOCAL LAW #10 OF 2022
“ESTABLISHING THE VILLAGE OF MONROE CODE ENFORCEMENT PROGRAM”

A Public Hearing was held on Tuesday, December 6, 2022 in the boardroom of the Village Hall, 7 Stage Road, Monroe, NY at 7:00 PM to review a proposed Local Law entitled “Establishing the Village of Monroe Code Enforcement Program.” This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Village of Monroe. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code or other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

Present: Mayor Dwyer, Trustees Behringer, Ferraro, Karl, and O’Connor
Also present: Attorney Terhune and Clerk Zahra

On a motion by Trustee Behringer, seconded by Trustee Karl, and carried, the public hearing was opened at 7:10 PM.

There were 8 people from the public present for the public hearing. There was no written correspondence received. The public hearing was left open for 5 minutes.

Attorney Terhune stated Building Code comes down from the State, the State recently modified the Uniform Fire Prevention and Building Code and NYS suggests that anyone who uses this code should adopt this local law replacing Chapter 80. The Building Inspector reviewed and commented on the proposed local law. Some minor modifications were made. Attorney Terhune added a conflict precedence clause at the end that states the more restrictive provisions shall control.

With no further comments or questions, on a motion by Trustee Behringer, seconded by Trustee Karl and carried, the public hearing was closed at 7:15 PM.

VILLAGE OF MONROE
BOARD OF TRUSTEES MEETING
TUESDAY, DECEMBER 6, 2022
(www.villageofmonroe.org)

The first of the bi-monthly meetings of the Board of Trustees was held on Tuesday, December 6, 2022 at 7:00 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, New York. Mayor Neil S. Dwyer called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Dwyer; Trustees Behringer, Ferraro, Karl, and O’Connor
Also present: Attorney Terhune and Clerk Zahra

**PROCLAMATION – MONROE-WOODBURY BOYS CROSS COUNTRY – NYS FEDERATION
CROSS COUNTRY CHAMPIONS:**

WHEREAS, there are many students who participate in extra-curricular activities, both on and off the field; and

WHEREAS, the dedication, focus, and commitment are paramount to a successful result, for an individual and their peers; and

WHEREAS, the Monroe-Woodbury Boys Cross Country team has shown that hard work, perseverance and an exceptional team effort, by winning the NYS Federation Championship; and

WHEREAS, all the players, coaches, cheerleaders, fans, team-member parents, and the Monroe-Woodbury student body have all come together to acknowledge these efforts; and

WHEREAS, these competitors are students, ambassadors, and role models, who stand out among the many of their community;

NOW THEREFORE, be it proclaimed that the Village Board of Trustees, on behalf of our residents and community, wish to acknowledge the Monroe-Woodbury Boys Cross Country Team for their dedication, sportsmanship, teamwork, and the

competitive will to win, and we say to all coaches and players, "Congratulations, Well Done!"

In witness I, Neil S. Dwyer, Mayor of the Village of Monroe, have hereunto set my hand and caused to be affixed the seal and signature of the Village of Monroe on the sixth day of December, two thousand and twenty-two.

MINUTE APPROVAL – NOVEMBER 15, 2022 BOARD MEETING:

On a motion by Trustee Karl seconded by Trustee O'Connor, the Minutes of the November 15, 2022 Board Meeting were approved.

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

ADOPTION – LOCAL LAW #10 OF 2022 - ESTABLISHING THE VILLAGE OF MONROE CODE ENFORCEMENT PROGRAM:

WHEREAS, the Village Board of the Village of Monroe, New York ("Village Board") duly noticed a public hearing held on December 6, 2022; and

WHEREAS, the Village Board solicited public comment during said public hearing on December 6, 2022; and

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

NOW, THEREFORE, BE IT RESOLVED that:

1. The above "WHEREAS" paragraphs are incorporated herein by reference.
2. The Local Law Establishing the Village of Monroe Code Enforcement Program as attached is adopted as Local Law No. 10 of 2022 of the Village of Monroe on December 6, 2022.
3. The Village Board hereby directs the Village Clerk to take all steps to process and file said Local Law.
4. This Resolution shall be effective immediately.

On a motion by Trustee Karl, seconded by Trustee O'Connor, it was:

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor
Nays: None

**LOCAL LAW NO. 10 OF 2022 ESTABLISHING THE VILLAGE OF MONROE
CODE ENFORCEMENT PROGRAM**

Be it enacted by the Board of Trustees of the Village of Monroe, in the County of Orange, State of New York, as follows:

Chapter 80, titled, "Building Construction," is deleted in its entirety and replaced with a new Chapter 80, titled, "Building Construction."

§ 80-1 PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Village of Monroe. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law.

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

§ 80-2 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 Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes 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.

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

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

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“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 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“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 endproduct, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) 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 which 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.

“PMCNYS” 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 for the purpose of its

maintenance or to 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 the collection, storage, or processing of 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.

"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.

"Village" shall mean the Village of Monroe.

§ 80-3 CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The Office of Code Enforcement Officer is hereby created. The 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 Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;
- (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, 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;
- (4) to issue Stop Work Orders;
- (5) to review and investigate complaints;
- (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;
- (7) to maintain records;
- (8) to collect fees as set by the Board of Trustees of the Village of Monroe;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with the Village attorney, 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
- (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 of Trustees of the Village of Monroe. 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, and 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 Board of Trustees of the Village of Monroe 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 may be appointed Board of Trustees of the Village of Monroe 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, and 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 of Trustees of the Village of Monroe.

§ 80-4 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 which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Village of Monroe.

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

- (1) construction of temporary sets and scenery associated with motionpicture, television, and theater uses;
- (2) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) installation of partitions or movable cases less than 5'-9" in height;
- (4) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (5) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (6) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (7) 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 any part of the fire protection system for any period of time.

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

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the 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 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

(1) 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 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 firmname (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 set forth in paragraph (5) of subdivision (d) of this section. 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 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 is in compliance with the applicable requirements of the Uniform Code and Energy 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 and Energy Code.
- (g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- (h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the 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 and unless a new or amended Building Permit reflecting such change is issued.
- (i) Expiration. Every building permit shall expire if the work authorized has not commenced within six months after the date of issuance or has not been completed within 12 months from such date. If no zoning amendments or other codes or regulations affecting the subject property have been enacted in the interim, the Code Enforcement Officer may authorize, in writing, the extension of either of the above periods for an additional six months, following which no further work is to be undertaken until a new building permit is applied for.
- (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 such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform

Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

- (k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

§ 80-5 CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer 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 in subdivision (b) of this section is ready for inspection.

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

- (1) work site prior to the issuance of a Building Permit;
- (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) Remote inspections. 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 and Energy Code. 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.

(d) 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 the manner in which 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 shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 80-6 STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer 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, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (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) 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 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) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§ 80-7 CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

Certificates of Occupancy and Certificates of Compliance required. 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 sub-classification 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 or Certificate of Compliance.

(a) Issuance of Certificates of Occupancy and Certificates of Compliance. 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 and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. 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.

(b) Contents of Certificates of Occupancy and Certificates of Compliance. 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.

(c) Temporary Certificate of Occupancy. 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 or 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 not to exceed 6 (six) months, 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.

(d) Revocation or suspension of certificates. 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.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law 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.

§ 80-8 NOTIFICATION REGARDING FIRE OR EXPLOSION.

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

§ 80-9 UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in the Village of Monroe shall be identified and addressed in accordance with the procedures established by Local Law Number 3 of 1999, as now in effect or as hereafter amended from time to time.

§ 80-10 OPERATING PERMITS.

(a) Operation Permits required. Operating Permits 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 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; and

(xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by the Orange County Department of Health.

(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 Board of Trustees of the Village of Monroe; and

(9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Trustees of the Village of Monroe. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such 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.

(c) Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision (a) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this local law, as applicable.

§ 80-11 FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the 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 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) Remote inspections. 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) 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 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 failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer 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; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) 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 set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 80-12 COMPLAINTS

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, this local law, or any other local law [*ordinance*] 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, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;
- (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.

§ 80-13 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 Village, 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 prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment not later than six (6) months from 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 three (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 Village of Monroe becomes aware of any new or increased deterioration which, in the judgment of the Board of Trustees 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 Village of Monroe 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 Village of Monroe within sixty (60) 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 Village of Monroe 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 Village of Monroe shall, by Order to Remedy or such other means of enforcement as the Village of Monroe 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 Village of Monroe 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 Village of Monroe 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 Village of Monroe with a written statement attesting to the fact that he or she has been so engaged, the Village of Monroe shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Village of Monroe 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 Village of Monroe:

(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 Village of Monroe 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.

§ 80-14 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 Village of Monroe 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.

§ 80-15 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 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.

§ 80-16 PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Board of Trustees of the Village of Monroe 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 the Board of Trustees, on a form prescribed by the Secretary of State, a report of the activities of this Village of Monroe 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 Village of Monroe 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.

§ 80-17 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 \$500.00 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 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 the Village of Monroe.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the Village of Monroe 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 the Village of Monroe 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 Board of Trustees of the Village of Monroe.

(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.

§ 80-18 FEES

A fee schedule shall be established by resolution of the Board of Trustees of the Village of Monroe. 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.

§ 80-19 INTERMUNICIPAL AGREEMENTS

The Board of Trustees of the Village of Monroe may, by resolution, authorize Mayor of the Village of Monroe to enter into an agreement, in the name of the Village of Monroe 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.

§ 80-20 CONFLICT.

In the event of conflict between the terms and provisions of this chapter and any other chapter contained in the Village of Monroe Code, the more restrictive terms and provisions shall control.

§ 80-21 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.

§ 80-22 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.

CHANUKAH MENORAH DISPLAY AT CRANE PARK:

RESOLVED, the Board of Trustees approves the request of Chabad of Orange County to provide a Chanukah Menorah display in Crane Park for Chanukah from December 18th to 26th. Set up will be coordinated with the DPW. This approval is contingent upon proof of certificate of liability insurance.

On a motion by Trustee Karl, seconded by Trustee Ferraro

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

POLICE DEPARTMENT – INVENTORY – REQUEST TO DISPOSE:

RESOLVED, the Board of Trustees declares the following Police Department non-working equipment surplus and of no value and authorize its removal from inventory and disposal as junk:

Dell Optiplex 7440 Service Tag C9QBGB2 Express Code 2670987982 (2016)

Dell Optiplex 7440 Service Tag CNR5GB2 Express Code 26711187662 (2016)

Lenovo Monitor S/N 3ML1611F36G1097

On a motion by Trustee Behringer, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

POLICE DEPARTMENT – SURPLUS EQUIPMENT:

Resolved, the Board of Trustees declares the following Police Department equipment as surplus:

Ammunition worth \$1,009.20, resulted from changing of weapons

One Bicycle worth \$200.00, over ten years old – no longer met needs of the department

On a motion by Trustee Behringer, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

BE IT FURTHER RESOLVED, the Board of Trustees approves the sale of ammunition to the Village of Harriman Police Department in the amount of \$235.48 (June 15, 2022) and the Town of Chester Police Department in the amount of \$773.72 (October 20, 2022), and the sale of a bicycle to the Town of Chester Police Department in the amount of \$200.00 (October 20, 2022).

For Discussion: Trustee Karl noted the dates the items were sold and noted that Board approval had not been given to sell the items prior to the sale. Mayor Dwyer said the Police Department acknowledges this was done without Board approval and moving forward, prior to selling any equipment, they will request Board authorization. The Police Department keeps records and is audited by the Justice Department every year.

On a motion by Trustee Behringer, seconded by Trustee O'Connor

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

CONTINUED BUDGETARY TRANSFERS / MODIFICATIONS:

(Minutes 11/15/2022)

RESOLVED, the Board of Trustees authorizes the Treasurer to make the following fund transfers / modifications to balance the budget:

From:	Description	To:	Description	Amount	
A.9950.980	Transfers Bldg Insp Equip	A.3620.230	Bldg Insp Motor Vehicles	10,000.00	Re auto purchase end of lease
Budget Modifications					
A.2260	Police Services	A.3120.135	PD OT/Grants	1,991.67	Raise Revenue/Expense lines re grant
A.2665	Sales of Equipment	A.3120.250	PD Other Equipment	973.72	Raise Revenue/Expense lines re equipment sold
A.4389	Other Public Safety	A.3120.412	PD Uniforms	437.80	Raise Revenue/Expense lines re protective vest reimbursement

On a motion by Trustee Behringer, seconded by Trustee O'Connor

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

RESOLUTION – VILLAGE OF MONROE - CONSENT TO FORM REDEVELOPMENT COMPANY:

WHEREAS, pursuant to §103 of the Private Housing Finance Law of the State of New York (the "PHFL"), Irving Langer, Miriam Langer and Benny Goldstein desire to form a Redevelopment Company, to be named MONROE ADULT FACILITY REDEVELOPMENT COMPANY, INC.; and

WHEREAS §104 of the PHFL requires the consent of a Supervising Agency to form a Redevelopment Company; and

WHEREAS, pursuant to § 102(2) of the PHFL, the term "Supervising Agency" means the chief financial officer of a municipality if such municipality does not have a municipal comptroller; and

WHEREAS the Village of Monroe, County of Orange, State of New York (the "Village") is a municipality; and

WHEREAS the Village does not have a municipal comptroller; and

WHEREAS the chief financial officer of the Village is the Treasurer of the Village; and

WHEREAS, pursuant to §102(2) of the PHFL, the Village Treasurer is the Supervising Agency.

The Board of Trustees of the Village does hereby resolve as follows:

BE IT RESOLVED that the Introduction and Preamble set forth above are hereby incorporated into this Resolution with the same force and effect as if more fully set forth at length herein; and

BE IT FURTHER RESOLVED, that the authorization of the Treasurer of the Village to consent to the formation of a Redevelopment Company under the PHFL is hereby verified and confirmed; and

BE IT FURTHER RESOLVED, that the Treasurer of the Village is hereby authorized to execute the annexed Consent to Formation; and

BE IT FURTHER RESOLVED, that the executed Consent to Formation shall be deemed the consent required under §104 of the PHFL to form MONROE ADULT FACILITY REDEVELOPMENT COMPANY, INC.; and

BE IT FURTHER RESOLVED that the Treasurer of the Village may file the Consent to Formation with the Office of the Secretary of State of the State of New York or cause the Consent to Formation to be filed with the Office of the Secretary of State of the State of New York; and

BE IT FURTHER RESOLVED that without further Resolution of the Board of Trustees of the Village the Treasurer may execute any other documents reasonably required to effectuate (i) the formation of the MONROE ADULT FACILITY REDEVELOPMENT COMPANY, INC. or (ii) the actions contemplated hereunder.

On a motion by Trustee Karl, seconded by Trustee Behringer

Ayes: Mayor Dwyer, Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

ACCEPTANCE - MONROE DRINKING WATER SOURCE PROGRAM (DWSP2):

RESOLVED, the Board of Trustees accepts the acceptance letter from the New York State Department

of Environmental Conservation in reference to the Monroe Drinking Water Source Program (DWSP2), congratulating the Village of Monroe. The New York State Department of Environmental Conservation (DEC) and Department of Health (DOH) have reviewed the Monroe Drinking Water Source Protection plan completed November 2022, with technical assistance from Barton & Loguidice and accept the plan, effective December 2, 2022. The plan was reviewed and accepted for its technical merits and for its completeness with respect to the Framework for Creating a Drinking Water Source Protection Program Plan. Communities are encouraged to actively use, maintain and where possible, improve upon this plan as part of their ongoing source water protection vigilance.

On a motion by Trustee Karl, seconded by Trustee O'Connor

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

RESOLUTION SETTING PUBLIC HEARING FOR EXTENSION OF MORATORIUM:

RESOLVED, the Board of Trustees shall convene a public hearing at 7:00PM on December 20, 2022, for an extension to the Moratorium. The Village Clerk shall cause a Notice of Hearing to be published in the official newspaper not less than ten (10) days before the public hearing.

On a motion by Trustee Ferraro, seconded by Trustee Karl

Ayes: Trustees Behringer, Ferraro, Karl and O'Connor

Nays: None

MAYOR & TRUSTEE'S REPORT:

Trustee Behringer reminded the public that the Winter Festival was being held this Saturday, December 10, 2022 from 2pm to 5pm in a new location, Lake Street in the Downtown Business District. She encourages all to shop local during the event. Santa and Mrs. Claus, hayride sleighrides, carolers, hot chocolate, cookies, and a tent with heaters for all to enjoy!

Trustee Ferraro has had wiring done in the downtown for music and a PA system. Holiday music during the holiday season and music will be played year-round. Mother Nature willing, skating will be back at the ponds. A green flag is safe and red is not safe. Skating will be at your own risk.

Trustee Karl thanked the Board for Kathy Rooney for helping with the Thanksgiving Dinner at the Legion for the Veterans. Their help was greatly appreciated. He also inquired about the status of 13 Lakes Road. Mayor Dwyer said two local qualified companies have gone out to look at the situation and we have not received any bids back. Trustee Karl questioned if we have thought about and authorized to advertise for a Motor Equipment Operator for the Department of Public Works. Mayor Dwyer said it was something they needed to discuss. Trustee Karl feels that the Village should be forming a Village of Monroe Downtown Revitalization Committee to be included in the Comprehensive Plan.

ATTORNEY'S REPORT:

Nothing to report.

PUBLIC COMMENT:

PRESENT 14

TIME: 7:35PM

Michelle Hieronymi, 82 Winchester Drive, spoke of her concerns with Whitman Estates. She was looking for answers to questions she had at the last meeting. Mayor Dwyer let her know that her questions should be sked to the Building Department. See attached for more comments.

Arnold Tooma, 86 Winchester Drive, spoke of his concerns and wanted answers to his questions from the last meeting. Again, some questions should be directed to the Building Department. He did commend the Police Department for the additional patrolling. See attached for more comments.

Tom Lapolla, 13 Seals Drive, addressed the Board about the buses doing unsafe u-turns, backing up, rolling through stop signs, and speeding. He feels it is a simple fix to get on the phone with the bus companies and address the issues. Mayor Dwyer explained that he has sat down with at least six privately owned bus companies that are contracted out by Monroe-Woodbury, operating in the Village transporting students back and forth, and discussed these issues with them. Some of the buses have equipment to monitor the speed. Patrolling this area, 27 citations were issued since complaints have been received on or about November 8, 2022.

EXECUTIVE SESSION:

On a motion by Trustee Behringer, seconded by Trustee O'Connor, and carried, following a 5-minute recess, the Board convened in Executive Session at 8:25 PM for discussion of Advice of Counsel.

OPEN SESSION:

On a motion by Trustee Ferraro, seconded by Trustee Behringer, and carried, the Open Meeting resumed at 11:15 PM.

ADJOURNMENT:

On a motion by Trustee Ferraro, seconded by Trustee Behringer, and carried, no further business, the meeting was adjourned at 11:15 PM.

Respectfully Submitted,

Kimberly Zahra
Village Clerk

Michelle Hieronymi
82 Winchester

NEW YORK STATE VEHICLE AND TRAFFIC LAW

Article 1 Section 146 – “STOP”

When required means complete cessation from movement.

Chapter 71, Title 7, Article 23, Section 1101 – REQUIRED OBEDIENCE TO TRAFFIC LAWS

It is unlawful and, unless otherwise declared in this title with respect to particular offenses, it is a traffic infraction for ANY PERSON to do ANY ACT (that is) forbidden or fail to perform any act required in this title.

Chapter 71, Title 7, Article 26, Section 1142 – VEHICLE ENTERING STOP OR YIELD INTERSECTION

Vehicle entering stop or yield intersection, except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop as required by section 1172...

Chapter 71, Title 7, Article 29, Section 1172 – STOP SIGNS & YIELD SIGNS

Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line...

It's been 3 weeks since a group of residents from Whitman Estates addressed this Board with grievances, concerns AND questions.

Since then, every day the majority of non-public school buses continue to roll thru/blow thru our stop signs and fly down our roads, ignoring New York State Vehicle & Traffic laws and local ordinances. The fact that lawlessness and recklessness is let to carry on, is outrageous and unacceptable!

For an outsider looking at this situation, it would seem there are 2 sets of laws...

Although a police presence has a positive affect, it is only a temporary fix, and when the cat's away...well, you know the rest.

Monitoring these school buses needs to be increased, especially during pickup and drop off times and violations MUST be swiftly met with summonses, NOT warnings and NOT stand downs. It is not the residents' responsibility to restore peace and good order to our neighborhood.

With all due respect, we are calling on this board to devise a swift and just resolution to these infractions. ~~After all, it is your job.~~

Thank you.

Arnold Tooma

Old Business:

86 Winchester Dr.

Answers to Questions:

mo

1. Parking Regulations: Driveway and mailbox
2. Wires attached from house to house on Winchester Drive:
 - a. 60 Winchester Drive to 51 Winchester Drive
 - b. 53 Winchester to 66 Winchester Drive
3. Speeding school buses and running stop signs? Buses don't run on Friday evening and on Saturday.
 - a. Thank you for the increase patrols, some progress has been made but still a problem.
4. Paved path going across a Village easement, and from Village territory to Town territory. (over two months now) This path is now blocking the drainage easement in the back of my property which could lead to flooding on my property, this needs to be addressed and resolved immediately
5. 88 Winchester Drive is an Airbnb or short-term rental agreements happening every weekend, nobody lives in the house during the week but a difference group of people from NYC show up each weekend?
6. Is there a Lumens limit, similar to the decibels limit you have mandated for sound?
7. New Shul at 83 Winchester Drive, status and/or progress?
 - a. Establishing a clear Occupancy Capacity of a building
 - b. Ample parking must be provided on the property
 - c. What is the Zoning for Whitman Estates; Original zoning character of the neighborhood for single-family residence and not for commercial religious use, like churches, mosques, temples or a shul: has our zoning changed?

D. ADA Requirements

New Business:

1. October 15th: A car parked in the driveway of 83 Winchester Drive drove across the lawn onto the property of 85 Winchester Drive crashing into a retaining wall on the property of 85 Winchester Drive and getting stuck (I have a picture of the van sitting on the retaining wall with the car running). With clear damage to the retaining wall, the driver of the car eventually after several attempts which lasted around 10 minutes, the driver freed his van from the retaining wall and drove away. With concern for my neighbor who was now left with a damaged retaining wall I called the Monroe Police Department back and reported a one car accident at 85 Winchester Drive. The Police Office returned around 5 minutes after I called, I spoke with the Office about what I had witnessed and concern that the driver of the van just drove away without even seeing if someone was home or leave a note for the damage this person just did to the property.
2. Changing the time for parking overnight in the Village on October 17th from 10pm to midnight, this was a surprise to everyone.
 - a. October letter from Mayor says 10:00pm
 - b. Monroe PD didn't know of the change
 - i. They were dispatched on three consecutive nights to 83 Winchester Drive (17th - 19th)
 - c. Village signs still say 10:00pm
 - d. No communications have been shared with any Monroe Village residents correcting the Mayors letter and informing the them of the new parking times.
 - e. What is the plan to compensate anyone who received a ticket starting on oct 1st?