

**TOWN OF OTISCO
LOCAL LAW NO. 3 of 2010**

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

**A LOCAL LAW SUPERCEDING THE TOWN OF OTISCO BUILDING PERMIT
ORDINANCE OF 1976 AND THE TOWN OF OTISCO REGULATIONS FOR THE
IMPLEMENTATION OF LOCAL LAW #1 OF THE TOWN OF OTISCO FOR 1989**

**Be it enacted by the Town Board of the Town of Otisco, in the County of Onondaga,
as follows:**

The Town of Otisco Building Permit Ordinance of 1976, the Town of Otisco Regulations for the Implementation of Local Law #1 of the Town of Otisco for 1989, and any other prior law, rule, regulation, ordinance, or resolution of the Town of Otisco which is inconsistent with the provisions of this Local Law are repealed, and these are superceded as follows:

SECTION 1. TITLE

This Law shall be known as Town of Otisco 2010 Uniform Fire Prevention and Building Code Administration and Enforcement Law.

SECTION 2. PURPOSE AND INTENT

This Local Law provides for the administration and enforcement 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") in the Town of Otisco (hereinafter referred to as the "Town"). This Local Law is adopted pursuant to Section 10 of the New York Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other State law, or other sections of this Local Law, all buildings, structures and premises, regardless of use or occupancy, shall be subject to the provisions of this Local Law.

SECTION 3. DEFINITIONS

The following terms shall have the meanings ascribed to them in this Local Law:

"Building Permit" shall mean a permit issued pursuant to Section 5 of this Local Law. 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 Occupancy” shall mean a certificate issued pursuant to subdivision (b) of Section 8 of this Local Law.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of Section 4 of this Local Law.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors acting on behalf of the Code Enforcement Officer.

“Compliance Order” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of Section 16 of this Local Law.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time. (For reference, see: NYS Energy Law, Article 11, State Energy Conservation Construction Code Act, §§ 11-101 through 11-110, and 19 NYCRR Part 1240, Energy Code.)

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of Section 4 of this Local Law.

“Operating Permit” shall mean a permit issued pursuant to Section 11 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.

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

“Person” shall include an individual, society, club, firm, partnership, limited partnership, joint venture, corporation, limited liability company, business trust, estate, trust, or any association of Persons as defined herein, or any other legal or commercial entity of any kind or description, and the singular shall include the plural number.

“Stop Work Order” shall mean an order issued pursuant to Section 7 of this Local Law.

“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of Section 8 of this Local Law.

“Town” shall mean the Town of Otisco.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 4. 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, Temporary Certificates, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates, and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates, and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate for the erection, alteration, relocation, addition, repair, and/or demolition of buildings and structures, or any portion thereof;
- (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Temporary Certificates, and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Local Law;
- (4) to issue Stop Work Orders;
- (5) to review and investigate complaints;
- (6) to issue orders pursuant to subdivision (a) of Section 16 entitled "Violations" of this Local Law;
- (7) to maintain and file all records necessary for the administration of the office of the Code Enforcement Officer to the satisfaction of the Town Board;
- (8) to collect fees as set by the Town Board of this Town;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with the attorney for the Town, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this Local Law, or as may be necessary to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this Local Law, or any other applicable laws, rules and regulations; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Local Law or by the Town Board.

(b) The Code Enforcement Officer shall be appointed by the Town Supervisor with the approval of the Town Board. The Code Enforcement Officer shall possess background experience related to building construction and 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 certifications from the State Fire Administrator 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, the Town Supervisor shall have the power to serve as Acting Code Enforcement Officer, or, with the consent of the Town Board, to designate a Person to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of such Person's 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 Town 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, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer, the Acting Code Enforcement Officer, and Inspectors shall be fixed from time-to-time by the Town Board of the Town.

SECTION 5. 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 expressly not limited to, the erection, construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure, or any portion thereof, or 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 Code Enforcement Officer.

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

- (1) construction or installation of one story detached structures associated with one-family or two-family dwellings, or multiple single-family dwellings (e.g. townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters), which are not intended for use by one or more persons as quarters for living, sleeping, eating, or cooking;
- (2) installation of swings and other playground equipment associated with a one-family or two-family dwelling, or multiple single-family dwellings (e.g. townhouses);
- (3) installation of swimming pools associated with a one-family or two-family dwelling, or multiple single-family dwellings (e.g. townhouses) where such pools are designed or constructed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) installation of fences which are not part of an enclosure surrounding a swimming pool;
- (5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (6) construction of temporary motion picture, television, and theater stage sets and scenery;
- (7) installation of window awnings supported by an exterior wall of a one-family or two-family dwelling, or multiple single-family dwellings (e.g. townhouses);
- (8) installation of partitions or movable cases, racks, or counters less than 5'-9" in height;
- (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10) installation of UL listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (11) replacement of any equipment provided the replacement does not alter the equipment's capacity listing or render it inconsistent with the equipment's original specifications;
- (12) necessary repairs which do not materially affect structural features or electrical systems, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of ingress or egress, or the rearrangement of parts of a structure in a manner which affects ingress or egress; (iii) the enlargement, alteration, replacement, or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time;
- (13) alterations to existing buildings or structures, provided that the alterations: (i) cost less than \$10,000; (ii) do not materially affect structural features; (iii) do not affect fire safety

features such as smoke detectors, sprinklers, required fire separations and exits; (iv) do not involve the installation, extension, or modification of electrical systems; (v) do not include the installation of solid fuel burning heating appliances and associated chimneys and flues;

(14) nonresidential farm buildings, including barns, sheds, poultry houses, and other buildings used directly and solely for agricultural purposes.

(c) Exemption Not Deemed Authorization to Perform Non-Compliant Work. The exemptions from the requirement to obtain a Building Permit for work in any category set forth in subdivision (b) of this Section, above, 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, prescribed 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, and its accompanying documents, shall include such information and documentation 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 proposed work;

(2) identification and/or description, including the tax map number and the street address of the parcel of land or the premises where the work is to be performed;

(3) a description of use and the occupancy classification of the land or any affected existing or proposed building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;

(5) at least three (3) sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law, or by this Local Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed as required by the Code Enforcement Officer; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable as required by the Code Enforcement Officer, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines; and

(6) the fee required as set forth in Section 17 entitled “Fees” of this Local Law.

(e) Waiver. The requirement for plans to be stamped with the seal of an architect or professional engineer are waived for buildings of less than 1,500 square feet of living space or improvements (such as additions) of less than 1500 square feet. The Code Enforcement Officer may waive the requirement of plans and specifications when the work to be done involves minor alterations or is otherwise deemed unnecessary in the discretion of the Code Enforcement Officer.

(f) Changes in Applications. The applicant shall notify the Code Enforcement Officer of any changes in the information contained in the application during the period for which the Building Permit is in effect. A Building Permit will be issued when the application has been determined to be complete and when the proposed work has been determined to conform to the requirements of the Uniform Code and/or the Energy Code as determined by the Code Enforcement Officer. The authority conferred by such Building Permit may be limited by conditions, if any, contained therein. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer and approval shall be received from the Code Enforcement Officer prior to the commencement of such change of work.

(g) Construction Documents. Construction documents shall 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. 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 Officer and all Inspectors acting on behalf of the Code Enforcement Officer. 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 by the Code Enforcement Officer.

(h) 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.

(i) 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.

(j) 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.

(k) Time Limits. Building Permits shall become invalid unless the authorized work is substantially commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance or upon the issuance of a Certificate of Occupancy (other than a Temporary Certificate), whichever occurs first. A Building Permit which has become invalid or which has expired pursuant to this subdivision may, upon application by the Permit Holder, be renewed for successive one-year periods provided that: (a) the Building Permit has not been revoked or suspended at the time the application for renewal is made, (b) the relevant information in the application is up-to-date, (c) the renewal fee is paid, and (d) the Code Enforcement Officer approves the application.

(l) 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, misrepresentation, falsification of a material fact, or that the work for which a Building Permit was issued violates the Uniform Code, the Energy Code, or any condition attached to such Building Permit, 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 any condition attached to such Building Permit, 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 any condition attached to such Building Permit.

(m) Fee. The fee specified in, or determined in accordance with the provisions set forth in Section 17 entitled "Fees" of this Local Law, shall 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.

SECTION 6. CONSTRUCTION INSPECTIONS

(a) Work to Remain Accessible and Exposed. Work for which a Building Permit has been issued under this Local Law shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer prior to enclosing or covering any portion thereof. 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 each stage of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit, building location, site preparation, and excavation;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing and superstructure;
- (5) building systems, including electrical, plumbing, heating, and air conditioning, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

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

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 17 entitled "Fees" of this Local Law shall be paid prior to, or at the time of each inspection performed pursuant to this Section.

SECTION 7. 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 the work for which the Building Permit was issued or 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 posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to the owner or Permit Holder by certified mail at the address set forth in the application for the permission of the construction of such building. 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 described above shall not affect the efficacy of the Stop Work Order.

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

(e) Remedy Not Exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this Section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under Section 16 entitled "Violations" of this Local Law or under any other applicable 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.

SECTION 8. CERTIFICATES OF OCCUPANCY

(a) Certificates of Occupancy Required. A Certificate of Occupancy shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy. No building or structure, nor any section, portion, or addition of a building or structure, that is, or that has been, erected, enlarged, extended, altered, or upon which work has been performed which work requires the issuance of a Building Permit shall be occupied or used at all after the completion of the alteration or work unless a Certificate of Occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a Certificate of Occupancy authorizing the change has been issued. The owner or his agent shall make application for a Certificate of Occupancy.

(b) Issuance of Certificates of Occupancy. The Code Enforcement Officer shall issue a Certificate of Occupancy if the work which was the subject of the Building Permit was completed in accordance with the plans and specifications which accompanied the Building Permit application or approved amendments or modifications thereto, and in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The 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. 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, shall be provided to the Code Enforcement Officer prior to the issuance of a Certificate of Occupancy:

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

No Certificate of Occupancy shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation in the area intended for use of the Uniform Code, Energy Code, or this Local Law, and upon payment of the appropriate fee.

(c) Contents of Certificates of Occupancy. A Certificate of Occupancy shall contain the following information:

- (1) the Building Permit number, if any;

- (2) the date of issuance of the Building Permit, if any;
- (3) the owner's name, and the address and tax map number of the property;
- (4) if the Certificate of Occupancy is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system or fire or smoke detection devices are provided, a notation as to whether the sprinkler system or fire or smoke detection devices are required and are operational and are in compliance with the Uniform Code, Energy Code, and this Local Law;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate (of Occupancy) if the building or structure or a designated portion of a building or structure is sufficiently complete, allowing the temporary occupancy of a building or structure, or a designated 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 unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire-detecting and smoke-detecting or fire protection equipment which have been installed are operational, (3) that all required means of egress from the building or structure have been provided, and (4) that the building or structure, or portion thereof covered by the Temporary Certificate, may be properly put to the use for which it is intended. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as the Code Enforcement Officer deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and shall be specified in the Temporary Certificate. A Temporary Certificate shall expire six (6) months from the date of issuance or at an earlier date if so specified. A Temporary Certificate may, at the discretion of the Code Enforcement Officer and upon payment of an additional fee as specified for a Temporary Certificate, be renewed. The Code Enforcement Officer may place special conditions on Temporary Certificates as necessary

to insure safety and to protect the interests of the Town. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, the Energy Code, and this Local Law so as to qualify the building or structure, or portion thereof covered by the Temporary Certificate for the issuance of a Certificate of Occupancy.

(e) Revocation or Suspension of Certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy or a Temporary Certificate was issued in error because of incorrect, inaccurate, or incomplete information, or for other reasons, 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) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 17 entitled "Fees" of this Local Law shall be paid at the time of submission of an application for a Certificate of Occupancy or for a Temporary Certificate.

SECTION 9. NOTIFICATION REGARDING FIRE OR EXPLOSION

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, fuel storage facility, chimney, or vent.

SECTION 10. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and appurtenant equipment in the Town shall be identified and addressed in accordance with the procedures established by Sections 108 and 109 of the Property Maintenance Code of the New York State Building Code, as now in effect or as hereafter amended from time-to-time.

SECTION 11. OPERATING PERMITS

(a) Operation Permits Required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

- (3) use of pyrotechnic devices in any place of public assembly;
- (4) buildings containing one or more places of public Assembly with an occupant load of 100 persons or more; and
- (5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by Resolution adopted by the Town Board of the Town.

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 involved in the use conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformity, 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) Inspections. 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.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this Section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in the discretion of the Code Enforcement Officer, issue a single Operating Permit to apply to all such activities.

(e) Conditions of Operating Permits. Operating Permits may contain such provisions, requirements or limitations pertaining to the intended use as the Code Enforcement Officer may prescribe, which shall be in the specified Operating Permit.

(f) Duration of Operating Permits. Operating Permits shall be issued for such period of time, not to exceed one (1) year in the case of any Operating Permit issued for a place of public assembly and not to exceed three (3) years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or Suspension of Operating Permits. 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 Operating Permit or the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 17 entitled "Fees" of this Local Law 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 12. 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 for the purpose of determining compliance with the fire prevention and property maintenance requirements of the Uniform Code or Energy Code at the following intervals:

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

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

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months. Inspections of such buildings shall include all common areas such as halls, foyers, staircases, etc. and vacant dwelling units. Where the tenants of occupied dwelling units allow, the inspection may include such units.

(b) Inspections Permitted. In addition to the inspections required by subdivision (a) of this Section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

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

(2) receipt by the Code Enforcement Officer of a written statement specifically alleging the existence of conditions or activities that fail to comply with the Uniform Code or Energy Code;

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, constituting reasonable cause to believe that conditions or activities exist which fail to comply with the Uniform Code or Energy Code exist; or

(4) upon the occurrence of an event where a structure otherwise subject to inspection sustains any damage due to fire, explosion, collapse, wind, flood, water damage or acts of God.

Notwithstanding the foregoing, if entrance to make an inspection is refused or cannot be obtained, the Town Board, after being notified by the Code Enforcement Officer or the Inspector of the situation, may apply to any court of competent jurisdiction for an order or warrant to conduct an inspection. Nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) Inspections During Construction. The owner, applicant, or his agent shall provide a list, at their expense, of the work that requires special inspections during construction. A statement of the special inspections, including a complete list of materials and work requiring such inspections, and a list of the individuals and the approving agencies, shall be provided to the Code Enforcement Officer for the permit application file. The reports of such special inspections shall be provided to the Code Enforcement Officer for the permanent record.

(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 under Executive Law Section 156-e and Education Law Section 807-b. The Code Enforcement Officer may accept an official OFPC inspection report for a building or structure or portion thereof, and elect not to inspect a building or structure, or portion thereof, if an inspection has been already performed by OFPC within the applicable period of time required by this Local Law, and a copy of the official inspection report has been provided to the Code Enforcement Officer by the owner, or his agent.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 17 entitled “Fees” of this Local Law shall 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 for which the Town has received a copy of the official OFPC inspection report.

SECTION 13. 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, or in furtherance of the 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 the Code Enforcement Officer may otherwise proceed in the manner described in Section 16 entitled "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, retaining a copy of such documentation, and filing such report with the complaint with the Town Clerk.

SECTION 14. RECORD KEEPING

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by the Code Enforcement Officer and all Inspectors acting on behalf of the Code Enforcement Officer, including records of:

(1) all applications received, reviewed and approved or denied;

(2) all plans, specifications and construction documents approved;

(3) all Building Permits, Certificates of Occupancy, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

(5) all statements and reports issued;

(6) all complaints received;

(7) all investigations conducted;

(8) all other features and activities specified in or contemplated by Sections 5 through 13, inclusive, of this Local Law, including all procedural, administrative, or other rules and regulations adopted or amended to implement the provisions of this Local Law as promulgated by the Town Board, and all notices and orders issued by the Code Enforcement

Officer or any Inspector acting on behalf of the Code Enforcement Officer, and all decisions rendered by the Town Board acting as a Uniform Code Review Board; and

(9) all fees charged and collected.

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

SECTION 15. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Town 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 Section 14 entitled "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 Town, on a form prescribed by the Secretary of State, a report of the activities of the Town relative to the administration and enforcement of the Uniform Code and the Energy Code, if applicable.

(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, from the records and related materials the Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Town in connection with the administration and enforcement of the Uniform Code and the Energy Code if applicable.

SECTION 16: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer shall be 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, this Local Law, or other applicable law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, this Local Law, or other applicable law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, this Local Law, or other applicable law, which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be

served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall also be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; 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, the Energy Code, this Local Law, or other applicable law.

(c) Civil Penalties. In addition to those penalties proscribed by State law, 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, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Local Law, shall be liable for a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town, either on its own initiative or at the request of the Code Enforcement Officer.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the Town 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 other applicable law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the 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, Compliance Order or other Order obtained under the Uniform Code, the Energy Code, this Local Law, or other applicable law, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the cessation of occupancy or use of a structure, building or a portion thereof, the removal of a building or a structure, or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of the Town.

(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 7 entitled "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 7 entitled “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 or any subsequent or similar law (See Section 11-108 of the Energy Law).

(f) Review Board. Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this Local Law, applications for variances consistent with the spirit of the Uniform Code, the Energy Code, and this Local Law, may be made to the Town Board of the Town acting as a review board in accordance with the implementation of the Uniform Code, the Energy Code or this Local Law and any other relevant regulations adopted by the Town.

SECTION 17: FEES

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

SECTION 18. INTERMUNICIPAL AGREEMENTS

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

SECTION 19. CONFLICT WITH OTHER LAWS

This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York. During the duration of times that this Local Law is in effect, to the extent permitted by law, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions including, but not limited to, the statutes set forth in the New York Town Law.

SECTION 20. SEVERABILITY

If any clause, sentence, paragraph, section, article, subdivision, provision, or part of this Local Law shall be adjudged by any Court of competent jurisdiction in the State of New York to be void, unconstitutional, invalid, ineffective, or unenforceable, in whole or part, such adjudication or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations and only apply to the clause, sentence, paragraph, section, article, subdivision, provision, or part thereof directly involved in the controversy in which such adjudication or judgment shall have been rendered or so adjudged, and not deemed to affect, impair, or invalidate the remainder of this Local Law which shall remain valid and in full force and effect.

SECTION 21. PRIOR LAW

Upon the effective date of this Local Law, this Local Law shall repeal the Town of Otisco Building Permit Ordinance of 1976, the Town of Otisco Regulations for the Implementation of Local Law #1 of the Town of Otisco for 1989, and any other prior law, rule, regulation, ordinance, or resolution of the Town of Otisco which is inconsistent with the provisions of this Local Law, and supercede the provisions of any prior Town Local Law, Ordinance, or Regulation which are inconsistent with the terms of this Local Law.

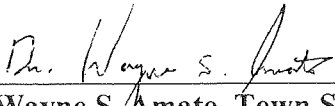
SECTION 22. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing of this Local Law in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

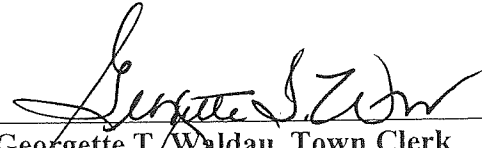
Town Board of the Town of Otisco

December 13, 2010

Be it so ordered by the Town Board of the Town of Otisco.



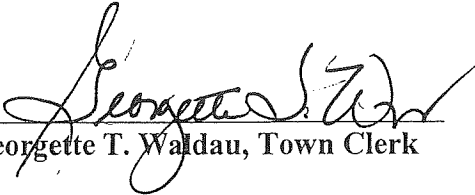
Dr. Wayne S. Amato, Town Supervisor



Georgette T. Waldau, Town Clerk

STATE OF NEW YORK, COUNTY OF ONONDAGA
TOWN OF OTISCO

I, the undersigned, Town Clerk of the Town of Otisco, do hereby certify that the above Local Law is a true and accurate copy of the original Town of Otisco, Local Law # 3 of 2010 for the Town of Otisco 2010 Uniform Fire Prevention and Building Code Administration and Enforcement Law, which was passed and adopted by the Town of Otisco Town Board after a Public Hearing at a meeting of the Town Board of the Town of Otisco, State of New York, on December 13, 2010, and same was filed in the office of the Town Clerk on December 13, 2010.


Georgette T. Waldau, Town Clerk

Dated: December 13, 2010.

Town of Otisco
Applicant's Preliminary Statement of Potential Environmental Impact

Instructions:

Every applicant for a Building Permit or other Town approval involving the construction or renovation of structures, or the subdivision or development of real property in the Town of Otisco, shall complete and file this Statement with the Town of Otisco simultaneously with the submission of an application. The Town of Otisco shall, within a reasonable period of time, review this Statement and shall make a determination as to whether the proposed construction, renovation or development (hereinafter referred to as an "Action") may, or may not, have a significant impact on the environment, and/or whether the Town has other concerns relative to the proposed Action. In making this determination, the Town of Otisco may require the applicant to provide additional information or documentation and, in its discretion, may require the applicant to meet with Town officials and/or appear before the Town Board or at Public Hearings for discussion, prior to making a determination relative to the proposed Action.

Additional sheets may be attached as needed to provide complete information.

***** Note ** Incomplete responses, or responses stating "Not applicable" or "NA" or "Unknown" relative to information identified as "Required", below, shall not be sufficient to enable the Town to make an appropriate or timely determination relative to potential environmental or other impacts and will delay the processing of an application.***

Required Information:

Please type or clearly print the following information:

1. Applicant's Full Name:

Address: _____

Phone Number: _____

Address of Property to be effected: _____

2. Full name of title owner of property to be effected:

Address: _____

Phone Number: _____

3. Describe in detail the nature of the proposed Action:

4. Does the proposed Action include the subdivision of land involving 30 or more lots, either currently or as may be anticipated by the applicant during the period of 10 years immediately following the date of this Statement?

Yes

No

5. Will the proposed Action effect 10 or more acres, either currently or as may be anticipated by the applicant during the period of 10 years immediately following the date of this Statement, and include, in whole or in part, single or multi-family residential homes, apartments, including garden apartments, town houses or condominiums, or any combination thereof?

Yes

No

6. Will the proposed Action effect 10 or more acres, either currently or as may be anticipated by the applicant during the period of 10 years immediately following the date of this Statement, and include, in whole or in part, commercial, industrial, agricultural or other non-residential uses?

Yes

No

7. If the response to questions 4, 5 or 6, above is "Yes", specify the number of lots or acres involved and identify the number of units and each type of use as planned:

8. State whether the proposed Action will have, or may potentially have any impact on the environment, and, if so, identify each such environmental impact:

10. State whether the proposed Action will have any impact or effect on Town or County roads or other municipal or private property and, if so, identify each such impact:

11. State whether the proposed Action may result in an increase in the volume of vehicular traffic utilizing Town or County roads, either during development or after completion of development, and, if so, state the anticipated increase in the volume of traffic and the roads effected:

Optional:

State whether, in the applicant's view, the proposed Action will, or will not have a significant effect of the environment, and state the reasons for such opinion:

Provide any additional information or considerations that the applicant desires to provide relative to this Statement, if any:

Attach additional sheets, drawings, plans, maps or other information or documentation to depict the proposed Action.

Required:

List each additional sheet, drawing, plan, map or additional information or documentation being provided with this Statement, if any:

_____	_____
_____	_____
_____	_____

X _____ Date: _____
Applicant's Signature

***** Fees:** Application fees for permits or approvals are as set forth in the application materials obtained from the Town. In addition, if a response was "Yes" to questions 4, 5, or 6, above, an additional fee of \$150.00 must be submitted with this Statement to defray the Town's cost of its preliminary analysis of the proposed Action.

Note: Pursuant to Local Law, the continued processing of an application involving certain types of Actions may be subject to the payment of additional fees and costs as provided by Local Law.

Applicable applications and application fees, and this Statement and Statement fee, if applicable, should be submitted to:

**Town of Otisco
1924 Barker Street
Tully, NY 13159
(315) 696-4676**

**TOWN OF OTISCO
SEQRA AND LOCAL LAW COMPLIANCE
SCHEDULE OF FEES**

The following is the Town Board of the Town of Otisco approved fee structure, effective September 13, 2010, for Town Board review as the Lead Agency of proposed Actions under Town of Otisco Local Law No. 1 of 1977 as enacted by the Town of Otisco pursuant to Article 8 of the New York Environmental Conservation Law (known as the "State Environmental Quality Review Act", or "SEQRA").

The Town reserves the right to require advance payment of these fees by applicants and/or that an amount of monies be provided by applicants, in advance, and be placed in a non-interest bearing escrow account to pay for these fees as they are incurred. If an escrow fund has been depleted, all remaining review work on the proposed Action shall be suspended until such time as the escrow account is replenished by the applicant with sufficient funds to cover the anticipated costs of any remaining consultant work or review. Any funds remaining in escrow after the consultant work or review is completed shall be returned to the applicant, without interest.

Should the Town of Otisco Town Board not be designated the Lead Agency, or if multiple Lead Agencies are involved, including the Town of Otisco, other fees may apply in addition to the following fees.

State Environmental Quality Review (SEQR)

<u>Fee Type/ Review Stage</u>	<u>Base Fee</u>	<u>Unit Fee</u>
1. <u>Lead Agency Designation</u>	\$75	\$25
2. <u>EAF Review</u>		
-Short Form	\$25	
-Long Form	\$75	
3. <u>Technical Studies As May Be Required By The Lead Agency</u> (including, but not limited to engineering, economic feasibility, preliminary planning and budgetary studies and other relevant studies deemed necessary by the Lead Agency to evaluate a proposed Action) Cost basis with escrow account to be established in an amount as determined by the Lead Agency		
4. <u>Determination of Significance</u>		
-Negative Declaration- Minor Project (under 10 acres and/or 10 units)		\$50

- Negative Declaration - Major Project (over 10 acres and/or 10 units) \$150
- Positive Declaration (Any Project) \$150
- 5. Draft Environmental Impact Statement ("DEIS") Preparation or Review Cost basis with escrow account to be established in an amount as determined by the Lead Agency
- 6. Final Environmental Impact Statement ("FEIS") Preparation or Review
 - Initial Review Cost basis with escrow account to be established in an amount as determined by the Lead Agency
 - Review of Revised FEIS Cost basis with escrow account to be established in an amount as determined by the Lead Agency
 - FEIS Preparation Cost basis with escrow account to be established in an amount as determined by the Lead Agency
 - Revised FEIS Preparation Cost basis with escrow account to be established in an amount as determined by the Lead Agency
- 7. Preparation of Notice of Completion of DEIS or FEIS \$150
- 8. Preparation of Finding or Determination Statement (each) \$250
- 9. Special Consultants (including, but not limited to Lead Agency Legal Counsel fees and any specific studies or test performed at the request of the Lead Agency by consultants and not included in the above fees) Cost basis with escrow account to be established in an amount as determined by the Lead Agency
- 10. General Expenses (including, but not limited to publication costs, special mailing costs, copying costs, long-distance charges and the like) Cost basis with escrow account to be established in an amount as determined by the Lead Agency

** NOTE: THE FOREGOING FEES ARE SUBJECT TO CHANGE BY TOWN BOARD RESOLUTION.