



CITY OF CORTLAND COMMON COUNCIL MEETING

APRIL 4, 2023 - 6:00 PM

MINUTES

MEETING LOCATION

CITY HALL
25 COURT STREET
CORTLAND, NY 13045

ZOOM MEETING ROOM

923 566 4700

[ZOOM LINK](#)

MAYOR

SCOTT STEVE

COUNCIL MEMBERS

WAYNE SCHUTT
KATY SILLIMAN
MARY CLARE PENNELLO
PAT LANE
SETH THOMPSON
BILL CARPENTER
TROY BECKWITH
TOM MICHALES

CITY CLERK

ANDY JEWETT

CORPORATION COUNSEL

A.J. MELDRIM

CONTACT

ANDY JEWETT, CITY CLERK

607-758-8331

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RESOLUTIONS ADOPTED

- Resolution No. 71 Confirm Mayor's Appointment of a Director of Administration & Finance
- Resolution No. 72 Approve Porch Fest Special Event and Sound Device Permit
- Resolution No. 73 Approve Special Event and Related Permits for Arts Off Main
- Resolution No. 74 Designate City of Cortland Law Department as Fair Housing Office
- Resolution No. 75 City Tree Planting Program Conflict of Interest Disclosure
- Resolution No. 76 Authorize the Mayor to Accept Funds from New York State Office of Parks, Recreation, and Historic Preservation Grant EPF No. 166299
- Resolution No. 77 Accept and Recognize Donations to Cortland Youth Bureau
- Resolution No. 78 Adopt Local Law No. 12 of 2023 Amending the City Administrative Code Relating to Mandated Statewide Municipal Code Enforcement Regulatory Updates



CITY OF CORTLAND COMMON COUNCIL MEETING

APRIL 4, 2023 AT 6:00 PM

MINUTES

PUBLIC HEARINGS

Public Hearing No. 1

Proposed Local Law No. 12 to Amend the City Administrative Code Relating to Mandated Statewide Municipal Code Enforcement Regulatory Updates

The proposed local law aligns the City's Administrative Code with newly adopted state requirements. A markup version of the code changes showing text additions and deletions was made available to the Council and public in advance of the public hearing and is available in the meeting's [supporting documents](#).

A public hearing was opened for at 6:02 p.m. There being no one present to speak, the public hearing was closed at 6:03 p.m.

Public Hearing No. 2

Relating to Community Development Block Grant #285ED948-20, which Provided Funding for the Purchase of Equipment for NY Hemp Oil, LLC Under the NYS Small Cities CDBG Program

The NYS Small Cities CDBG Program requires a public hearing be held during the administrative phase of a grant award to provide information to the public and an opportunity to ask questions. The progress report is available in the meeting's [supporting documents](#).

A public hearing was opened for at 6:03 p.m. There being no one present to speak, the public hearing was closed at 6:04 p.m.

Public Hearing No. 3

Relating to the Proposed Fiscal Year 2023 Community Development Block Grant Program and Upcoming Funding Round, the Purpose of which is to Provide Information to the Public with Respect to the CDBG Program and to Allow the Public an Opportunity to Participate in the Grant Process

The City of Cortland intends to submit an application or applications under the NYS Small Cities CDBG Grant Program. A public hearing is being held to provide information to the public and an opportunity to ask questions. The City's Citizen Participation Plan is available in the meeting's [supporting documents](#).

A public hearing was opened for at 6:04 p.m. There being no one present to speak, the public hearing was closed at 6:05 p.m.

CALL TO ORDER – ROLL CALL

Mayor Steve called the meeting to order at 6:05 p.m., and the City Clerk called the roll. The following Common Council members were in attendance:

- Katy Silliman – Second Ward Alderperson
- Mary Clare Pennello – Third Ward Alderperson
- Patricia Lane – Fourth Ward Alderperson
- William Carpenter – Sixth Ward Alderperson
- Thomas Michales – Eighth Ward Alderperson

The following Common Council members were recorded absent:

- Wayne Schutt – First Ward Alderperson
- Seth Thompson - Fifth Ward Alderperson
- Troy Beckwith – Seventh Ward Alderperson

SALUTE TO THE FLAG

MOMENT OF SILENCE/REFLECTION

PRIVILEGE OF THE FLOOR

PRESENTATION

Presentation No. 1

**Johanna Ames, Chair of the City Administrator Hiring Search Committee;
Report of the Activities and Recommendations of the City Administrator
Hiring Search Committee**

Ms. Ames thanked the Common Council and Mayor Steve for the trust they placed in the hiring search committee, and recognized the committee members, City Clerk and Pracademic Partners which provided support in the search process. The committee was composed of a City department head and union representative, two City Council members, the Corporation Council, the Mayor, two community business leaders, the SUNY Cortland President, and the Cortland County Administrator.

She said the search process has been thoughtful, thorough and successful. The committee identified the following as desired competencies and experience of a new City Administrator:

Experience

- Local Government Budgeting, Financial Management, and NYS Experience
- Human Resource Management
- Innovation and Problem Solving
- Project Management/ Grants Administration
- Planning: Infrastructure and Capital

Competencies

- Functional and Operational Planning
- Budgeting and Financial Analysis
- Policy Facilitation
- Ensuring Staff Effectiveness
- Accountable Leadership & Integrity

Ms. Ames outlined the broad, national scope of the search which brought 22 applicants, three of which were interviewed remotely, followed by two having in-person interviews and meetings. In addition to a final interview

with the search committee, the in-person visits included meetings with the Business Development Council/Industrial Development Agency (BDC/IDA), local business leaders and elected officials, City department heads, and Council members; a tour of the community, and extensive time with the mayor.

Ms. Ames conveyed comments from the selected candidate's supervisors and those they supervise which indicated they have a passion for local government, intricate knowledge of operating budgets, strong supervisory and mentor abilities, and a focus on improvements.

At this time, Mayor Steve said that the committee enthusiastically recommended Lisa M. Henty for appointment as Director of Administration and Finance and that he submits her appointment for confirmation by the Council. Ms. Ames described Ms. Henty's education and experience which include a Master's in Public Administration from the Maxwell School at Syracuse University; 14 years of local government and finance/budget experience including time working in New York State. Ms. Henty currently serves as Director of the Office of Management & Budget for Fauquier County in Virginia.

FINANCIAL REPORTS

City budget and grant financial updates were provided to Council members and posted publicly to the City's website in advance of the meeting.

MAYOR'S REPORT

Mayor Steve said that he delivered the annual state of the city to Council members and posted it publicly on the City's website on March 31, 2023. The document may be viewed [here](#).

He added that he attended a meeting with downtown business associations and leaders from across the state which yielded helpful information. He also noted that construction began on Main St.

WARD REPORTS

Ward 2: Council Member Silliman said constituents were happy in receiving the new smaller size garbage and recycling totes. She said she met with the Lisa Henty, the City Administrator appointee, finding her to be capable and enjoyable, and appreciated the frank discussion.

Ward 3: Council Member Pennello thanked Captain Everett for quickly addressing a code issue on Otter Creek. She added that a neighbor is donating many children's books to the Little Library at the Water Works.

Ward 4: Council Member Lane said that her partner, Jean recently donated many children's books as well. She said she was impressed during a meeting with Lisa Henty. Ms. Lane also mentioned she recently attended a Town and Gown Ad Hoc Committee meeting.

Ward 6: Council Member Carpenter said he received complaints about the reformatted water bills cutting off some information. Mayor Steve later said he is aware of that issue and adjustments to the printing and folding machines are being made.

Ward 7: Council Member Michales also referenced the issue with the water bills and the need to make adjustments. He added that a waste water concern is being investigated.

APPROVAL OF THE MINUTES

The minutes of the March 21, 2023 Council meeting were approved.

Motioned by: Council Member Carpenter

Seconded by: Council Member Silliman

Approved: Ayes – 5 [Silliman, Pennello, Lane, Carpenter, Michales]
Nays – 0

RESOLUTIONS

Resolution No. 71 Confirm Mayor’s Appointment of a Director of Administration & Finance

RESOLVED, that the Common Council does hereby confirm the appointment of a Director of Administration and Finance with a 2023 salary as filed with the City Clerk; AND BE IT FURTHER

RESOLVED, that the Common Council authorizes necessary budget transfers and allocations to A.1325-510000 (Personal Services) and other accounts for the purposes of salary and benefits for the Director of Administration and Finance.

Motioned by: Council Member Pennello

Seconded by: Council Member Carpenter

Discussion: Mayor Steve filed the appointment of Lisa M. Henty as Director of Administration and Finance with the City Clerk for confirmation by the Common Council pursuant to §5-9 of the City Administrative Code and § C6-1 of the City Charter. The aforementioned appointment shall be effective May 15, 2023. The 2023 salary for the aforementioned appointee shall be \$140,000.00.

The Mayor thanked the hiring search committee and its chair, Johanna Ames for their work and success in recommending an outstanding candidate.

Approved: Ayes – 5 [Silliman, Pennello, Lane, Carpenter, Michales]
Nays – 0

Resolution No. 72 Approve Porch Fest Special Event and Sound Device Permit

RESOLVED, that Porch Fest Cortland’s Special Event Permit and Sound Device Permit are hereby approved without fee; AND BE IT FURTHER

RESOLVED, that this approval permits closure to traffic on Van Hoesen Street, Harrison Street, Joy Street and Chestnut Street from 11:00 a.m. to 6:00 p.m. on August 20, 2023.

Motioned by: Council Member Lane

Seconded by: Council Member Silliman

Approved: Ayes – 5 [Silliman, Pennello, Lane, Carpenter, Michales]
Nays – 0

Resolution No. 73 Approve Special Event and Related Permits for Arts Off Main

RESOLVED, that the Common Council does hereby approve a Special Event Permit, a Sound Device Permit

Seconded by: Council Member Carpenter

Discussion: Mayor Steve noted that the purpose of this resolution is to update the Mayor’s name in state grant documents and is done at the request of the state.

Approved: Ayes – 5 [Silliman, Pennello, Lane, Carpenter, Michales]
Nays – 0

Resolution No. 77 Accept and Recognize Donations to Cortland Youth Bureau

RESOLVED, that the City of Cortland Common Council accepts the donations listed below, and appropriates funds to the Cortland Youth Bureau operating budget accounts outlined below.

<u>Donor</u>	<u>Amount</u>	<u>Project/Event</u>	<u>Budget Line</u>
Christine Gregory	\$200.00	Partigianoni Scholarship	Trust

Motioned by: Council Member Lane

Seconded by: Council Member Michales

Approved: Ayes – 5 [Silliman, Pennello, Lane, Carpenter, Michales]
Nays – 0

Resolution No. 78 Adopt Local Law No. 12 of 2023 Amending the City Administrative Code Relating to Mandated Statewide Municipal Code Enforcement Regulatory Updates

RESOLVED, the Common Council does hereby adopt a local law to amend §100 of the Administrative Code to align the City’s Code Enforcement Program with New York State requirements; AND BE IT FURTHER

RESOLVED, that said local law shall read as follows:

**CITY OF CORTLAND, NEW YORK
LOCAL LAW NO. 12 OF THE YEAR 2023
“AMENDMENT OF CHAPTER 100, ARTICLE I – MANDATED STATEWIDE MUNICIPAL CODE ENFORCEMENT
REGULATORY UPDATES”**

Be it enacted by the Common Council of the City of Cortland as follows:

Section 1. Enactment and Title.

§ 100-1. Purpose; Intent.

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

§ 100-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ASSEMBLY AREA — 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 — A permit issued pursuant to § 100-4 of this article. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this article.

BUILDING SYSTEM — A building assembly or building set of units made up of various components that serve a specific function, including but not limited to interior/exterior walls, windows, doors, roofs, ceilings, floors, lighting, piping, ductwork, insulation, HVAC system equipment or components, electrical appliances, and plumbing appliances.

CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE — A certificate issued pursuant to subdivision (b) of section 7 of this article.

CITY — The City of Cortland.

CODE ENFORCEMENT OFFICER — The Director of Code Enforcement appointed pursuant to § 100-3B of this article.

CODE ENFORCEMENT PERSONNEL—Includes the Code Enforcement Officer and all inspectors.

CODES — The Uniform Code and the Energy Code

ENERGY CODE — The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

FCNYS — The 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION — 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 NYCRR Part 1226 and the publications incorporated therein by reference.

HAZARDOUS PRODUCTION MATERIALS — 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 — Any code certified person acting under the supervision and direction of the Code Enforcement Officer as provided in § 100-3D of this article.

MOBILE FOOD PREPARATION VEHICLES — Vehicles 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.

NOTICE OF VIOLATION/ORDER TO REMEDY—A compliance order issued by the Code Enforcement Officer pursuant to § 100-17A of this article.

OPERATING PERMIT—A permit issued pursuant to § 100-10 of this article. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this article.

OUTDOOR BOILER — A freestanding solid-fuel-burning heating appliance manufactured and intended for outdoor use and which provides heat to a building on the same property.

PERMIT HOLDER — The person to whom a building permit has been issued.

PERSON — Includes 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 — The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

RCNYS — The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

REPAIR — The reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

SPECIAL AMUSEMENT BUILDING — Any building, temporary, permanent or mobile, or portion thereof, if occupied for amusement entertainment or educational purposes and that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction so arranged that the means of egress path is not readily apparent due to visual or audio distractions or is intentionally confounded or is not readily available because of the nature of the attraction or mode of conveyance through the building or structure.

STOP-WORK ORDER — An order issued pursuant to §100-6 of this article.

SUGARHOUSE — A building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup.

TEMPORARY CERTIFICATE — A certificate issued pursuant to §100-7D of this article.

UNIFORM CODE—The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 100-3. Code Enforcement Officer; Inspectors.

- A. The office of Director of Code Enforcement, hereinafter "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 article. 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 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 and operating permits, and to include in building permits, certificates of occupancy/ certificates of compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
 - (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this article;
 - (4) To issue stop-work orders;
 - (5) To review and investigate complaints;
 - (6) To issue orders pursuant to § 100-17A, Notice of violation; order to remedy, of this article;
 - (7) To maintain records;

- (8) To collect fees as set by the Common Council of this City;
 - (9) To pursue administrative enforcement actions and proceedings;
 - (10) In consultation with Corporation Counsel for the City, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this article, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this article; and
 - (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this article.
- B. The Code Enforcement Officer shall be appointed pursuant to Article XVIII, § C18-1, of the Charter of the City of Cortland. 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 State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
 - C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed pursuant to Article XVIII, § C18-1, of the Charter of the City of Cortland 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 article.
 - D. Inspectors shall be assigned to the Code Enforcement Office by the Director of Code Enforcement, with additional support from code-certified shift personnel not directly assigned to the Code Enforcement Office. Inspectors not assigned to the Code Enforcement Office shall participate in code-related activities, primarily inspections of existing structures. All inspectors shall act under the supervision and direction of the Code Enforcement Office and shall assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this article. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
 - E. An Electrical Inspector or approved electrical underwriting firm shall as well be certified to the minimum standard and provide the proper credentials and insurances prior to approval by the Code Enforcement Officer. The Electrical Inspector shall be designated according to Chapter 122 of the City Code of Ordinances.
 - F. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Common Council of the City of Cortland.

§ 100-4. Building Permits.

- A. Building permits required. Except as otherwise provided in Subsection 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. Additionally, paving, repaving, striping and the alteration/enlargement of any driveway or parking area shall require a permit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer. No permits shall be issued for the installation of solid-fuel-burning outdoor boiler

units, nor any buildings or structures erected for the purpose of housing such units, since the use of such outdoor boiler units is prohibited.

- 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 (13.38 square meters);
 - (2) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (3) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (4) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (5) 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
 - (6) Repairs, provided that such repairs do not involve:
 - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
 - (b) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner that affects egress;
 - (c) The enlargement, alteration, replacement or relocation of any building system; or
 - (d) The removal from service of all or part of a fire protection system for any period of time.
- C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property, or an authorized agent of the owner, where the work is to be performed. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) A description of the location, nature, extent, and scope of proposed work;
 - (2) The tax map number and the street address of the premises where the work is to be performed;
 - (3) The occupancy classification of any affected building or structure;
 - (4) When applicable, a current, professional survey map of the property (any new building and structure, any alteration addition that modifies the footprint of the property);
 - (5) When applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

- (6) Three sets of construction documents (drawings and/or specifications) which:
 - (a) Describe the location, nature, extent, and scope of the proposed work;
 - (b) Show that the proposed work will conform to the applicable provisions of the Codes;
 - (c) Show the location, construction, size, and character of all portions of the means of egress;
 - (d) Show a representation of the building thermal envelope;
 - (e) Show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;
 - (f) Show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building;
 - (g) Include a written statement indicating compliance with the Energy Code;
 - (h) Include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, design flood elevations; and
 - (i) Evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to:
 - [1] The design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way;
 - [2] The design professional's registration expiration date;
 - [3] The design professional's firm name (if not a sole practitioner); and
 - [4] If the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(6) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer for the property file, a second set shall be forwarded to the Assessor's Office, and a third set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work or as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued or emergency circumstances exist.

F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

- G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
- I. Time limits. Building permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building permits shall expire 12 months after the date of issuance. Upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer, the Code Enforcement Officer may renew a building permit which has become invalid or which has expired pursuant to this subsection.
- J. Revocation or suspension of building permits. If the Code Enforcement Officer determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 100-18, Fees, of this article must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit. The standard building permit fee shall be doubled for work which requires a permit and which commences prior to any approval having been issued by the Code Enforcement Office or for which a stop-work order has been issued. Additionally, any person found working without a permit over the weekend shall be subject to a fee increase of three times the standard rate.
- L. Fees for professional services retained by the Code Enforcement Officer in the review of construction documents shall be the responsibility of the building permit applicant.
- M. Truss-type identification. [Added 5-2-2017 by L.L. No. 4-2017]
 - (1) As a result of advanced technology, many building contractors are now using truss-type design. Incidences have shown that a hazard to firefighters and first responders may exist. To eliminate this unacceptable hazard, the State of New York is now requiring buildings using this construction method to clearly identify it as a truss-type building to warn firefighters and first responders.
 - (2) Truss structure identification.
 - (a) Identification required.
 - [1] Truss-type construction shall be identified by a sign or signs in accordance with the provisions of this Subsection M.
 - [2] Signs shall be affixed where a building or a portion thereof is classified as Group A, B, E, F, H, I, M or S occupancy, and in hotels and motels classified as Group R-1 or R-2 occupancy, in accordance with the provisions for the classification of buildings per the IBC.

[3] Signs shall be provided in newly constructed buildings that utilize truss-type construction and in existing buildings where an addition that extends or increases the floor area of the building utilizes truss-type construction. Signs shall be affixed prior to the issuance of a certificate of occupancy or a certificate of compliance. Where a sign is directly applied to a door or sidelight, it may be a permanent, nonfading sticker or decal. Signs not directly applied to doors or sidelights shall be of sturdy, nonfading, weather resistant material.

(b) Truss identification sign location and placement. When the sign location is:

[1] Exterior building entrance doors, exterior exit discharge doors, and exterior roof access doors to a stairway, then the placement shall be attached to the door, or attached to a sidelight or the face of the building, not more than 12 inches (305 mm) horizontally from the latch side of the door jamb, and not less than 42 inches (1,067 mm) nor more than 60 inches (1,524 mm) above the adjoining walking surface.

[2] Multiple contiguous exterior building entrance or exit discharge doors, the placement shall be attached at each end of the row of doors and at a maximum horizontal distance of 12 feet (3.65 m) between signs, and not less than 42 inches (1,067 mm) nor more than 60 inches (1,524 mm) above the adjoining walking surface.

[3] Fire Department hose connections, the placement shall be attached to the face of the building, not more than 12 inches (305 mm) horizontally from the center line of the Fire Department hose connection, and not less than 42 inches (1,067 mm) nor more than 60 inches (1,524 mm) above the adjoining walking surface.

(c) Any person utilizing truss-type, pre-engineered wood or timber construction for the erection of any new residential structure, for any addition to an existing residential structure, or for any rehabilitation of an existing residential structure shall, upon application for a building permit with the City of Cortland, include on the permit application that truss-type, pre-engineered wood or timber construction is being utilized and that the property owner or the property owner's representative shall complete a form designating the structure as truss-type, pre-engineered wood or timber construction and file such form with the application for a building permit. As a condition of the final receipt of a certificate of occupancy or certificate of completion, a sign or symbol shall be affixed to any electric box attached to the exterior of the structure, if such an electric box exists. This section prescribes:

[1] The form to be used by the property owner or property owner's representative to designate a residential structure as truss-type, pre-engineered wood or timber construction; and

[2] The sign or symbol to be affixed to the exterior electric box, if any, of a residential building that utilizes truss-type, pre-engineered wood and/or timber construction.

(3) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

ADDITION—An extension or increase in floor area or height of a residential structure.

AUTHORITY HAVING JURISDICTION — The City of Cortland Code Enforcement Office/Fire Department, which is responsible for administration and enforcement of the State Uniform Fire Prevention and Building Code with respect to the subject residential structure.

ELECTRIC BOX — The box, if any, mounted on the exterior of the residential structure at the point of connection between the facilities of the serving utility and the premises wiring.

EXISTING RESIDENTIAL STRUCTURE — A residential structure that is already in existence at the time an addition or rehabilitation is commenced, without regard to the date of original construction of the residential structure.

IBC — The 2015 New York State Building Code (International Building Code, as amended by the 2016 Uniform Code Supplement).

IRC — The 2015 New York State Residential Code (International Residential Code, as amended by the 2016 Uniform Code Supplement).

NEW RESIDENTIAL STRUCTURE — A residential structure constructed on or after January 1, 2015. For the purposes of this definition, the date of construction of a residential structure shall be deemed to be the date of completion of the original construction of such residential structure, and a residential structure shall be deemed to be a new residential structure if the original construction of such residential structure:

- (a) Was commenced on or after January 1, 2015; or
- (b) Was commenced prior to January 1, 2015, and was not completed prior to January 1, 2015.

PRE-ENGINEERED WOOD CONSTRUCTION — Construction that uses, for any load-supporting purpose(s), girders, beams, or joists made using wood components (or wood-based components) that are bonded together with adhesives (including, but not limited to, prefabricated wood I-joists, structural glued laminated timbers, structural log members, structural composite lumber, and cross-laminated timber).

REHABILITATION — Any repair, renovation, alteration or reconstruction work undertaken in an existing residential building.

RESIDENTIAL STRUCTURE — Includes one-family dwellings, two-family dwellings, and townhouses (as those terms are defined in the IRC), and structures or portions of structures classified as Residential Group R in accordance with the IBC (excluding, however, hotels and motels which are classified as Group R-1 or R-2 occupancy in accordance with the IBC).

TIMBER CONSTRUCTION — Construction that uses, for any load supporting purpose(s), solid or laminated wood having the minimum dimensions required for structures built using Type IV construction (HT) in accordance with the IBC.

TRUSS-TYPE CONSTRUCTION — Construction that uses, for any load supporting purpose(s), a fabricated structure of wood or steel, made up of a series of members connected at their ends to form a series of triangles to span a distance greater than would be possible with any of the individual members on their own. Truss-type construction shall not include:

- (a) Individual wind or seismic bracing components which form triangles when diagonally connected to the main structural system; or
- (b) Structural components that utilize solid plate web members.

(4) Notice: When truss-type construction, pre-engineered wood construction, and/or timber construction is to be utilized in the construction of a new residential structure or in an addition to or rehabilitation of an existing residential structure, the owner of such structure, or the owner's duly authorized representative, shall notify the City of Cortland Code Enforcement Office of that fact. Such notice shall be in writing and shall be provided with the application for a building permit. In the case of a construction, addition or rehabilitation project commenced prior to January 1, 2015, and not completed prior to January 1, 2015, such notice shall be given as soon as practicable after January 1, 2015, and in any event prior to the issuance of the certificate of occupancy or certificate of compliance for such

project. The form to be used to give the notice required by this subsection shall be provided to the applicant by the City of Cortland Code Enforcement Office.

(5) Sign or symbol identification.

(a) When truss-type construction, pre-engineered wood construction, and/or timber construction is utilized in the construction of a new residential structure or in an addition to or rehabilitation of an existing residential structure, such residential structure shall be identified by a sign or symbol.

(b) The sign or symbol shall be:

[1] Affixed to the electric box attached to the exterior of the residential structure or shall be affixed to the exterior wall of the residential structure at a point immediately adjacent to the electric box if affixing the sign or symbol to the electric box would obscure any meter on the electric box, or if the utility providing electric service to the residential structure does not allow the sign or symbol to be affixed to the electric box.

[2] If no electric box is attached to the exterior of the residential structure or if the electric box attached to the exterior of the building is not located in a place likely to be seen by firefighters or other first responders responding to a fire or other emergency at the residential structure, the sign or symbol shall be affixed to the exterior of the residential structure in a location approved by the City of Cortland Code Enforcement Office/Fire Department.

[3] Affixed prior to the issuance of a certificate of occupancy or a certificate of compliance. The City shall not issue a certificate of occupancy or certificate of compliance until the required sign or symbol is affixed.

(c) The property owner shall be responsible for maintaining the sign or symbol and shall promptly replace any such sign or symbol that is affixed to an electric box when any change or modification is made to such electric box. The property owner shall promptly replace the sign or symbol if such sign or symbol is removed or becomes damaged, faded, worn or otherwise less conspicuous to firefighters or other first responders responding to a fire or other emergency at the residential structure. The property owner shall keep the area in the vicinity of the sign or symbol required by this subsection clear of all plants, vegetation, and other obstructions that may hide or obscure such sign or symbol or otherwise cause such sign or symbol to be less conspicuous to firefighters or other first responders responding to a fire or other emergency at the residential structure.

(d) The sign or symbol indicating the utilization of truss-type construction, pre-engineered wood construction and/or timber construction shall comply with the requirements of this subsection:

[1] The sign or symbol shall consist of a circle six inches (152.4 mm) in diameter, with a stroke width of 1/2 inch (12.7 mm). The background of the sign or symbol shall be reflective white in color. The circle and contents shall be reflective red in color, conforming to Pantone matching system (PMS) #187.

[2] The sign or symbol shall be of sturdy, nonfading, weather-resistant material; provided, however, that a sign or symbol applied directly to a door or sidelight may be a permanent, nonfading sticker or decal.

[3] The sign or symbol shall contain an alphabetic construction type designation to indicate the construction type of the residential structure, as follows:

- i. If the residential structure is subject to the provisions of the IRC, the construction type designation shall be "V"; and
 - ii. If the residential structure is subject to the provisions of the IBC, the construction type designation shall be "I," "II," "III," "IV" or "V" to indicate the construction classification of the structure per the IBC.
- [4] The sign or symbol shall contain an alphabetic location designation to indicate the locations(s) containing truss-type construction, pre-engineered wood construction and/or timber construction structural components, as follows:
- iii. "F" shall mean floor framing, including girders and beams;
 - iv. "R" shall mean roof framing; and
 - v. "FR" shall mean floor framing and roof framing.
- [5] The construction type designation shall be placed at the 12:00 position of the sign or symbol, over the location designation, which shall be placed at the 6:00 position of the sign or symbol.

§ 100-5. Construction Inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection 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 (including post or pier excavations);
 - (3) Preparation for concrete slab;
 - (4) Framing;
 - (5) Building systems, i.e., electrical, plumbing, etc., including underground and rough-in;
 - (6) Fire-resistant construction;
 - (7) Fire-resistant penetrations;
 - (8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance;
 - (10) Installation, connection and assemble 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 where the work fails to comply with the Uniform Code or Energy Code. 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, re-inspected, and found satisfactory as completed.
- E. Fee. The fee specified in or determined in accordance with the provisions set forth in §100-18, Fees, of this article must be paid prior to or at the time of each inspection performed pursuant to this section.
- F. Fees for professional services retained by the Code Enforcement Officer for special inspections related to construction inspections shall be the responsibility of the building permit applicant.

§ 100-6. 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 be in writing, shall be dated and signed by the Code Enforcement Officer, shall state the reason or reasons for issuance and, if applicable, shall state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.
- D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work, which is the subject of the stop-work order.
- E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection 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 § 100-17, Enforcement; penalties for offenses, of this article 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.

§ 100-7. Certificates of Occupancy; Certificates of Compliance.

- A. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.
- B. Issuance of certificates of occupancy/certificates of compliance. The Code Enforcement Officer shall issue a certificate of occupancy/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, the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/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/certificate of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy/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/certificates of compliance. A certificate of occupancy/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, address and tax map number of the property;
 - (4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;
 - (5) The use and occupancy classification of the structure;
 - (6) The type of construction of the structure;
 - (7) The assembly occupant load of the structure, if any;

- (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) Any special conditions imposed in connection with the issuance of the building permit or this certificate of occupancy; and
- (10) The signature of the Code Enforcement Officer issuing the certificate of occupancy/certificate of compliance and the date of issuance.

- D. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate 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 unless the Code Enforcement Officer determines that the building or structure, or the portion thereof, covered by the temporary certificate may be occupied safely; that any fire- and smoke-detecting or fire protection equipment which has been installed is operational; that all required means of egress from the building or structure are safely operational; and that a satisfactory electrical inspection has been performed. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as they deem necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed one month, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete 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 § 100-18, Fees, of this article must be paid at the time of submission of an application for a certificate of occupancy/certificate of compliance or for a temporary certificate.

§ 100-8. Notification Regarding Fire or Explosion.

The Fire Chief of The City of Cortland City shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

§ 100-9. Unsafe Buildings and Structures.

Unsafe structures and equipment in this City shall be identified and addressed in accordance with the procedures established in Chapter 104 of the Code of the City of Cortland as now in effect.

§ 100-10. Operating Permits.

- A. Operating permits required.
 - (1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
 - (a) 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;

- (b) 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:
- [1] Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
 - [2] Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - [3] Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - [4] 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;
 - [5] 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;
 - [6] Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - [7] 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;
 - [8] 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;
 - [9] Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - [10] 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;
 - [11] Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - [12] 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 Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Local Law Number 4 of 2022 as now in effect or as hereafter amended from time to time.
- (c) 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.
- (d) Buildings containing one or more assembly areas;
- (e) Outdoor events where the planned attendance exceeds 1,000 persons;

- (f) Buildings or structures containing one or more areas of public assembly with an occupant load of 100 persons or more;
 - (g) Buildings or structures or a portion thereof, whether permanent, temporary, or mobile, occupied as a special amusement building;
 - (h) Facilities that store, handle or use hazardous production materials;
 - (i) Parking garages as defined in subdivision A of §100-13;
 - (j) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Common Council this City; and
 - (k) Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Common Council of this City.
- (2) 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. 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 City 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.
- D. Multiple activities. In any circumstance in which more than one activity listed in Subsection 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.
- E. Duration of operating permits.
- (1) Operating permits shall be issued for such period of time as listed below, and as shall be determined by the Code Enforcement Officer :

- (a) Not to exceed 180 days in the case of any operating permit issued for tents, special event structures, and other membrane structures;
 - (b) Not to exceed 60 days for alternative activities at a sugarhouse;
 - (c) Not to exceed three (3) years for the activities, structures, and operations determined per subdivision A(1)(k) of §100-10; and
 - (d) Not to exceed one (1) year for all other activities, structures, and operations identified in subdivision A of §100-10. 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.
- (2) Operating permits issued pursuant to subdivision E(1) shall be subject to a determination by the Code Enforcement Officer to be consistent with local conditions.
 - (3) 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.
- F. 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.
 - G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 100-18, Fees, of this article must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 100-11. Fire Safety and Property Maintenance Inspections. [Amended 4-5-2011 by Res. No. 67-2011]

- A. Inspections required. The Code Enforcement Officer, or an inspector designated by the Code Enforcement Officer, shall perform fire safety and property maintenance inspections of buildings and structures at the following intervals:
 - (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories, fraternities, sororities, rooming houses, boarding houses, hotels and motels shall be performed at least once every 12 months.
 - (3) Fire safety and property maintenance inspections of public and private schools and colleges, including any buildings or structures of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities;
 - (4) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or A(2), or A(3) of §100-11, and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1), A(2), or A(3) of §100-11, shall be performed at least once every 36 months.
- 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 Subsection A of this section, a fire safety and property maintenance inspection of any building, structure, use or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon the request of the owner of the property to be inspected or an authorized agent of such owner, 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 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 subsection 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. A person subject to inspection under § 100-11 may be required by the Code Enforcement Officer to have such inspection performed at their own cost and expense by a competent inspector acceptable to the Code Enforcement Officer. Such inspector may be a registered architect, licensed professional engineer, certified code enforcement officer or other certified individual whose experience, training and credentials meet or exceed the minimums required by the State of New York and have been demonstrated to the satisfaction of the Code Enforcement Officer. Such inspector shall certify the results of their inspection to the Code Enforcement Officer. Any person required by the Code Enforcement Officer to have an inspection performed at their own cost and expense shall not be assessed the inspection fees otherwise prescribed in this chapter.
- E. OFPC inspections.
 - (1) Nothing in this section or in any other provision of this article shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (OFPC) and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b.
 - (2) 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:
 - (a) The Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
 - (b) The Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
 - (c) Such inspections are performed no less frequently than once a year;
 - (d) A true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and

(e) Upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by §100-17, Enforcement; penalties for offenses.

- F. The fee specified in or determined in accordance with the provisions set forth in §100-18, Fees, of this article shall be invoiced to the business owner and/or property owner as applicable. Thereupon, the Department of Code Enforcement shall mail an invoice to said owner or operator to pay such cost, which shall become due and payable within 30 days from the mailing. If such cost is not paid within such time and interest is not paid by December 31 of the year in which it is incurred, such cost and interest, with an administrative fee of \$25, shall be added to the City tax chargeable to said property and shall be collected in the manner as any unpaid City tax. This subsection shall not apply to inspections performed by OFPC.
- G. Appeal. Should the business owner and/or property owner, as applicable, dispute the proper implementation of the fee, an appeal to the City Corporation Counsel's office may be taken within 30 days of the mailing of the invoice notifying the business owner and/or property owner, as applicable, of the imposition of said fee. The appeal application may be obtained from the Code Enforcement office and submitted thereto. The Corporation Counsel shall render a decision upon said appeal within 30 days of receipt thereof; failure to so render a decision will result in the fee being vacated. Upon an adverse decision to a business owner and/or property owner, as applicable, said business owner and/or property owner, as applicable, may commence a judicial appeal to the Cortland City Court for final review.

§ 100-12. Complaints.

- A. 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 article, 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:
- (1) Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
 - (2) 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 §100-17, Enforcement; penalties for offenses, of this article;
 - (3) If appropriate, issuing a stop-work order;
 - (4) 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.
- B. Fee. A fee shall be assessed to a property where three or more complaints have been received by the Code Enforcement Office within any twelve-month period. Any fee specified in or determined in accordance with the provisions set forth in § 100-18, Fees, of this article shall be invoiced to the business owner and/or property owner as applicable.

§ 100-13. Condition Assessments of Parking Garages.

- A. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

CONDITION ASSESSMENT — 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.

DETERIORATION — 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.

PARKING GARAGE — 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:

Buildings in which the only level used for parking or storage of motor vehicles is on grade;

An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

A townhouse unit with attached parking exclusively for such unit.

PROFESSIONAL ENGINEER — 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.

RESPONSIBLE PROFESSIONAL ENGINEER — The professional engineer who performs 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.

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.

UNSAFE STRUCTURE — A structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (C) of this section, periodic condition assessments as described in subdivision (D) of this section, and such additional condition assessments as may be required under subdivision (E) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the City of Cortland 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:

(a) If originally constructed prior to January 1, 1984, then prior to October 1, 2019;

- (b) If originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (c) 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 September 21, 2023.
- D. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.
- E. Additional Condition Assessments.
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
 - (2) If the City becomes aware of any new or increased deterioration which, in the judgment of the City, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (C) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the City to be appropriate.
- F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the City of Cortland within a timeframe to be affixed by the Council upon the construction of a parking garage. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
- (1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
 - (2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
 - (3) An evaluation and description of the unsafe conditions;
 - (4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (5) An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

- (7) The responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- G. Review Condition Assessment Reports. The City shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the City shall, by Order to Remedy or such other means of enforcement as the City may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (F). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the City to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- H. The City shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the City with a written statement attesting to the fact that he or she has been so engaged, the City shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The City shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- I. This section shall not limit or impair the right or the obligation of the City:
- (1) To perform such construction inspections as are required by §100-5. Construction Inspections;
 - (2) To perform such periodic fire safety and property maintenance inspections as are required by §100-11. Fire Safety and Property Maintenance Inspections; and/or
 - (3) To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the City 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.

§ 100-14. Climatic and Geographical Design Criteria.

- A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within the City 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:
 - (a) The accompanying Flood Insurance Rate Map (FIRM);
 - (b) Flood Boundary and Floodway Map (FBFM); and
 - (c) 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.

§ 100-15. Recordkeeping.

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel as mandated by the New York State Archives Record Retention and Disposition Schedule MU-1. These include but are not limited to 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;
- (9) All other features and activities specified in or contemplated by §100-4 through §100-14, inclusive, of this article; and
- (10) All fees charged and collected.

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

§ 100-16. Program Review and Reporting.

- A. The Code Enforcement Officer shall annually submit to the Common Council of this City a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 100-15, Recordkeeping, of this article, and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this City, on a form prescribed by the Secretary of State, a report of the activities of this City relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this City is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this City in connection with administration and enforcement of the Uniform Code.

§ 100-17. Enforcement; Penalties for Offenses.

- A. Notice of violation; order to remedy.
 - (1) 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 article. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a notice of violation/order to remedy. The notice of violation/order to remedy shall:
 - (a) Be in writing;
 - (b) Be dated and signed by the Code Enforcement Officer or their designee;
 - (c) Specify the condition or activity that violates the Uniform Code, the Energy Code, or this article;
 - (d) Specify the provision or provisions of the Uniform Code, the Energy Code, or this article which is/are violated by the specified condition or activity;
 - (e) Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;
 - (f) Direct that compliance be achieved within the specified period of time; and
 - (g) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.
 - (2) The Code Enforcement Officer shall cause the notice of violation/order to remedy, or a copy thereof, to be served on the owner of the affected property personally or by certified mail, within five (5) business days after the date of the Notice of Violation/Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the notice of violation/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 certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the notice of violation/order to remedy.
- B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this article, 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 article, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this City.

- D. Injunctive relief. An action or proceeding may be instituted in the name of this City, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of or to enforce any provision of the Uniform Code, the Energy Code, this article, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, notice of violation/order to remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this article. 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 article, or any stop-work order, notice of violation/order to remedy or other order obtained under the Uniform Code, the Energy Code or this article, an action or proceeding may be commenced in the name of this City, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Mayor of this City.
- E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty 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 § 100-6, Stop-work orders, of this article, in any other section of this article, 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 § 100-6, Stop-work orders, of this article, in any other section of this article, 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 §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 §382 of the Executive Law.

§ 100-18. Fees.

A fee schedule shall be established by resolution of the Common Council of this City. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this article.⁸³

§ 100-19. Intermunicipal Agreements.

The Common Council of this City may, by resolution, authorize the Mayor of this City to enter into an agreement, in the name of this City, with other governments to carry out the terms of this article, 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 2. Separability.

If any part of provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Cortland hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3. Findings.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4 Effective Date.

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

Motioned by: Council Member Silliman

Seconded by: Council Member Carpenter

Approved: Ayes – 5 [Silliman, Pennello, Lane, Carpenter, Michales]
Nays – 0

ADJOURNMENT

The meeting was adjourned at 6:42 p.m. on motion of Council Member Silliman and approved by a vote of 5-0.