

Mexico Town Board Agenda
Monday, June 12, 2023
Town Hall, 64 S Jefferson St. Mexico, 7:00pm

1. Approval of May 8, 2023 Minutes
2. Communications
 - Agriculture & Markets – Shelter Inspection Report
 - Nicholas & Judith Lotito – Water District 6
 - FEMA – Flood Insurance Study
 - Town of Huntington Voter's Identification Resolution
 - Oswego County Health Department Letter
3. Public Comment
4. Reports
 - Town Clerk, Water Clerk
 - Dog Control
 - Zoning Officer/ Building Inspector
 - Highway Superintendent
 - Community Park Manager
 - Mexico Point Park
 - Planning Board
 - Zoning Board of Appeals
 - Water Commissioner
 - Supervisor
 - Water District Update
 - McAuslan Hall Update
5. Consider May Payroll
6. Local Law 1 of 2023: NYS Building, Fire, Energy Code
7. Approve 5 Lifeguards for MPP 2023 Season
8. Other Business
9. Audit & Approve Abstracts
10. Adjourn



**Agriculture
and Markets**

RECEIVED
5-15-23

May 9, 2023

Eric Behling
Town Supervisor - Town of Mexico
PO Box 98
Mexico, NY 13114

Enclosed is the **Municipal Shelter Inspection Report** completed on **05/02/2023**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

As the report indicates, dog shelter services were rated "Satisfactory". Please make note of any comments listed on the report.

Municipal dog shelters are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in municipal shelter services.

If you have any questions regarding this inspection, please call me.

Paulina Renggli
Animal Health Inspector
(315) 916-3204

MUNICIPAL SHELTER INSPECTION REPORT - DL-90Rating: **Satisfactory60**Purpose: **Inspection**DATE/TOA: **5/2/23 2:45 pm****CITY OF OSWEGO ANIMAL SHELTER
621 E SENECA STREET
OSWEGO NY 13126**Inspector: **Paulina Renggli**Inspector #: **71**

These are the findings of an inspection of your facility on the date(s) indicated above:

- | | |
|--|-----|
| 1. Shelter is structurally sound | Yes |
| 2. Housing area and equipment is sanitized regularly | Yes |
| 3. Repairs are done when necessary | Yes |
| <i>See comments below.</i> | |
| 4. Dogs are handled safely | Yes |
| 5. Adequate space is available for all dogs | Yes |
| 6. Light is sufficient for observation | Yes |
| 7. Ventilation is adequate | Yes |
| 8. Drainage is adequate | Yes |
| 9. Temperature extremes are avoided | Yes |
| 10. Clean food and water is available and in ample amount | Yes |
| 11. Veterinary care is provided when necessary | Yes |
| 12. Dogs are euthanized humanely, by authorized personnel | Yes |
| 13. Complete intake and disposition records are maintained for all seized dogs | Yes |
| 14. Dogs transferred for purposes of adoption in compliance with Article 7 | Yes |
| 15. Redemption period is observed before adoption, euthanasia or transfer | Yes |
| 16. Owners of identified dogs are properly notified | Yes |
| 17. Redeemed dogs are licensed before release | Yes |
| 18. Proper impoundment fees paid before dogs are released | Yes |
| 19. Written contract or lease with municipality | Yes |

Town - City - Village Information for Inspection:

TCV CODE	TCV NAME
3505	Town of Granby
3506	Town of Hannibal
3508	Town of Mexico
3512	Town of Oswego
3516	Town of Richland
3517	Town of Sandy Creek
3519	Town of Scriba
3523	City of Fulton
3524	City of Oswego
3509	Town of Minetto

REMARKS:

Structural repairs made however long term integrity may be compromised with daily sanitizing.

REPRESENTATIVE PRESENT FOR INSPECTION: **Janet Chillson**
TITLE: **Assistant ACO**

REVIEWED BY: **Emily Cacchione**
REVIEWED DATE: **05/08/2023**

May 16, 2023

Town of Mexico
64 S Jefferson Street
Mexico NY 13114



Re: Municipal Water

We would like the water line extended to our home at 831 French Street.
Tax ID# 172.00-01-17

The water district 6 line will run very close to us on French Street and we have been asking for this for a long time. Where is water district 7 going?

Thank you for your help.

Nicholas and Judith Lotito
831 French Street
Parish NY 13131
315 391 3694
315 402 9935



Federal Emergency Management Agency

Washington, D.C. 20472

May 16, 2023

RECEIVED
5-22-23

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Eric Behling
Supervisor, Town of Mexico
Post Office Box 98
Mexico, New York 13114

Community Name: Town of Mexico,
Oswego,
New York
Community No.: 360654
Map Panels Affected: See Flood Insurance
Study (FIS) Table Listing
of National Flood
Insurance Program
(NFIP) Jurisdictions

Dear Supervisor Behling:

This is to notify you of the final flood hazard determination for Oswego County, New York (All Jurisdictions), in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspapers has elapsed. FEMA did not receive any appeals of the proposed flood hazard determinations or submittals regarding the Preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) during that time.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on November 16, 2023. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3 (d) and (e) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3 (d) and (e);
2. Adopting all the standards of 44 CFR Part 60.3 (d) and (e) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3 (d) and (e).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3 (d) and (e) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Kelli Higgins-Roche, P.E., CFM, NFIP State Coordinator for New York by telephone at (518) 408-0340. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region 2 at (212) 680-3600 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:

Final SOMA

cc: Community Map Repository

Ronald Marsden, Code Enforcement Office, Town of Mexico

Tim Stahl, Director, Community Development, Tourism and Planning, Oswego County

FINAL SUMMARY OF MAP ACTIONS



Community: MEXICO, TOWN OF

Community No: 360654

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panel(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on November 16, 2023.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	14-02-0449A	01/16/2014	53 LAKEVIEW ROAD	36075C0163G	36075C0163H
LOMA	22-02-0041A	01/06/2022	49 LAKEVIEW ROAD	36075C0163G	36075C0163H

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

FINAL SUMMARY OF MAP ACTIONS

Community: MEXICO, TOWN OF

Community No: 360654

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

Eugene Cook
Councilman



Town Hall
100 Main Street
Huntington, NY

Phone: 631-351-3174

received
5-30-23 *TSW*

May 10, 2023

Honorable Nicole Wild, Town Clerk
Town of Mexico
PO Box 98, 64 South Jefferson Street
Mexico, NY 13114

RE: Town of Huntington Voter's Identification Resolution

Dear Honorable Town Clerk Wild,

I hope that this finds you well. On May 9, 2023 the Huntington Town Board passed the attached resolution urging the New York State Legislature and Governor Hochul to draft and enact legislation regarding a voter's identification process. Please distribute this cover letter and attached resolution to the Town of Mexico Board Members.

The reason I sponsored this resolution, is that I was approached by various constituents of varying political affiliation about their concerns regarding the accuracy of voter rolls maintained by the of Board of Elections. In an economy where the Board of Elections may not have the funding or the staffing to regularly purge the voters rolls of individuals who may have relocated or have passed away, I believe that New York State needs to address the matter in a way that builds the public's confidence and ensures a fair election process. By urging our state representatives to work in a bipartisan manner to create a voter's identification process, this will allow for a fair and consistent procedure to keep voter rolls current and uphold the principles of democracy that the United States was built on.

I thank you for your time and cooperation with this matter, it's greatly appreciated. Please feel free to contact me at 631 351 3174 to discuss this matter further.

Warmest regards in the spirit of cooperation,

Councilman Eugene Cook
Town of Huntington

Eugene Cook
Councilman

Joan Cergol
Councilwoman

Edmund J. Smyth
Supervisor

Dr. Dave Bennardo
Councilman

Salvatore Ferro
Councilman

RESOLUTION URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR
KATHY HOCHUL TO DRAFT AND ENACT LEGISLATION REGARDING A
VOTER'S IDENTIFICATION PROCESS

Resolution for Town Board Meeting Dated: May 9, 2023

The following resolution was offered by: **COUNCILMAN COOK**

and seconded by: **COUNCILMAN BENNARDO**

WHEREAS, this country was formed on the principles of democracy and our forefathers fought for our right to elect our representation; and

WHEREAS, the majority of the states in the U.S. require a voter's identification to increase the public's confidence and ensure a fair election process; and

WHEREAS, the Board of Elections may not get notification of a voter registering in another location or of a death of a registered voter; and

WHEREAS, in an economy where the Board of Elections may not have sufficient funding or staffing to purge voters rolls of individuals who no longer live in each election district or county, as required; and

WHEREAS, in a day and age where the ability to work does not necessarily need to be where you live, this allows for more individuals to be transient in nature and the addition of voter's identification will assist in keeping all voter rolls current; and

WHEREAS, in the State of New York the requirement is to compare the signature on file, this doesn't necessarily help maintain current voter registration, as name and address changes are not necessarily communicated in the current process, also this would assist in the purging of the roles of individuals who are no longer active voters in that county; and

WHEREAS, the subject of the resolution is not an action as defined by 6 N.Y.C.R.R. §617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY REQUESTS the New York State Legislature and Governor Hochul to draft and enact legislation to allow for a voter's identification process to assist with maintaining voter's registration rolls; and

BE IT RESOLVED, that the Town Clerk is hereby directed to forward certified copies of this resolution to Governor Hochul, Andrea Stewart-Cousins, President Pro Tempore and Majority Leader, Carl E. Heastie, Speaker of the Assembly and the Huntington Delegation to the New York State Legislature: Assemblyman Steve Stern, Assemblyman Keith Brown, and Senator Mario Mattera.

2023-203

to the New York State Legislature: Assemblyman Steve Stern, Assemblyman Keith Brown, and Senator Mario Mattera.

VOTE: AYES: 3 NOES: 2 ABSTENTIONS: 0

Supervisor Edmund J. Smyth	NO
Councilman Dr. Dave Bennardo	AYE
Councilwoman Joan A. Cergol	NO
Councilman Eugene Cook	AYE
Councilman Salvatore Ferro	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

OSWEGO COUNTY

VERA DUNSMOOR, DIRECTOR OF PUBLIC HEALTH
PHONE 315.349.3545



HEALTH DEPARTMENT

70 BUNNER STREET, OSWEGO, NEW YORK 13126-3357
FAX 315.349.3435

May 24, 2023

William S. & Deborah J. Haynes
51 Smithers Road
Mexico, NY 13114

RECEIVED
5-30-23

RE: Haynes property located at 51 Smithers Road in the Town of Mexico
Part 8 Violation: Sewage to the surface of the ground Complaint # P23-05-015

Dear William S. & Deborah J. Haynes:

In response to a complaint filed with this department on May 17, 2023, a field visit was made to your property located at 51 Smithers Road in the Town of Mexico by Oswego County Health Department (OCHD) staff on May 23, 2023. During the visit, representatives of OCHD observed an outbreak of septic to the ground surface. Photographs were taken of the outbreak area.

Based on the inspector's observations, the Onsite Water Treatment System (OWTS) for the home is not working properly and is in violation of Part 8 of the New York State Sanitary Code.

You need to hire a licensed land surveyor or professional engineer to complete a site evaluation to determine the corrections needed within thirty (30) days of receipt of this letter. The report must be submitted to the Department for review. If more than a minor repair is needed, professional plans for a new septic system are required for review and approval.

Enclosed is a list of design professionals for your use. You can choose one from the list or one of your own. A minimum of 2 percolation and 1 deep hole test are required. Once the engineer has completed the plans, submit four (4) copies, along with the \$125.00 plan review fee to the OCHD for review and approval. Work cannot begin until the plans have been approved by the OCHD.

In the meantime, any areas of raw sewage should be kept limed and fenced (if possible) to prevent easy access by children and pets. The lime can be either the hydrated or agricultural type and fencing must be of adequate height and strength.

Once the plans are approved, the new septic system must be installed within 30 days. Upon installation, the design professional must inspect the system and submit an As-Built certification letter to the OCHD stating that the system was installed according to the approved plans. This certification must be provided to the Department within thirty (30) days of the installation.

Also, please contact your local code enforcement officer, Ron Marsden at 315-298-4676 to obtain the necessary permits prior to construction. If you have any questions or need any extensions, please contact Gordon Quackenbush at 315-349-3557. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vera J. Dunsmoor".

Vera J. Dunsmoor
Director of Public Health

VD/gq

c: Ronald Marsden, Code Enforcement
Eric Behling, Town Supervisor
Katelyn Parkhurst, Environmental Health Director
William P. Havener, Jr., M.S., P.E.
File
enc: Professional Engineers, Land Surveyors, and Architects Listing

TOWN CLERK'S MONTHLY REPORT

MAY, 2023

page 2

DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	2,331.03
PAID TO TOWN FOR WATER PAYMENTS	3,984.81
PAID TO NYS DEC FOR DECALS	103.92
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	60.00
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	90.00
TOTAL DISBURSEMENTS	6,569.76

JUNE 1, 2023


_____, SUPERVISOR
Eric Behling, Supervisor

STATE OF NEW YORK, COUNTY OF OSWEGO, TOWN OF MEXICO

I, Nicole Wild, being duly sworn, says that I am the Clerk of the TOWN OF MEXICO that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

Subscribed and sworn to before me this

Town Clerk

_____ day of _____ 20____

Notary Public

TOWN CLERK'S MONTHLY REPORT

TOWN OF MEXICO, NEW YORK

MAY, 2023

TO THE SUPERVISOR:

PAGE 1

Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A1255			
	<u>4</u>	DECALS	<u>6.08</u>
	<u>4</u>	MARRIAGE LICENSES NO. 23003 TO 23006	<u>70.00</u>
	<u>28</u>	CERTIFIED COPIES	<u>280.00</u>
TOTAL TOWN CLERK FEES			356.08
A2544			
	<u>46</u>	DOG LICENSES	<u>303.00</u>
TOTAL A2544			303.00
A2555			
	<u>18</u>	BUILDING PERMITS	<u>1,670.70</u>
TOTAL A2555			1,670.70
A2655			
	<u>5</u>	COPIES	<u>1.25</u>
TOTAL A2655			1.25
F1234			
	<u>95</u>	WATER PAYMENTS	<u>3,984.81</u>
TOTAL F1234			3,984.81

TOWN CLERK'S MONTHLY REPORT

MAY, 2023

page 2

DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	<u>2,331.03</u>
PAID TO TOWN FOR WATER PAYMENTS	<u>3,984.81</u>
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PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	<u>90.00</u>
TOTAL DISBURSEMENTS	6,569.76

Town of Mexico
Payment History
Payment Date from 05/01/23 To 05/31/23

Report by District

06/01/23

Page 1

<u>Account</u>	<u>Pay ID</u>	<u>Pay Date</u>	<u>Bill ID</u>	<u>Amount</u>	<u>Penalty</u>	<u>Taxes</u>	<u>Total</u>
DISTRICT 1							
Sub - Totals:	METERS & PARTS-01			\$1,075.00	\$0.00	\$0.00	\$1,075.00
Sub - Totals:	Water-00			\$12,457.38	\$9.50	\$0.00	\$12,466.88
Sub - Totals:	DISTRICT 1			\$13,532.38	\$9.50	\$0.00	\$13,541.88
DISTRICT 2							
Sub - Totals:	Water-00			\$5,971.83	\$4.94	\$0.00	\$5,976.77
Sub - Totals:	DISTRICT 2			\$5,971.83	\$4.94	\$0.00	\$5,976.77
DISTRICT 3							
Sub - Totals:	Water-00			\$1,728.26	\$15.20	\$0.00	\$1,743.46
Sub - Totals:	DISTRICT 3			\$1,728.26	\$15.20	\$0.00	\$1,743.46
DISTRICT 5							
Sub - Totals:	Water-00			\$706.00	\$0.00	\$0.00	\$706.00
Sub - Totals:	DISTRICT 5			\$706.00	\$0.00	\$0.00	\$706.00
	Grand Totals:			\$21,938.47	\$29.64	\$0.00	\$21,968.11

Payment History Write Off 's

<u>Account</u>	<u>AcctId</u>	<u>PayId</u>	<u>Amount</u>	<u>Penalty</u>	<u>Taxes</u>	<u>Totals</u>
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Sub - Totals :

Grand- Totals :

Town of Mexico Dog Control Officers Report

June 12, 2023

Report for the month of May 2023

23 notices of unlicensed dogs were issued

No dogs were picked up in May

Respectfully,

Jack Spriggs, DCO

Town of Mexico

Mother of Towns

(315) 963-7633 Town Office
(315) 963-8794 Zoning
(315) 963-3491 Assessor
TTY 1-800-662-1220

Fax (315) 936-8806
64 South Jefferson St.
PO Box 98
Mexico, NY 13114

Code Enforcement Officers Report May 2023

14 building permits issued.

Issued 3 violations.

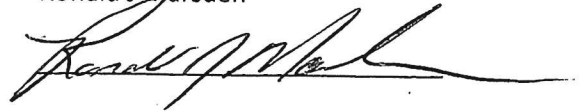
Violations are being corrected.

Issued 1 certificate of occupancies and compliances

The office received \$1670.70 in fees.

Reports are attached

Ronald J Marsden



Town of Mexico

Building Permits by Issued Date: 05/01/2023 - 05/31/2023

Permit# Applicant Name	Issued	Final	Property Owner & Location	Tax Map# Lot#	Fee	Project Cost
23-0024 Mc Connell Emma	05/01/23		Mc Connell Emma 463 Co Rt 58	153.00-01-08	50.00	7,200.00
23-0025 Salmon Country Inc	05/02/23		Salmon Country Inc 58 Mexico	082.00-01-32	108.00	20,000.00
23-0026 Baker Nicholas	05/08/23		Baker Nicholas 134 Halsey Rd S	117.00-01-08.2	50.00	3,000.00
23-0027 Fellows Phillip	05/08/23		Fellows Phillip 280 Cole Rd	100.00-02-04.04	201.00	17,500.00
23-0028 Schill Daniel	05/09/23		Schill Daniel 23 Blunt Dr	082.16-01-08	50.00	10,000.00
23-0029 Drake Jessie	05/10/23		Drake Jessie 5 Smithers Rd	135.00-01-10	50.00	2,500.00
23-0030 Mason David S	05/10/23		Mason David S 3660 St Rt 69	172.00-01-07	75.00	10,000.00
23-0031 Gardner Gas of Ny LLC	05/11/23		Gardner Gas of Ny LLC 5964 St Rt 3	116.00-01-33.05	89.00	15,000.00
23-0032 O'Reilly Mary Kathleen	05/11/23		O'Reilly Mary Kathleen 293 St Rt 104B	099.00-01-03	74.00	10,000.00
23-0033 Hudson Brandon	05/15/23		Hudson Brandon 234 Pople Ridge Rd	171.00-03-11.04	159.00	50,000.00
23-0034 Denisoff Basil	05/17/23		Denisoff Basil 71 Sage Creek	083.00-01-37.01	60.00	4,500.00
23-0035 Bowman Timothy	05/22/23		Bowman Timothy 3930 St Rt 69	152.00-02-12.01	140.00	20,000.00
23-0036 Maynes Edward R	05/23/23		Maynes Edward R 196 Cole Rd	117.00-01-27	104.00	20,000.00
23-0037 Miller Danni	05/25/23		Miller Danni 157 Czebeniak	190.00-01-01.02	100.50	
23-0038 Burton Michael	05/26/23		Burton Michael 5 Marsden Dr	083.13-01-20	259.20	30,000.00
23-0039 James Logan	05/30/23		James Logan 145 Kranz Rd	099.00-01-29.05	50.00	7,500.00
Total Count:		16		Total:	\$1,619.70	\$227,200.00

Town of Mexico

Violation Summary by Date Range: 05/01/2023 - 05/31/2023

Violation#	Violator Name	Violation Date	Property Owner & Location	Tax Map#	Offense
23-0029	Mc Lean Frederick A	05/01/23	Mc Lean Frederick A 101 Countryman Rd	099.00-03-15.12	junk vehicle law
23-0030	Gunther Randall Scott	05/01/23	Gunther Randall Scott 115 Countryman Rd	099.00-03-16.11	junk vehicle law
23-0032	James Logan	05/24/23	James Logan 145 Kranz Rd	099.00-01-29.05	No certificate of occupancy
Total Count:		3			

Town of Mexico

Other Permit Summary by Application Date Range: 05/01/2023 - 05/31/2023

Permit# Applicant Name	Date	Property Owner & Location	Tax Map# DBA	Fee	Type Description
23-0003 Hilton Eric	05/03/23	Hilton Eric 235 Kenyon Rd	171.00-03-26	25.00	Demolition permit Demo sheds / move trailer
23-0004 Congdon Elvis	05/09/23	Congdon Elvis 725 Co Rt 16	098.00-02-21	25.00	Demolition permit Demo House
Total Count:		2	Total:	\$50.00	

Town of Mexico

Building Permits Completed: 05/01/2023 - 05/31/2023

Permit#	Issued	Final	Property Owner	Tax Map#	Fee	Project
Applicant Name			& Location	Lot#		Cost
23-0005	02/01/23	05/09/23	Washer Greta	134.00-01-26	250.00	20,000.00
Grover William			105 Munger Hill Rd			
Total Count:		1		Total:	\$250.00	\$20,000.00

TOWN OF MEXICO

BP - BP Transaction Report

For the period 05/01/2023 through 05/31/2023

Type	Date	Comment	Name	Quantity	Fee
1.BP	05/01/2023	23-0024	MCCONNELL EMMA	1	50.00
2.BP	05/02/2023	23-0025 ADDITION	SALMON COUNTRY INC	1	108.00
3.BP	05/03/2023	23-0003 DEMO	HILTON, ERIC	1	25.00
4.BP	05/08/2023	23-0026 DECK	BAKER, NICHOLAUS	1	50.00
5.BP	05/08/2023	23-0027	FELLOWS, PHILLIP	1	201.00
6.BP	05/09/2023	23-0028	SCHILL, DANIEL	1	50.00
7.BP	05/10/2023	23-0030 PORCH	MASON, DAVID	1	75.00
8.BP	05/10/2023	23-0029 PORCH	DRAKE, JESSIE	1	50.00
9.BP	05/10/2023	23-0004 DEMO	CONGDON, ELVIS	1	25.00
10.BP	05/11/2023	23-0032	O'REILLY MARY KATHLEEN	1	74.00
11.BP	05/16/2023	5/15/20253 PICK UP		1	160.00
12.BP	05/17/2023	23-0034 SEPTIC	DENISOFF, BASIL	1	60.00
13.BP	05/22/2023	23-0035	BOWMAN TIMOTHY	1	140.00
14.BP	05/23/2023	23-0036 GARAGE	MAYNES, EDWARD	1	104.00
15.BP	05/25/2023	23-0037	MILLER DANNI	1	100.50
16.BP	05/30/2023	23-0039 LEAN TOO	JAMES, LOGAN	1	50.00
17.BP	05/30/2023	23-0039 HOME	BURTON, MICHAEL	1	259.20
18.BP	05/31/2023	23-0031	GARDNER GAS OF NY LLC	1	89.00
				18	1,670.70
Total Sales				18	1,670.70

Highway Superintendent Report May 2023

General Maintenance on Equipment

Ditching throughout the town

Install 2 driveway culverts

Mowing roadsides

Mowing cemeteries

Mowing Mexico pt park


Mowing town office & highway garage

Reshaping road shoulders throughout the town

Picking up trash throughout the town

Hauling stone for moto paving


Highway Superintendent

A handwritten signature in black ink, appearing to read "R. M. Smith", followed by a long horizontal line extending to the right.

SUPERVISOR

To the Mexico Town Board, pursuant to section 119 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me, as Supervisor, during the month of May 2023

	Prev Balance		\$2,832,445.69
23-May	Water Deposit	\$4,438.99	
	Clerk Fees/Vital Records	\$111.26	
	Dog Licenses	\$201.00	
	Fines and Bail	\$3,973.00	
	Building Permits	\$3,063.00	
	May Interest	\$1,247.99	
	TNH Fuel Reimbursement	\$55.02	
	MPP 2023 Reservations	\$200.00	
	Oswego County Mortgage Tax	\$30,337.21	
	Town of Richland 5 EDU's	\$2,640.00	
	AP&G Holdings, LLC	\$870.41	
	Petty Cash Deposit	\$167.53	
	Sub Total	\$47,305.41	
	May Capital Interest	\$323.46	
	Sub Total	\$323.46	
			\$2,880,074.56
HIGHWAY RECEIPTS	Prev Balance		\$2,082,044.54
23-May	May Interest	\$541.34	
	Sub Total	\$541.34	\$2,082,585.88
GENERAL EXPENSES			
	EEHC	(\$167.42)	
	Vouchers	\$119,871.03	
	Payrolls	\$32,140.19	
	NH H.I. Reimbursement	(\$851.76)	
	MPP Caretakers Utility Reimbursement	(\$2,026.24)	
	Sub Total	\$148,965.80	
HIGHWAY EXPENSES			
	EE CURRENT HC CONTRIBUTION	(\$451.18)	
	Paid Vouchers	\$41,505.10	
	Payrolls	\$30,802.81	
	Retiree Supplemental H.I. Reimbursement	(\$107.74)	
	Sub Total	\$71,748.99	
	GENERAL Balance		\$2,731,108.76
	HWY Balance		\$2,010,836.89
	Total		\$4,741,945.65


Eric Behling, Supervisor

6-6-23
Date

CASH REPORT

FUND	23-May	22-May	21-May	20-May	19-May
A	\$1,173,371.26	\$985,041.49	\$958,330.42	\$985,581.92	\$1,096,108.23
Capt Res	\$625,020.88	\$533,546.24	\$443,032.28	\$361,223.46	\$270,706.63
B	(\$149,754.96)	\$26,491.76	\$133,614.23	\$150,012.22	\$10,618.13
DA	\$1,034,465.71	\$1,282,640.33	\$927,858.06	\$972,165.86	\$595,605.70
DB	\$1,029,017.39	\$578,409.62	\$739,434.50	\$729,039.58	\$996,108.96
SF	\$56,758.29	\$5,758.29	\$14,985.29	\$22,131.29	\$18,652.29
SM	\$4,889.81	\$4,306.43	\$3,595.14	\$2,882.52	\$2,219.53
SS	\$8,446.15	\$7,510.15	\$7,246.15	\$6,982.15	\$7,661.30
ST	\$3,208.65	\$3,639.01	\$3,893.13	\$3,946.89	\$3,980.06
F0	\$393,962.12	\$384,360.97	\$373,985.22	\$215,961.95	\$355,729.42
F2	\$419,994.89	\$404,885.94	\$391,053.51	\$368,952.10	\$336,087.25
F3	\$53,815.13	\$55,144.89	\$59,793.22	\$59,767.28	\$61,510.26
F5	\$99,213.57	\$29,978.55	\$75,341.00	\$40,350.79	\$1,251,942.02
TA	\$25,901.06	\$23,491.03	\$18,436.72	\$16,409.46	\$7,366.48
	\$4,778,309.95	\$4,325,204.70	\$4,150,598.87	\$3,935,407.47	\$5,014,296.26

[illegible]

Local Law Filing

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

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

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

DRAFT

of Mexico

Local Law No. 1 of the year 20 23

A local law for the administration and enforcement of the New York State
(Insert Title)
Uniform Fire Prevention and Building Code (the Uniform Code) and
the State Energy Conservation Construction Code (the Energy Code)
for the Town of Mexico.

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

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

of Mexico as follows:

SECTION 1. TITLE

This shall be known as Local Law 1 of the year 2023, a local law 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) for the Town of Mexico.

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 (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Mexico. 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.

SECTION 3. 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 Town of Mexico stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the Town of Mexico certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town of Mexico, 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 4 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 end product, materials that are not

hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 4 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 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.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 18 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 8 of this local law.

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

SECTION 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, 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 18 (Violations) of this local law;

(7) to maintain records;

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

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the Town 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 majority vote of the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-

service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, 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 majority vote of the Town Board 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 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 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 Town Board of the Town of Mexico.

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 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 Town of Mexico.

(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- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;

(2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

- (3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (4) installation of partitions or movable cases less than 5'-9" in height;
 - (5) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of 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.

SECTION 6. 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 19 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 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 anybuilder, 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 18 (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.

SECTION 8. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

(a) 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 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 or Certificate of Compliance.

(b) 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 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 or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

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

(c) 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.

(d) 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 time, not to exceed 6 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.

(e) 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.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 19 (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.

SECTION 9. NOTIFICATION REGARDING FIRE OR EXPLOSION.

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

SECTION 10. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in the Town of Mexico shall be identified and addressed in accordance with the procedures established by Local Law No. 1 of 2008, as now in effect or as hereafter amended from time to time.

SECTION 11. OPERATING PERMITS

(a) Operation Permits required. Operating Permits may 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

(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)(3) of section 14 of this local law;

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

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) This subdivision is intentionally omitted.

(d) 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. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After

inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) 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 their discretion, issue a single Operating Permit to apply to all such activities.

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

- (1) 80 days for tents, special event structures, and other membrane structures;
- (2) 90 days for alternative activities at a sugarhouse;
- (3) 3 years for the activities, structures, and operations determined per paragraph (8) of subdivision (a) of this section, and
- (4) 1 year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the 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 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 19 (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 Office of Fire Prevention, State of New York, County of Oswego, or an Inspector designated by the Code Enforcement Officer at the following intervals:

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

(2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and

(3) at least once every 36 months for multiple dwellings and all non-residential 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 18 (Violations) of this local law.
- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 19 (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.

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 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 18 (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.

SECTION 14. 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 Town, 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 prior to (6) months after the effective date of this local law.

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

(e) Additional Condition Assessments.

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

(2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, 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 Town 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 Town within 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 Town 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 Town shall, by Order to Remedy or such other means of enforcement as the Town 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 Town 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 Town 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 Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town 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 Town:

(1) to perform such construction inspections as are required by section 6 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 12 (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 Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 15. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

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

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

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

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

(i) the accompanying Flood Insurance Rate Map (FIRM);

(ii) Flood Boundary and Floodway Map (FBFM); and

(iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 16. 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 5 through 15, 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.

SECTION 17. 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 16 (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 of Mexico, on a form prescribed by the Secretary of State, a report of the activities of the Town of Mexico 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 the Town of Mexico is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 18: 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 any other designated person are authorized to issue appearance tickets for any violation of the Uniform Code.

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

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

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

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the Town of Mexico, 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 Town of Mexico, 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 Town Supervisor of the Town of Mexico.

(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 (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 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 19: FEES

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

SECTION 20. INTERMUNICIPAL AGREEMENTS

The Town Board of the Town of Mexico may, by resolution, authorize the Town Supervisor to enter into an agreement, in the name of the Town of Mexico, 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 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.

SECTION 22. REPEALER

This Local Law shall supersede any previous local laws or ordinances 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) for the Town of Mexico. This revision is intended to reflect the new version of 19 NYCRR Part 1203 which will become effective on December 30, 2022 in New York State.

SECTION 23. EFFECTIVE DATE

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2023 of the ~~(County)(City)~~(Town)(Village) of Mexico was duly passed by the Town Board on April 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

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

Date: _____

(Seal)