

**YEAR END MEETING AND PUBLIC HEARING
TOWN BOARD OF GENOA**

December 27, 2010

The Year End meeting of the Town Board of Genoa, Cayuga County, State of New York was held at the Town Hall, 1000 Bartnick Road, Genoa NY on December 27, 2010

Also, a publicized Public Hearing was held regarding new laws for 2011

Present	Lorie Fessenden, Supervisor	Mick Piechuta, Code Enforcement
	Cheryl Shields, Board Member	Stuart Underwood
	Dale Sellen, Board Member	Brandon White
	Al Armstrong, Board Member	Gary Buono
	Sue Moss, Clerk	

The meeting and public hearing were called to order at 3:05 p.m. by Supervisor Lorie Fessenden with the Pledge of Allegiance to the Flag.

Supervisor Fessenden asked the three candidates for the vacant Board seat to speak to the Board

Brandon White has been in the area for 4 years after graduating from Cornell. He has a small farm.

Stuart Underwood is a past Supervisor for the Town of Genoa

Gary Buono is retired from the US Postal Service where he was a letter carrier and union representative.

The Board will adjourn to Executive Session after the year-end meeting to determine who will be the new Board member.

RESOLUTION 104-2010 APPROVAL OF MINUTES

On a motion of Board Member Armstrong, seconded by Board Member Sellen, the following resolution was

ADOPTED Ayes 4 Fessenden, Sellen, Shields, Armstrong

Nays 0

Resolved that the minutes from December 8, 2010 be approved

Supervisor Fessenden informed the Board that the following 3 laws would be discussed during the Public Hearing:

Local Law #1 of 2010 – Licensing of Dogs in the Town of Genoa

Local Law #2 of 2010 – Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of Genoa, Cayuga County, New York

Local Law #1 of 2011 – Town of Genoa Unsafe Buildings Local Law

REPORTS

SUPERVISOR'S REPORT

Supervisor Fessenden

The November Supervisor's Report was distributed to the Board members. Because the bookkeeper was unable to prepare it earlier, the date on the report is 12/14/2010.

RESOLUTION 105-2010 APPROVAL OF SUPERVISOR'S REPORT

On a motion of Board Member Shields, seconded by Board Member Armstrong, the following resolution was

ADOPTED Ayes 4 Fessenden, Sellen, Shields, Armstrong

Nays 0

Resolved that Supervisor's Report be approved.

If transfers are needed when the year-end bills are paid, the Supervisor will call Board members for approval.

Susie Malley asked that the insurance requirement for Dog Control Officers be waived. She would still like to be considered for the position if this waiver is possible. The item was tabled and Supervisor Fessenden will talk with the Town Attorney. She will inform the current DCO that his contract has not been signed.

Resolution 106-2010 **APPROVAL OF BILLS**

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was ADOPTED Ayes 4 Fessenden, Sellen, Shields, Armstrong
Nays 0

Resolved to accept presented bills.

OLD BUSINESS

The two properties that Mr. Potter was concerned about with regard to assessment have been addressed. The NYS Office of Real Properties concur with Assessor Garner's evaluation.

The 2011 contract for the Town Attorney was presented to the Board

Resolution 107-2010 **APPROVAL OF TOWN ATTORNEY CONTRACT**

On a motion of Board Member Shields, seconded by Board Member Sellen, the following resolution was ADOPTED Ayes 4 Fessenden, Sellen, Shields, Armstrong
Nays 0

Resolved to accept the 2011 Town Attorney contract.

Board Member Sellen brought up the G. Signor situation. This would be discussed later in Executive Session.

The Organizational Meeting is scheduled for January 12, 2011. This is also the first Board meeting of the year.

NEW BUSINESS

Supervisor Fessenden opened the Public Hearing at 3:05 p.m. on proposed Local Law #1 of 2010 – Licensing of Dogs in the Town of Genoa, Local Law #2 of 2010 – Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of Genoa, Cayuga County, New York and Local Law #1 of 2011 – Town of Genoa Unsafe Buildings Local Law. Notification of the hearing was placed in The Citizen on December 15, 2010. The laws in their final form were delivered to the Board at least 7 days before adoption. Supervisor Fessenden asked if anyone wanted to speak for or against the proposed laws and no one came forward. Supervisor Fessenden closed the public hearing for Local Law #1 of 2010, Local Law #2 of 2010 and Local Law #1 of 2011 at 4:05 p.m. No one spoke in favor or against the proposed Laws.

**Local Law #1 for the Year 2010
Licensing of Dogs in the Town of Genoa**

Section 1. Title. The title of this Local Law shall be "Licensing of Dogs in the Town of Genoa."

Section 2. Authority. This Local Law is adopted pursuant to Chapter 59, Part T of the Laws of 2010, Article 7 of the Agriculture and Markets Law of the State of New York, and pursuant to the authority granted by § 10 of the Statute of Local Governments and § 10 of the Municipal Home Rule Law.

Section 3. Purpose. The purpose of this Local Law is to provide for the licensing and identification of dogs and the public health protection of most mammal species, including humans, from rabies.

Section 4. Application.

A. This Local Law shall apply to all areas of the Town of Genoa

- B. In the event that any dog is harbored within the Town for a period of 30 days or less such dog shall be exempt from the identification and licensing provisions of this Local Law, provided such dog is licensed pursuant to the provisions of law of the area of the owner's residence.
- C. This Local Law shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined to an animal shelter devoted to the impounding and caring of animals.

Section 5. Definitions. All terms not specifically defined herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New York. As used in this Local Law, the following words shall have the following respective meanings:

- A. "Altered" shall refer to a dog that has been spayed or neutered.
- B. "At large" means an unleashed dog not under control of the owner and off the premises of the owner. For the purpose of leased premises, "premises of the owner" shall refer to such leased premises and all common areas thereof.
- C. "Farm animal", as used in this Local Law, means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in New York State Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.
- D. "Identification tag" means a tag issued by the Town of Genoa or other licensing municipality which sets forth an identification number, together with the name of the municipality, the State of New York, contact information, including telephone number for the municipality, and such other information as the Town Board deems appropriate and approves by resolution.
- E. "New York State Agriculture and Markets Law" means the Agriculture and Markets Law of the State of New York in effect as of January 1, 2011, including as thereafter amended or re-codified.
- F. "Owner" means any person who harbors or keeps any dog.
- G. "Resident" means any person who maintains a residence within the Town of Genoa, County of Cayuga, State of New York.
- H. "Town" means the area within the corporate limits of the Town of Genoa.
- I. "Town Board" means the Town of Genoa Board.
- J. "Town Clerk" means the Genoa Town Clerk.
- K. "Unaltered" shall refer to any dog that is not spayed or neutered.

Section 6. Licensing.

A. Application for Original License.

1. The Owner of any dog reaching the age of four months shall immediately make application to the Town Clerk for a dog license on a form provided by the Town Clerk's Office. No license shall be required for any dog which is under the age of four months and which is not at large.
2. In the case of a dog being redeemed or adopted from a shelter or pound, the Town Board by resolution, and the manager of the facility, shall establish a licensing procedure that is agreeable and beneficial to both the Town of Genoa and the shelter or pound.

B. Rabies Vaccination Required. All applications for a dog license shall be accompanied by a valid rabies certificate signed by a licensed veterinarian or, in lieu thereof, a statement certified by a licensed veterinarian stating that the dog is too young to be vaccinated, or that, because of old age or another reason, the life of the dog would be endangered by administration of the vaccine. A copy of the rabies certificate or such certified statement shall be provided and attached to the Clerk's copy of the application. In the case of a dog being redeemed or adopted from a shelter, copies of such documents shall be forwarded to the Town Clerk. Such records shall be kept on file by the Town Clerk and be made available to law enforcement and public health officials, upon request, for rabies and other animal disease control efforts.

C. Spay/Neuter Certificates. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that because of old age, or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog as set forth in sub-part F of this Section.

D. Expiration of License. An original license shall be issued for a minimum period of one year and a maximum period of three years (up until the expiration of the current rabies vaccination certificate), and all license terms shall expire upon the last day of the month of the period of time for which such license was issued.

E. License Renewal.

1. License renewal forms shall be mailed by the Town Clerk.
2. A new rabies certificate shall be required if the one on record has either expired or if it expires within 30 days of the date of renewal. An in-lieu-of statement as described in sub-part B of this Section may be substituted for a rabies certificate. New rabies certificates and statements shall be copied and attached to the Town Clerk's copy of the form.
3. A spay/neuter certificate shall not be required if one is already on file with the Town Clerk. In a case where the dog has been altered since the issuance of the original license the certificate shall be presented to the Town Clerk in order to receive the reduced fee for an altered dog. The Town Clerk shall make a copy of the certificate and attach it to the original license on file.
4. Upon renewal the Town Clerk shall provide a validated license to the owner. The Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.

F. License Fees.

1. All applications for original licenses or renewals shall be accompanied by a fee established by resolution of the Genoa Town Board. The total fee for an unaltered dog shall be at least 5 dollars more than the total fee for an altered dog.
2. In addition to the fees set by the Town Board, an assessment of \$3.00 for each unaltered dog and \$1.00 for each altered dog shall be charged for the purpose of carrying out population control efforts as mandated by Article 7 of New York State Agriculture and Markets Law. This fee will either be transferred to a Cayuga County Spay-Neuter program or to a statewide Spay-Neuter program
3. No license fees are refundable or partially refundable in the event that a dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.
4. An additional fee may be established by resolution of the Genoa Town Board should a dog be identified as unlicensed during an enumeration. Failure to pay such fee shall be deemed a violation of this Local Law. Such additional fee shall be the property of the Town of Genoa and shall be used to pay the expenses incurred while conducting the enumeration. In the event the additional fees collected exceed the expenses incurred, such excess fees may be used for enforcing this Local Law.

G. Exemptions to License Fees. Owners seeking Licenses for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog shall provide documentation showing the dog being licensed is certified in one of these categories. This dog license will be exempt from license fees and such documentation will be required for each license renewal. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog".

H. Identification of dogs.

1. When a dog is originally licensed, a Town of Genoa identification number will assigned and an identification tag shall be issued which shall be worn by the dog at all times.
2. No identification tag shall be affixed to the collar of any dog other than the one to which it was assigned.
3. Any guide dog, hearing dog, service dog, working search dog, war dog, detection dog, police work dog, or therapy dog may wear a special tag for identifying such dog, provided that such tag shall be in addition to the identification tag required by the Town. Such tag shall be a different color, shape and imprint from the Town identification tag and may be provided by the Town at the expense of the owner.
4. Lost tags shall be replaced at the expense of the owner at a fee set by the Genoa Town Board by resolution.

I. Change of Address. In the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.

J. Change of Ownership. In the event of a change in the ownership of any dog licensed in the Town of Genoa, the new owner shall immediately make application for a license for such dog

K. Deceased Dog. If any dog licensed in the Town of Genoa is lost, stolen or deceased, the owner of record shall notify the Town Clerk's Office within ten days of the discovery of such loss, theft or death. In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or at the time of such renewal.

L. Lists of Licensed Dog Owners. No dog licensing records, information, or lists shall be made available to any person for commercial purposes.

13. Purebred Licenses.

A. The owner of two or more purebred dogs registered by a nationally recognized registry association may make an application to the Town Clerk for a purebred license in lieu of the individual licenses required by Subdivision 1 of this Section.

B. At the time of application, the Town Clerk shall assign a Purebred License identification number.

C. Application for a purebred license shall be on a form provided by the Town Clerk and shall include rabies vaccination certification as specified in Part 2 of this Section for every dog listed on the license. Certification for any altered dog shall be included as specified in Part 3 of this Section. The Town Clerk shall make copies of these certifications and file with the Clerk's copy of the license.

D. Copies of registry papers for every dog or a comprehensive list of registry numbers and associations shall be required and filed with the Clerk's copy of the license.

E. All dogs over four months of age must be listed and included in the purebred license.

F. Purebred licenses shall be issued for one year and renewed annually.

G. All applications for and renewals of purebred licenses shall be accompanied by a fee as set by resolution of the Town Board. In addition, an assessment of \$3.00 for each unaltered dog and \$1.00 for each altered dog shall be added for the purpose of carrying out population control efforts as mandated by Article 7 of New York State Agriculture and Markets Law. No fee or portion thereof shall be refundable once the license is issued.

H. No purebred license is transferable. Upon change of ownership of any dog licensed under a purebred license, the new owner shall immediately make application for a license pursuant to Part 1 of this Section, except when the new owner holds a valid purebred license and adds the dog to such purebred license.

I. Identification tags may be requested by a holder of a purebred license. All purebred tags shall include the identification number assigned to the purebred license and the cost shall be paid by the owner at a fee set by the Genoa Town Board.

Section 7. Enforcement/Appearance Ticket. Any Dog Control or Police Officer, or other person or persons who are or may be lawfully authorized by the Town, shall administer and enforce the provisions of this Local Law, and for such purpose such persons shall have the authority to issue civil summonses.

Section 8. Violations and Penalties. Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation. All other provisions and requirements of the New York State Agriculture and Markets Law are and remain separately enforceable under New York State law, and nothing in this local law purports to limit the enforceability of New York State law. The rights and remedies of enforcement set forth in this local law are in addition to, and not in lieu of, any other right or remedy of the Town of Genoa relative to dog licensing and control, whether arising by law or in equity.

Section 9. Disposition of Fines. Notwithstanding any other provision of law, all money collected as fines or penalties by the Town of Genoa in the enforcement of this Local Law, the enforcement of Article 7 of New York State Agriculture and Markets Law, and all bail forfeitures by persons charged with such violations, shall be the property of the Town of Genoa and shall be paid to the financial officer of such municipality (unless otherwise required the Penal Law, the Criminal Procedure Law, or other law or regulation of the State of New York). Such money shall be used solely for controlling dogs and enforcing this Local Law. Said revenue may also be used to subsidize the spaying or neutering of dogs, any facility as authorized under Article 7 of New York State Agriculture and Markets Law, and for subsidizing public humane education programs in responsible dog ownership.

Section 10. Separability. If any section, paragraph, subdivision, clause, phrase or provision of this Local Law shall be held or adjudged invalid, unenforceable, or unconstitutional: such invalidity, unenforceability, or unconstitutionality shall be confined to the facts and circumstances giving rise to such determination or holding and shall not apply to other facts or circumstances; and/or such part shall be deemed severed from this Local Law and said invalid, unenforceable, or unconstitutional part shall not affect the validity of this Local Law as a whole or any other part or provision hereof.

Section 11. Limitation upon Town Liability. The Town of Genoa, and its officers, employees and agents, shall not be liable or responsible for any injury to persons or damage to property due to the Town's actions, or failures to act, under or pursuant to this Local Law, unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town, its officers, employees, and/or agents. This Section shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

Section 12. Repealer. This Local Law shall supersede all prior Local Laws, ordinances, rules and regulations relative to the licensing and fee schedules of dogs within the Town of Genoa.

Section 13. Effective Date. This Local Law shall take effect the 1st day of January, 2011.

Resolution 108-2010 **APPROVAL OF LOCAL LAW #1 OF 2010**

Supervisor Fessenden moved to accept Local Law #1 of 2010 seconded by Board Member Shields

ADOPTED	Supervisor Fessenden	Aye
	Board Member Sellen	Aye
	Board Member Shields	Aye
	Board Member Armstrong	Aye

ACCEPTED Ayes 4 Nays 0

Resolved to accept Local Law #1 of 2010 - Licensing of Dogs in the Town of Genoa

RESOLVED, that in accord with §21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

LOCAL LAW NUMBER 2 OF 2010**A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE IN THE TOWN OF GENOA, CAYUGA COUNTY, NEW YORK**

History – This Local Law hereby supersedes all and any prior rules, regulations, Ordinances and Local Laws of the Town of Genoa pertaining to the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Code, but does not supersede any rules, regulations, Ordinances and Local Laws of the Town of Genoa pertaining to land use, lot size restrictions, or subdivisions, or any of the same pertaining to the conduct of affairs and internal operations of the Town of Genoa, including, but not limited to the Code Enforcement Office and the Building and Electrical Inspectors, and related rules, regulations, ordinances and local laws thereof or pertaining thereto.

Therefore, Be It Enacted by the Town Board of The Town of Genoa as follows:

ARTICLE 1. TITLE, AUTHORITY & PURPOSE:

This Local Law shall be known as the Code Administration and Enforcement Local Law, Local Law Number 2 of 2010. This Local Law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”) and the State Energy Conservation Construction Code (the “Energy Code”) in the Town of Genoa (but not for any portion of the Town of Genoa located within the boundaries of any incorporated Village of the State of New York). This Local Law is adopted pursuant to § 130 of the Town Law, § 10 of the Municipal Home Rule Law, and 19 NYCRR Part 1203, and its enabling legislation. Except as otherwise provided in the Uniform Code or the Energy Code, other state law, or other section or provision of this Local Law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this Local Law. It is declared to be the policy of the Town of Genoa to consider energy, fire, and building codes as necessary for the orderly, efficient and economical development in and of the Town of Genoa. The purpose of the rules, regulations, and standards contained in this Local Law are (1) to promote the safe, sanitary, and efficient construction of structures within the Town of Genoa; (2) to regulate development and construction of buildings, structures, and premises in a manner that will result in safe and orderly growth and development; and (3) to establish minimum standards and requirements by which buildings, structures, and premises are, *inter alia*, built, maintained, renovated, repaired, and constructed. Pursuant to the New York State Town Law, and other provisions in the statutes and regulations of the State of New York, the Town of Genoa hereby empowers designated Town of Genoa officials to act pursuant to and in furtherance of this Local Law.

ARTICLE 2. CONSTRUCTION & DEFINITIONS:

Sec. 201 Should any provision, clause, requirement, or term of this Local Law conflict with or be inconsistent with any provision of the New York State Town Law or the NYCRR pertaining to the subject matter hereof, mainly including 19 NYCRR Part 1203, this Local Law shall apply and shall be deemed to supersede the New York State Town Law and the NYCRR pursuant to the powers granted to the Town of Genoa by the New York State Constitution, Article IX, and the Municipal Home Rule Law, § 10.

Sec. 202 In this Local Law, the following terms shall have the following definitions:

“Town Board” shall mean the Town Board of the Town of Genoa.

“Building Permit” shall mean a permit issued pursuant to Article 4 of this Local Law. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this Local Law.

“Certificate of Occupancy” and/or “Certificate of Compliance” shall mean a certificate issued pursuant to Article 7 of this Local Law.

“Code Enforcement Officer” shall mean the Code Enforcement Officer of the Town of Genoa.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors, including, but not limited to Building Inspectors and Electrical Inspectors.

“Compliance Order” shall mean an order issued by the Code Enforcement Officer pursuant to Article 15 of this Local Law.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Inspector” shall mean an inspector appointed pursuant to, or identified in, Article 4 of this Local Law.

“Operating Permit” shall mean a permit issued pursuant to Article 10 of this Local Law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this Local Law.

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

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business, trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop Work Order” shall mean an order issued pursuant to Article 6 of this Local Law.

“Temporary Certificate” shall mean a certificate issued pursuant to Article 7 of this Local Law.

“Town” shall mean the Town of Genoa.

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

ARTICLE 3. CODE ENFORCEMENT OFFICER AND INSPECTORS:

Sec. 301 The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this Local Law. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, 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 Local Law;
- (4) to issue Stop Work Orders;
- (5) to review and investigate complaints;
- (6) to issue orders pursuant to Article 15 (Violations) of this Local Law;
- (7) to maintain records;
- (8) to collect fees as set by the Town Board;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with the Town’s attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this Local Law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this Local Law; and
- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Local Law.

Sec. 302 The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Local Law.

Sec. 303 One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this Local Law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

Sec. 304 The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board.

ARTICLE 4. BUILDING PERMITS:

Sec. 401 Except as otherwise provided in Subdivision (b) of this Article, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure, or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

Sec. 402 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 100 square feet;
- (2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) installation of fences which are not part of an enclosure surrounding a swimming pool;
- (5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (6) construction of temporary motion picture, television, and theater stage sets and scenery;
- (7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (8) installation of partitions or movable cases less than 5'-9" in height;
- (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

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

(12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

Sec. 403 The exemption from the requirement to obtain a building permit for work in any category set forth in Sec. 402 shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

Sec. 404 Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed, or by an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

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

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

Sec. 405 Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in Sec. 404. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

Sec. 406 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.

Sec. 407 Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

Sec. 408 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.

Sec. 409 Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this Section may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

Sec. 410 If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

Sec. 411 The fee specified in or determined in accordance with the provisions set forth in Article 16 (Fees) of this Local Law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

ARTICLE 5. CONSTRUCTION INSPECTIONS:

Sec. 501 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 Sec. 502 is ready for inspection.

Sec. 502 The following elements of the construction process shall be inspected, where applicable:

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

Sec. 503 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.

Sec. 504 The fee specified in or determined in accordance with the provisions set forth in Article 16 (Fees) of this Local Law must be paid prior to or at the time of each inspection performed pursuant to this Article.

ARTICLE 6. STOP WORK ORDERS:

Sec. 601 The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this Article. 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.

Sec. 602 Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

Sec. 603 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 registered 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 registered mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

Sec. 604 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.

Sec. 605 The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in this Article, 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 Article 15 (Violations) of this Local Law, or under any other applicable Local Law or State law or regulation, including, but not limited to the New York State Executive 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.

ARTICLE 7. CERTIFICATES OF OCCUPANCY & COMPLIANCE:

Sec. 701 A Certificate of Occupancy and/or Certificate of Compliance shall be required for any work which is the subject of a Building Permit, and for all structures, buildings, or portions thereof, which are converted from one use or occupancy, classification, or sub-classification to another. Permission to use or occupy a building or structure, or any portion thereof, for which a Building Permit was previously issued, shall be granted only by issuance of a Certificate of Occupancy and/or Certificate of Compliance.

Sec. 702 The Code Enforcement Officer shall issue a Certificate of Occupancy and/or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, 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 Certificate of Occupancy and/or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant

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

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

Sec. 703 A Certificate of Occupancy and/or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy and/or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which Certificate of Occupancy and/or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the 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; and
- (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy and/or Certificate of Compliance and the date of issuance.

Sec. 704 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 (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed 2 months, 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.

Sec. 705 If the Code Enforcement Officer determines that a Certificate of Occupancy and/or Certificate of Compliance, or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, or due to an error in issuance committed by the Code Enforcement Officer or any Inspector, 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.

Sec. 706 The fee specified in or determined in accordance with the provisions set forth in Article 16 (Fees) of this Local Law must be paid at the time of submission of an application for a Certificate of Occupancy and/or Certificate of Compliance, or for a Temporary Certificate.

ARTICLE 8. NOTIFICATION REGARDING FIRE OR EXPLOSION:

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

ARTICLE 9. UNSAFE BUILDING AND STRUCTURES:

Unsafe buildings, structures, and equipment in the Town shall be identified and addressed in accordance with the procedures established by the laws of the State of New York and any now existing or hereafter adopted local law or ordinance of the Town of Genoa, each and all as now in effect or as hereafter adopted, re-adopted, codified, or amended from time to time.

ARTICLE 10. OPERATING PERMITS:

Sec. 1001 Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

- (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR § 1225.1;
- (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) use of pyrotechnic devices in assembly occupancies;
- (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by Resolution adopted by the Town Board.

Any person who proposes to undertake any activity or to operate any type of building listed in this Sec. 1001 shall be required to obtain an Operating Permit prior to commencing such activity or operation.

Sec. 1002 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.

Sec. 1003 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.

Sec. 1004 In any circumstance in which more than one activity listed in Sec. 1001 is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

Sec. 1005 Operating permits shall be valid and remain in force and effect until reissued, renewed, revoked, or suspended, or until their renewal or reissuance is required by applicable law or regulation. Any 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.

Sec. 1006 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.

Sec. 1007 The fee specified in or determined in accordance with the provisions set forth in Article 16 (Fees) of this Local Law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

ARTICLE 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

Sec. 1101 Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) 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 shall be performed at least once every 12 months.
- (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this Section, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this Subdivision, shall be performed at least once every 36 months.

Sec. 1102 In addition to the inspections required by Sec. 1101, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner; or
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this Section 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.

Sec. 1103 Nothing in this Article or in any other provision of this Local Law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and/or the New York State Fire Administrator (“NYSFA”) under Executive Law § 156-e and Education Law § 807-b. If any property, building, structure, dwelling, has been or is inspected by OFPC or the NYSFA, the Code Enforcement Officer may, but is not required to, decline to perform fire safety and property maintenance inspections

Sec. 1104 The fee specified in or determined in accordance with the provisions set forth in Article 16 (Fees) of this Local Law must be paid prior to or at the time each inspection performed pursuant to this Article. This Subdivision shall not apply to inspections performed by OFPC or the NYSFA.

ARTICLE 12. COMPLAINTS:

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Local Law, or any other Local Law, Ordinance, or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in Article 15 (Violations) of this Local Law;
- (c) if appropriate, issue a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

The Code Enforcement Officer may take such other or further steps as may be authorized by any law, rule or regulation of the United States, the State of New York, the County of Cayuga, and/or the Town, or as may be authorized by and/or consistent with the Uniform Code and the Energy Code. The specifications of steps (a) through (d) in this Section shall not be deemed or construed to limit the authority of the Code Enforcement Officer to take any other steps as may be proper, desirable, or necessary to investigate any complaint.

ARTICLE 13. RECORD KEEPING:

Sec. 1301 The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed, approved or denied;
- (2) all plans, specifications, and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy and/or 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 other features and activities specified in or contemplated by Articles 4 through 12, inclusive, of this Local Law; and
- (9) all fees charged and collected.

Sec. 1302 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.

ARTICLE 14. PROGRAM REVIEW AND REPORTING:

Sec. 1401 The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in Article 13 (Record Keeping) of this Local Law, and a report and summary of all appeals or litigation pending or concluded.

Sec. 1402 The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the Town, on a form prescribed by the Secretary of State, a report of the activities of the Town relative to administration and enforcement of the Uniform Code.

Sec. 1403 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 of the Town, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Town in connection with administration and enforcement of the Uniform Code.

Article 15: VIOLATIONS:

Sec. 1510 The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this

Local Law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this Local Law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this Local Law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

Sec. 1502 The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code, the Energy Code, or this Local Law.

Sec. 1503 In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this Local Law, or any term or condition of any Building Permit, Certificate of Occupancy and/or Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Local Law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this Subdivision shall be recoverable in an action instituted in the name of the Town. The Town Court of the Town of Genoa shall have jurisdiction to hear and decide any such claim, and to impose any such civil penalty.

Sec. 1504 An action or proceeding may be instituted in the name of the Town in any court of competent jurisdiction, to prevent, restrain, enjoin, correct, enforce, and/or abate any violation of, or non-conformance with, any provision or requirement of the Uniform Code, the Energy Code, this Local Law, or any term or condition of any Building Permit, Certificate of Occupancy and/or Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Local Law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Local Law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this Local Law, an action or proceeding may be commenced in the name of the Town in the Supreme Court of the State of New York, or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure, or compelling an abatement of the condition in violation of such provisions. No action or proceeding described in this Subdivision shall be commenced without the appropriate authorization from the Town Board.

Sec. 1505 No remedy or penalty specified in this Article shall be the exclusive remedy or remedy available to address any violation described in this Article, and each remedy or penalty specified in this Article shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Article, in Article 6 (Stop Work Orders) of Local Law, in any other Article of this Local Law, or in any other applicable law, rule, order, or regulation. Any remedy or penalty specified in this Article may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Article, in Article 6 (Stop Work Orders) of this Local Law, in any other Article of

this Local Law, or in any other applicable law, rule, order, or regulation. In particular, but not by way of limitation, each remedy and penalty specified in this Article shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 381 of the Executive Law, and any remedy or penalty specified in this Article may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 381 of the Executive Law.

ARTICLE 16. FEES:

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

ARTICLE 17. PARTIAL INVALIDITY:

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE 18. LIMITATION OF LIABILITY AND INDEMNITY:

The Town shall not be liable or responsible for any injury to persons or damage to property due to the Town’s actions, or failures to act, under or pursuant to this Local Law, unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town. This provision shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

ARTICLE 19: EFFECTIVE DATE:

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

Resolution 109-2010 **APPROVAL OF LOCAL LAW #2 OF 2010**

Supervisor Fessenden moved to accept Local Law #2 of 2010 seconded by Board Member Shields

ADOPTED	Supervisor Fessenden	Aye
	Board Member Sellen	Aye
	Board Member Shields	Aye
	Board Member Armstrong	Aye

ACCEPTED Ayes 4 Nays 0

Resolved to accept Local Law #2 of 2010 - Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of Genoa, Cayuga County, New York

RESOLVED, that in accord with §21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

**LOCAL LAW NUMBER 1 OF 2011
UNSAFE BUILDINGS**

The Town Board of The Town of Genoa, Cayuga County, New York, pursuant to a Resolution dated December 27, 2010, does hereby pass the following law; and accordingly

BE IT ENACTED as follows:

Section 1. Authority

This Local Law is adopted pursuant to the authority granted the Town of Genoa in Section 10 of the Municipal Home Rule Law and in Section 130(16) of Town Law, and in related provisions of Article 18 of the Executive Law, Article 5 of the General Municipal Law (including, but not limited to § 78-b therein), related laws of the State of New York, and in the regulations and rules adopted or promulgated pursuant to or under each of the foregoing statutes, including, but not limited to Title 9 of the NYCRR, part 1203, and related Parts of such Title and the NYCRR.

Section 2. Title

This Local Law shall be known as the "Town of Genoa Unsafe Buildings Law."

Section 3. Purpose of the Unsafe Buildings Law

By adoption of this Local Law, the Town of Genoa declares its intent to regulate and control unsafe, abandoned, hazardous, dilapidated or derelict buildings and structures (herein "Unsafe Buildings", as defined in Section 5, below). The Town of Genoa hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that Unsafe Buildings can constitute a hazard to property and Persons and can be a public nuisance. Unsafe Buildings may be highly flammable and sometimes explosive. Unsafe Buildings can constitute attractive nuisances to children and certain adults. The presence of Unsafe Buildings is injurious to the public welfare, unsightly, and tends to detract from the value of surrounding properties.

Section 4. Prior Existing Unsafe Buildings Ordinances or Local Laws

This Unsafe Buildings Local Law shall replace and supersede any and all prior existing Unsafe Buildings Ordinances or Local Laws of the Town of Genoa, if any.

Section 5. Definitions

For the purpose of this Local Law, the following words and phrases shall have the meaning ascribed to them in this section.

- Emergency:* A determination by the Enforcement Officer of a condition in a Hazardous Building that presents an imminent or immediate danger to the life, health, or safety of any Person.
- Enforcement Officer:* Any Person appointed by the Town Board of the Town of Genoa to represent the Town of Genoa in particular matters pertaining to this Local Law.
- Hazardous Building:* Any Unsafe Building that presents or poses an imminent or immediate danger of failure or collapse, or an imminent or immediate danger to the life, health, safety or welfare of any Person. A single building or Structure can be both a Hazardous Building and an Unsafe Building, and all Hazardous Buildings are and shall be deemed Unsafe Buildings.
- Owner:* Any person or entity that owns or holds any interest in fee to real property as shown by the records of the County Tax Assessor.
- Owner's Address:* An Owner's mailing or residence address as shown by the records of the County Tax Assessor.
- Person:* Any individual, firm, partnership, association, corporation, company, or entity or organization of any kind.
- Town of Genoa:* Unless otherwise specified, means the Town Board of the Town of Genoa, all elected officials, all employees, all committees and committee members, the Enforcement Officer, the Town Justice Courts, its Judges, clerks and employees, and all agents of the Town.
- Unsafe Building:* Any building or structure which (i) is abandoned, dilapidated, derelict, structurally unsafe, or unsanitary, or (ii) constitutes a fire hazard, or (iii) is not provided with sufficient means of egress or exits in the case of a fire, or (iv) is otherwise dangerous to human life, or (v) which constitutes a hazard to safety or health by reason of inadequate maintenance, infestation, dilapidation, obsolescence or abandonment.

Section 7. Unsafe Buildings are Illegal

All Unsafe Buildings are hereby declared to be illegal and shall be abated by repair or demolition in accordance with the provisions of this Local Law.

Section 8. Enforcement Officer's Authority to Order Vacation

The Enforcement Officer shall have the authority to order the immediate evacuation of any Unsafe Building. The Enforcement Officer shall order the immediate evacuation of any Hazardous Building.

Section 9. Notice and Hearing Procedure Concerning Unsafe Buildings

Whenever the Enforcement Officer shall determine that any building or structure, or portion thereof, is an Unsafe Building, the Enforcement Officer shall cause service of notice upon the Owner either personally or by registered mail to the Owner's Address. If service is made by registered mail, the Enforcement Officer shall cause the posting of a copy of such notice on the premises. Such notice shall be called and labeled as a "Defective Conditions Notice" (herein abbreviated as "DCN"). Such DCN shall contain (a) a brief description of the premises, and for this purpose a street address is sufficient, and (b) a statement of the particulars concerning the Enforcement Officer's determination that the building or structure is an Unsafe Building, and (c) an order of the Enforcement Officer requiring the Unsafe Building to be repaired or removed, and (d) the time within which the Owner shall commence the repair or removal of such Unsafe Building, and (e) the time within which the Owner shall complete the repair or removal of such Unsafe Building, and (f) a date by which the Owner may object to the notice, which objection(s) shall be deemed to be a request for a hearing, and (g) a time and place for a hearing, if an objection is filed, to be held between 5 and 20 days after the objection is filed, before the Town of Genoa Justice Court, and (h) if a Hazardous Building, and order of the Enforcement Officer to all Persons requiring that they immediately vacate the Hazardous Building.

Section 10 Hearings.

In the event of an Emergency, the hearing date may be accelerated by order of the Town of Genoa Justice Court, which such order may be granted *ex parte* upon a showing of good cause by any party. At any civil hearing under this Local Law, except those arising pursuant to Section 28 hereunder, the initial burden of proof shall be upon the Town of Genoa, which shall be required to show by a fair preponderance of the evidence that the building or structure is an Unsafe Building, a Hazardous Building, or that an Emergency exists. If that burden is met, the Owner, or other aggrieved Person, may rebut the Town of Genoa's showing by the introduction of evidence that establishes by a fair preponderance of the evidence that the building or structure is not an Unsafe Building, Hazardous Building, or that an Emergency does not exist. At any criminal hearing or trial, the Town of Genoa shall have the burden of proof to show, beyond a reasonable doubt, that any Person charged with a violation of this Local Law violated any one or more terms or requirements of this Local Law. The rules of the court or agency which conducts the hearing shall apply to such hearing, except that no party has any right to depose or propound interrogatories to any other party or witness.

Section 11. Imminent or Immediate Dangers

If the Enforcement Officer finds that an Unsafe Building is a Hazardous Building, the Enforcement Officer shall post a copy of the DCN upon such Hazardous Building. No Hazardous Building may be occupied, nor may a Hazardous Building be re-occupied, until each and all unsafe and hazardous conditions are remediated. In addition to posting the DCN, the Enforcement Officer shall cause the following to be posted at each entrance to a Hazardous Building that is found to pose an imminent or immediate danger:

CONDEMNED: THIS BUILDING IS HAZARDOUS AND UNSAFE. ENTRY, USE, AND OCCUPANCY OF THIS BUILDING HAVE BEEN PROHIBITED BY THE TOWN OF GENOA.

Such notice shall remain posted until all required repairs are made or demolition of the Hazardous Building is completed. It shall be unlawful for any Person to remove such notice without written permission of the Enforcement Officer, or for any Person to enter a Hazardous Building except for the purpose of evaluating the building condition, making the required repairs, or to demolish such Hazardous Building. Further, if the Enforcement Officer determines that an Emergency exists in relation to such Hazardous Building, the Enforcement Officer is also hereby empowered, but not required, to (a) enter any such premises for the purposes of inspection and investigation, (b) promptly cause any Hazardous Building or portion thereof to be made safe or removed, (c) order the vacation of adjacent structures, and (d) protect the public by appropriate barricades or such other means as may be necessary, including the closure of public or private ways.

Section 12. Filing of the Notice

The DCN may also be filed in the office of the County Clerk, which notice shall be filed by the Town of Genoa in the same manner as a Notice of Pendency pursuant to Article 65 of the Civil Practice Law and Rules (herein "CPLR"). The DCN shall have the same effect as a Notice of Pendency as therein provided, except as otherwise provided in this Local Law. A DCN so filed shall be effective for a period of 1 year from the date of filing; provided, however, that it may be vacated upon the order of a Judge or Justice of a court of record or upon the consent of the Town Board of the Town of Genoa. The County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order canceling the DCN.

Section 13. Removal or Repair by the Town; Costs of Same

Upon notification given by the Enforcement Officer to the Town Supervisor that an Owner has failed or refuses to repair or demolish any Unsafe Building, the Town Supervisor shall cause the repair or removal of the Unsafe Building. After the work has been completed, the Town Supervisor shall file in the office of the Town Clerk a verified statement (herein, the "Verified Statement") of all the direct costs of the same, together with a 30% surcharge as compensation to the Town of Genoa for administering, supervising, and handling said work in accord with the provisions of this Local Law. Any Person aggrieved by the filing of a Verified Statement may file an objection thereto and request a hearing to determine the actual or reasonable costs of such removal or repair by the Town of Genoa. Such objection must be filed within 10 days of the filing of the Verified Statement by the Town Supervisor.

Section 14. Assessment and Lien

Upon receipt of the Verified Statement prepared pursuant to Section 13, the Town Clerk (a) shall enter the same in the records of the Town Clerk as a lien against the premises, and (b) shall add the same to the next assessment roll of general Town taxes, and (c) shall collect and enforce the assessment in the same manner, by the same proceedings, at the same time, and under the same penalties as the general Town tax, and as a part thereof.

Section 15. Other Remedies

Notwithstanding any provision herein to the contrary, the Town of Genoa may, at its election, institute suit against the Owner of said premises for the direct costs and the 30% surcharge, and enter judgment thereupon against any Owner. The imposition and collection of any fine or penalty hereinafter prescribed shall not bar the right of the Town of Genoa to otherwise collect the cost of the removal or repair of any Unsafe Building as herein prescribed.

Section 16. Transfer of Title by Owner

A transfer of title (or any interests therein) by the Owner shall not be a valid defense to any proceeding under this Local Law. No assignment of any obligations imposed by this Local Law shall be a defense to any proceeding under this Local Law.

Section 17. Appeals

Any Person ordered to repair, remove, or vacate any Unsafe Building who disagrees with the DCN (or other determination of the Enforcement Officer) may appeal to the Town Board of the Town of Genoa by filing a written statement setting forth the reasons for such appeal. Such appeal must be filed within 10 days of service of the DCN (or other order of the Enforcement Officer) upon such Person. Upon receipt of such appeal, the Town Board of the Town of Genoa shall hold a hearing within 30 days and, after a review of all evidence, shall affirm, modify or annul the action of the Enforcement Officer.

Section 18. Demolition or Removal

Before the demolition or removal of any Unsafe Building is commenced, a Demolition Permit Application (herein "DPA") shall be prepared by the Owner, or the Owner's architect, builder or contractor, on forms available from the Enforcement Officer. A processing fee of \$50.00 must accompany each DPA. All information requested in such form must be provided before the DPA is deemed completed. The DPA shall be filed with the Enforcement Officer at least 20 working days before the proposed demolition or removal, except in the case of Hazardous Buildings, which shall require that a DPA be filed as soon as possible. If a DPA is approved by the Enforcement Officer, the Enforcement Officer shall issue a Demolition and Removal Permit (herein "DRP"). All work must be completed within the time stated upon the DRP. All DRP's are valid only until the date stated on the face of the DRP. Upon expiration of a DRP prior to the completion of the demolition or removal of an Unsafe Building, a new DPA shall be filed, and a new DRP must be issued before the continuation of any work. No DPA or DRP shall be required for single-story non-occupied structures consisting of less than 100 square feet of total floor space, such as sheds. No DRP may be issued unless compliance with all requirements of law are met, including any remediation of asbestos requirements and any environmental or related requirements pertaining to underground storage tanks, urea-formaldehyde, and other regulated, hazardous, or toxic substances.

Section 19. Bond, Security, or Other Undertaking

Before any DRP is issued and before making any repairs pursuant to a DCN, and when required by the Enforcement Officer, a performance bond, money, or another undertaking in a form approved by the Enforcement Officer, in an amount sufficient to complete all proposed or necessary operations, shall be required. The determination as to whether to require any undertaking, and in what amount or form, shall be at the sole discretion of the Enforcement Officer, without recourse. The Enforcement Officer may require additional sums to be posted, paid, or bonded as may be necessary from time to time to ensure adequate financial security for the completion of the work.

Section 20. Insurance

Before any DRP is issued and before making any repairs pursuant to a DCN, and prior to the commencement of any work thereunder, the Owner and all Person(s) engaged in the work of demolition or removal shall file proof of insurance for all operations with the Enforcement Officer, including proof of public liability, personal injury, and property damage insurance or coverages, which insurance shall also contain general all-risk coverage. Such insurance policy or policies shall provide (a) for a minimum coverage of not less than \$1,000,000.00 per person per incident, and (b) that the Town of Genoa be named an additional insured, and (c) that the

Town of Genoa be required to be notified at least 30 days prior to any change of coverage, change in endorsements, or cancellation of coverage. All insurance coverages and policies shall be subject to the approval of the Enforcement Officer prior to the issuance of any DRP.

Section 21. Indemnity

The Owner and each Person working upon any demolition or removal work, including all Persons acting in furtherance of the performance of any work pursuant to or under any DRP, shall indemnify, keep and save harmless the Town of Genoa from and against any and all losses, costs, damages, expenses, judgments, claims, or liabilities of any kind whatsoever which may accrue against or be charged to or recovered from the Town of Genoa from or by reason of or on account of accidents to Persons or property during any operations and from or by reason of or on account of any thing done under or by virtue of any DRP granted for any such operations. This indemnity provision shall be construed and applied to the maximum extent permitted by law.

Section 22. Progress of Demolition Work

In demolishing any building or structure, or any part thereof, story after story shall be completely removed in a sequential manner commencing with the roof, and then the top floor, and moving to the next lower floor, etc., unless such building is demolished in a single phase through the lawful and properly permitted use of explosive or implosive devices. No material shall be placed upon a floor of any building in the course of demolition, and the bricks, timbers and other parts of each story shall be lowered to the ground immediately upon displacement. All material to be removed shall be properly wet to lay the dust incident to its removal. All demolition and removal work shall be undertaken with a diligent regard to and a diligent application of all applicable safety standards, rules, laws and regulations, in accord with the highest, best, and safest practices and customs in such industry.

Section 23. Penalties

Any Person who shall violate any of the provisions of this Local Law shall be guilty of a criminal offense and subject to a fine not more than \$500, or by a civil penalty of \$500 to be recovered by the Town of Genoa in a civil action. Every such Person shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and/or be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.

Section 24. Injunction/Equitable Relief & Other Remedies

In addition to the provided fines and/or penalties stated in Section 23 above, the Town of Genoa may also commence and maintain an action or proceeding in the name of the Town of Genoa in a court of competent jurisdiction to compel compliance with or restrain by injunction (or other equitable relief) the violation of any provision of this Local Law. No remedy or penalty specified in this Local Law shall be or be deemed as an exclusive remedy available to address any violation of this Local Law, and each action, remedy, or penalty specified or authorized in this Local Law shall be in addition to, and not in substitution for or in limitation of, any other actions, remedies, or penalties permitted by law, rule, order, or regulation. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other action, remedy, or penalty, including, but not limited to, actions and penalties authorized by Sections 381 and 382 of the Executive Law, or under any regulations or codes promulgated thereunder or in relation thereto.

Section 25. Waivers

Where the Town of Genoa finds that due to the special circumstances of a particular case a waiver of certain provisions of this Local Law is justified, then a waiver may be granted by the Enforcement Officer. No waiver shall be granted, however, unless the Town Board of the Town of Genoa finds, and records in its minutes, that:

- (A) Granting the waiver would be keeping with the intent and spirit of this Local Law, and is in the best interests of the community; and
- (B) There are special circumstances involved in the particular case, and such circumstances are recited in the minutes; and
- (C) Denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed; and
- (D) The waiver is to the minimum degree necessary and does not interfere with the purposes of this Local Law.

Additionally, the Town Board of the Town of Genoa and/or the Enforcement Officer may state terms and conditions applicable to the waiver, including conditions precedent to the effectiveness or validity of the waiver. The Enforcement Officer may revoke a waiver upon reasonable cause should the Owner fail to comply with any non-waived provision of this Local Law, or fail to comply with the terms and conditions stated in any granted waiver. If the Owner believes the revocation was improper, the Owner may file an objection thereto within 5 days of such revocation, whereupon, a hearing shall be held by the Town Board of the Town of Genoa whereat a determination will be made to affirm, modify, reverse, or annul the decision of the Enforcement Officer. Notice of the hearing shall be made in the Town of Genoa's designated official newspaper at least 5 days prior to the date thereof. The Person holding the waiver (the "Waiver Holder") shall be notified of the hearing by certified mail at least 5 days prior to the hearing. At the hearing the Town Board of the Town of Genoa shall hear the Waiver Holder and all other Persons wishing to be heard concerning the revocation of the waiver.

Section 26. Limitation on Liability

The Town of Genoa shall not be liable or responsible for any injury to persons or damage to property due to its actions, or failures to act, under or pursuant to this Local Law, unless it be proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town of Genoa.

Section 27. Severability

If any clause or provision of this Local Law shall be held invalid or unenforceable by a court or tribunal of competent jurisdiction, such holding shall not affect or invalidate the remainder of this Local Law and any such invalidity or unenforceability shall be confined in its operation to the clause or provision directly involved in the controversy in which such holding shall have been rendered.

Section 28. Fees

Any fees or fee schedules established by or under this Local Law may be amended, from time-to-time, by resolution of the Town Board.

Section 29. Article 78

The determinations of the Town Board referenced in Sections 9, 10, 17, and 25 of this Local Law shall be deemed “final determinations” for purposes of Article 78 of the CPLR.

Section 30. Effective Date

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

Resolution 110-2010 **APPROVAL OF LOCAL LAW #1 OF 2011**

Supervisor Fessenden moved to accept Local Law #1 of 2011 seconded by Board Member Shields

ADOPTED	Supervisor Fessenden	Aye
	Board Member Sellen	Aye
	Board Member Shields	Aye
	Board Member Armstrong	Aye

ACCEPTED Ayes 4 Nays 0

Resolved to accept Local Law #1 of 2011 - Town of Genoa Unsafe Buildings Local Law

RESOLVED, that in accord with §21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

Resolution 111-2010 **APPROVAL OF DOG LICENSE FEES**

On a motion of Board Member Shields, seconded by Board Member Armstrong, the following resolution was

ADOPTED	Ayes 4	Fessenden, Sellen, Shields, Armstrong
	Nays 0	

Resolved that new dog license fees be approved - Spayed & neutered dogs is \$8 and unsprayed & unneutered dogs \$15

Resolution 112-2010 **EXECUTIVE SESSION**

On a motion of Board Member Shields, seconded by Board Member Armstrong, the following resolution was ADOPTED

Ayes 4 Sellen, Armstrong, Shields, Fessenden

Nays 0

Resolved that the Board move into an Executive Session to discuss the vacant Board seat

The Board returned to the Year-End meeting and appointed Stuart Underwood to the Board for a period of one year.

With no further business, on a motion of Board Member Shields, seconded by Board Member Armstrong, the meeting was adjourned at 4:25 p.m. Carried unanimously

Susan B. Moss, Town Clerk