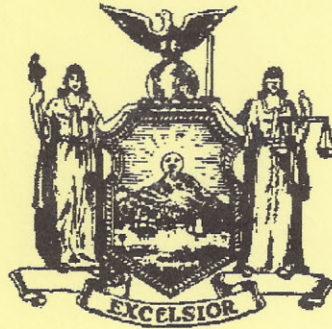


# NEW YORK STATE DEPARTMENT OF STATE



DIVISION  
BUILDING STANDARDS  
& CODES

## PROGRAM REVIEW TOWN OF ONTARIO WAYNE COUNTY

NOVEMBER 10, 2014

NEW YORK STATE  
DEPARTMENT OF STATE  
CODES DIVISION

OVERSIGHT PROGRAM REVIEW  
OF THE  
TOWN OF ONTARIO  
WAYNE COUNTY

Section 381 of the Executive Law directs the Secretary of State to promulgate rules and regulations for the administration and enforcement of the Uniform Fire Prevention and Building Code in local governments. These rules and regulations known as 1203 of Title 19 of the Official Compilation of Codes Rules and Regulations of the State of New York (19 NYCRR 1203) contain the minimum standards to be used in establishing a local code enforcement program.

Section 381 also gives the Secretary of State the power to examine code enforcement programs in all communities charged with the administration and enforcement of the Uniform Code so that compliance with the rules and regulations in Part 1203 may be achieved.

The review focuses on the features of the local code enforcement program in the Town of Ontario, which is located the northwestern portion of Wayne County and is bordered by Monroe County to the west and Lake Ontario to the north. The City of Rochester is located approximately 15 miles west of the Town of Ontario. Route 104 and Ridge Road are major east-west thoroughfares that bisect the town in the southern part.

The Hamlets of Ontario and Ontario Center developed along this east-west corridor, the lakeside hamlet of Bear Creek on County Road 101, is home to the Town owned Bear Creek Harbor and Thompson Park. There is also the hamlet of Union Hill by the west town line on NY-104.

The Town maintains two major parks; Casey Park and Bear Creek Harbor at Thompson Park.

The anthropology of the town is a steadily growing rural community with industry and light commercial business uses located primarily along the Route 104 corridor, within the developing industrial park and in the downtown business district of the hamlet of Ontario. The rural areas of the Town are characterized by farmland, single family dwellings on large lots, and residential development along existing roads

There are four watersheds associated with the major streams in the Town and for the Lake Ontario Watershed.

According to the year 2010 census, town has a population of approximately 10,136 people and 3,814 housing units. There does not appear to be a seasonal differential associated with the area as most of the homes located along the Lake Ontario shoreline are single family, owner occupied residences. There are three established mobile home parks located within the town. There are approximately 600+ multi-family units within the major residential complexes.



According to the town assessing rolls, the town has an expanding commercial base of approximately 500 units of mixed mercantile, industrial, manufacturing and business.

The village government has adopted planning and zoning regulations and has active zoning and planning boards.

This report is based on a review of pertinent village records, examination of procedures and the observation of construction sites and existing public buildings specific to the Town of Ontario. It separates the various features of the local code enforcement program into their primary functions and evaluates their effectiveness.

The Department of State has been involved in a number of technical assistance endeavors. This review is being conducted at the written request of the Town of Ontario Supervisor, John J. Smith. Supervisor Smith raised concerns about the Town of Ontario's overall code enforcement program and policies.

During the week of August 12, 2014, the Department of State staff initiated the investigation leading to this report by visiting the Town offices and the various departments for several successive days. This report shall stand as a compilation of those findings. For this report the term "town" shall refer to the Town of Ontario.



## A. LOCAL REGULATIONS

Section 1203.2(a) requires that local governments provide for enforcement of the Uniform Fire Prevention and Building Code through local laws or other suitable regulations. Section 1203.3 establishes the minimum features which each code enforcement program must have.

### OBSERVATIONS

A review of various local laws, revealed that the village has at least 3 separate local laws regarding the administration and enforcement of the Uniform Code.

*In May, 1989, the Town of Ontario adopted a local law for the administration and enforcement of the "New York State Uniform Fire Prevention and Building Code" this is known as Local law 6 of 1989. The latest adoption of administrative provisions, apparently used a version of the Department of State's model local law. It appears to have been enacted in January 2007 after a published public hearing, and was filed with the Secretary of State as required. The new local law 6 of 2006 became codified as Chapter 80 of the Code of the Town of Ontario. The adoption of the administrative provisions is found within the Town of Ontario code book Chapter 80 – Fire Prevention and Building Construction Compliance.*

There is a local law originally enacted November 11, 1970 which is entitled "Swimming Pools". This local law was amended in December of 2006 to reflect the requirements of the Uniform Fire and Building Code and is now found in Chapter 128 of the Town of Ontario Code.

The Town of Ontario's local law #1 of 1987 entitled "Flood Damage" enacted October 19, 1987 sets forth the requirements for construction and maintenance of property in a flood prone area.

Local law #1 of 2011 amended a previously adopted 1975 local law apparently establishing standards for electrical inspections and electrical inspectors. The local law #1 of 2011 spells out the Town of Ontario's designation of electrical inspectors to specific agencies; "New York Electrical Inspection Agency, Commonwealth Electrical Inspection Services, Inc., and the Middle Department Inspection Agency are all authorized and deputized as agents of the Town of Ontario". The local law further authorized such electrical inspectors to issue written Certificates of Compliance when electrical installations and equipment are in conformity with the Town Code Chapter 68. A copy of the Certificate of Compliance is to be forwarded to the Code Enforcement Officer. This local law was further amended by local law #1 of 2014 amending language in Chapter 68, paragraph §68-2 to allow for re-inspections and to approve or disapprove the same.

In addition, there is a local law #1 of 1981 regarding Buildings, Unsafe. This local law was codified and is now found in Chapter 54 of the Town of Ontario Code. There is reference



within this Chapter to building code compliance as found in Chapter 80 of the Town of Ontario Code.

A review of the Code of the Town of Ontario established that the following chapters contained information relative to the code enforcement official:

**Chapter 54 – Buildings, Unsafe.** Gives the Building Inspector, authorization to cause or make an inspection thereof and report, in writing, to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

**Chapter 68 Electrical Inspections.** Authorizes Third Party Electrical Inspectors to make inspections and re-inspections of electrical wiring, installations, devices, appliances and equipment in or on properties within the Town of Ontario where he deems it necessary for the protection of life and property. It further provides for such Inspectors to issue Certificates of Compliance for such Inspections and directs that a copy of the certificate of compliance be sent to the Town of Ontario to the attention of the Code Enforcement Officer.

**Chapter 80 - Fire Prevention and Building Construction Compliance.** This chapter provides for the administration and enforcement of the Uniform Code, and has been amended recently to add additional language for:

- Application requirements for building permits
- Issuance of Stop Work Orders
- Temporary Certificates of Occupancy
- Issuance of Operating Permits
- Fire Inspection and Property Maintenance Inspection requirements and frequency
- Review and Inspection of Complaints
- Issuance of appearance tickets
- Penalties
- Requirements for plans to be sealed by a licensed engineer, or registered architect, for certain permits.

**The provisions of this Local law should not take the place of a plan review to be completed by the Code Enforcement Officer. The Code Enforcement Officer may be more knowledgeable in code compliance and as such may find items that do not comply with the Uniform Fire Prevention and Building Code.**

- Amending the definition of Swimming Pools

**Chapter 84- Flood Damage Prevention.** Provides that the Zoning Enforcement Officer is appointed to administer this local law.

**Chapter 102 – Parking Restrictions.** Provides for the establishment and regulation of Fire Lanes and signage associated with Fire Lanes within the Town of Ontario and further establishes that the Code Enforcement Officer is appointed to enforce this section of the regulation.



**Chapter 105 – Peace and Good Order.** This chapter authorizes the Code Enforcement Officer (Town Building Inspector) to inspect and regulate places of Adult Entertainment.

**Chapter 128 – Swimming Pools -** Provides that the Zoning Enforcement Officer is appointed to administer this local law.

**Chapter 147 Watershed Management Control** – Regulates watershed management and requirements through the zoning chapter.

**Chapter 150 - Zoning.** Provides for the Code Enforcement Officer, or Deputy, administer local zoning law.

Section 80.4 establishes a "*Code Enforcement Officer and/or Deputy Code Enforcement Officer*" designated to administer the New York State Uniform Fire Prevention and Building Code. The title of Code Enforcement Officer and Deputy Code Enforcement Officer was established when the Town codified their laws.

*Record keeping* - There are provisions in the local law that would require the Code Enforcement Officer to keep records. Part 444.3(e) of the Secretary of States' Rules and Regulations requires that a system of records of the activities specified in subdivisions 444.3(a) through 444.3(d) of this section be maintained. Part 444.5 states that the municipality shall provide those records upon request of the Department of State.

19 NYCRR Part 1203.3(b)(1), requires construction inspections where a building permit has been issued, at such times during the course of construction as will permit the observation of the foundation, structural elements, electrical systems, plumbing systems, heating, ventilation and air conditioning systems, *fire protection and detection systems and exit features*. The provisions in Section 80-19 of the Town of Ontario's Code does not provide for the requirement of inspections of the fire protection and detection systems and exit features.

The town's code provides for the issuance of a certificate of occupancy, certificate of compliance and a temporary certificate.

The ordinance does provide for the issuance of operating permits for six (6) different activities.

The ordinance does provide for the conduct of fire safety and property maintenance inspections.

The ordinance does provide for inspections in response to bona-fide complaints.



## **FINDINGS**

1. We find the town to be in compliance with 19 NYCRR 1203.2(a) in that it has established a local law for the administration and enforcement of a building code in the prescribed time frame.
2. The town's local law dated February 21, 2014, and referred to as LL No 1-2014, is troubling in that it deputizes the electrical inspection agencies and confers to those agencies the power to issue Certificates of Compliance for work performed which may be inconsistent with those provisions of the Uniform Code for which the permit was issued for. The electrical inspection agencies do not have copies of the permit application or plans outlining the permitted scope of work. Additionally, the Code Enforcement Officer is not performing the inspections so has only the electrical inspection agencies Certificate of Compliance for the work that they performed which may be inconsistent with the plans submitted and scope of permitted work.
3. The town's local law dated October 19, 1987 and referred to local law #1 of 1987 entitled "Flood Damage" does not appear to have been updated to reflect the newer requirements found within the Uniform Fire Prevention and Building Code.
4. We find that the Town of Ontario uses the language Code Enforcement Officer, Building Inspector and Zoning Enforcement Officer synonymously throughout their Town Code and local laws. There is no clear distinction of duties for each title. There is currently one (1) person performing all functions of the Department of Code Enforcement (Mr. Edward Collins). Mr. Collins holds not only the title of Code Enforcement Officer, Zoning Enforcement Officer, Building Inspector but in addition has been appointed by the Town Board of Ontario as the: Addressing Officer; Deputy Health Officer; SCMO/MS4 Director; Flood Plain Manager; Watershed Advisor; Noise Control Officer; and Assistant Building Maintenance/Security Supervisor.
5. We find that the Town of Ontario to be in compliance of Part 1203 (j) of the Secretary of States' Rules and Regulations requires that a system of records of the activities specified in subdivisions (a) through (i) of this section be maintained. We additionally find that while the town adopted through Local law 6 of 2006 the need for the Code Enforcement Officer to keep and maintain records pertaining to buildings, structures, or appurtenances these records are not being kept in a manner which would allow for the easy retrieval of the information, and that files are incomplete.
6. We find that the town's local law provides for fire inspections but the town currently employs no one in that title or position.
7. We find that the town's local law provides for operating permits to be issued but the town currently employs no one in that title or position.



## **REMEDIES**

1. The town's local law dated February 21, 2014, and referred to as LL No 1-2014, must be amended to reflect that electrical inspection agencies and personnel may only issue Electrical Certificates of Compliance for the work that they inspect and that the Code Enforcement Officer is the only person designated and approved to issue Certificates of Occupancy.
2. The town's local law dated October 19, 1987 and referred to local law #1 of 1987 entitled "Flood Damage" needs to be updated to reflect the newer requirements found within the Uniform Fire Prevention and Building Code.
3. The Town of Ontario needs to be consistent and concise with the language Code Enforcement Officer, Building Inspector and Zoning Enforcement Officer throughout their town code and local laws. There is to be a clear distinction of duties for each title.
4. The maintenance of the records for the office of building and zoning needs to be performed in such a manner that retrieval of the information is easily accomplished and that all files are maintained complete. Please refer to Recordkeeping section for more detail.
5. We find that the town's local law provides for fire inspections but the town currently employs no one in that title or position. The Town needs to provide adequate personnel to perform the required fire and property maintenance inspections. We find that the Code enforcement office is seriously understaffed. Based on the amount of commercial and multi-family properties located within the Town of Ontario, it would necessitate at minimum, one (1) full time Fire Inspector to perform and maintain the base requirements. The Town of Ontario will need to increase the staffing within the code enforcement office to accomplish this.
6. We find that the town's local law provides for operating permits to be issued but the town currently employs no one in that title or position. The Town is required to issue and maintain Operating Permits per regulations and town local law. There is no evidence that this is or has ever been, accomplished. We find that the Code Enforcement office is seriously understaffed and that the present level of personnel would be unable to accomplish this task. The Town of Ontario will need to increase the staffing within the code enforcement office to accomplish this.



## **B. BUILDING PERMITS AND RELATED RECORDS**

Section 1203.3(a) requires a municipality to make provisions for the issuance of building permits for any work that must conform to the Uniform Code. Exceptions to the permit requirements are allowed on the basis of cost and scope of the work. This section also requires that enough information be provided as a part of the application to "permit a determination that the intended work accords with the requirements of the Uniform Code".

### **OBSERVATIONS**

The town does require building permits, as evidenced by appended documents.

Applications for permits are obtainable at the town hall and on the town's website.

A number of types of application forms are available from the building department, depending on the nature of the work being contemplated. Demolition, New House or Addition, Shed, Deck, Porch, Pool and Other, and Plumbing applications are all available. Generally, each comes with an instruction sheet which is clear and easy to understand, however some, such as the application for a new house is only 1/2 page long and fails to ask for any detailed information that could better assist the Code Enforcement Office with issuing the permit. Additionally, the town's local law requires certain information and criteria for the issuance of a permit but is not reflected on the town's actual application creating inconsistencies.

There is no notice that an affidavit of workers compensation insurance is required on the permit or that accord type forms would not be acceptable.

While the code officer asserted that he performs plan reviews for code compliance on each application for a permit, our review produced no copies of completed plan review forms for any of the project files which were examined. The concern in this review is that there is no proof that plan reviews for code compliance are being performed at all. A review of project files revealed that many files were incomplete for different reasons, such as missing energy code compliance worksheets or certification, missing window dimensions and no smoke detector indications. These missing items are all generally items which a good, systematic plan review worksheet would be expected to address. Files show a lack of attention to detail that a well documented plan review worksheet would aid in reducing.

The town's local law states that permits are valid for a period of 12 months from the date of issuance, unless closed out sooner by a certificate of occupancy. There is a concerted effort by the Code Enforcement Officer to keep permits up to date. The town's local law allows for extensions of the permit with additional payment required.



Sections 7209 and 7307 of the Education Law require certain plans and specifications to be signed and sealed by a New York State registered architect or licensed professional engineer. Review of town records revealed general conformance with this requirement.

There were no projects observed during our review that had not been issued permits, or permit renewals.

The town requires a separate plumbing permit application. This is concerning as the town's local law does not reflect this requirement nor does it address who will perform the inspection or what inspections will be required. The application does not require an affidavit of workers compensation insurance. In addition, it is unclear as to whether this application is a stand alone document or if it must be completed for every project.

We were informed that water and septic system approvals are conducted by the Town of Ontario's Department of Health Officer, however there is nothing contained in the files that would suggest or imply that the health officer performs plan reviews of the plumbing systems or the septic system. Additionally, there is nothing to suggest that anyone is examining well locations and plans.

The records for the building department are kept electronically by the clerk on her computer. The Code Enforcement Officer and or any additional building department personnel do not have access to the required data or information without the clerk obtaining/retrieving it from her system. There does not appear to be a backup of all records done routinely. There are no hard copies of all documentation found within the project file.

The Town has failed to obtain building permits for projects that it undertakes on town owned property.

## **FINDINGS**

1. We find the town to be in compliance with 19 NYCRR 1203.3 (a), in that it has made provisions for the issuance of building permits.
2. The number of permits located in the town hall appear to be adequate in number. New permits issued from January 1, 2014 through July 31, 2014 numbered 148.
3. We find the town does not retain copies of Workman's Compensation certificates with the individual permits for which such certificate would be valid for. The permit application does not indicate that "Accord" forms are not acceptable as proof of compliance with the workman's compensation requirements. The town maintains Workman's compensation forms in a separate file with no cross reference to the permit.



4. We find that the town is unable to substantiate that plan reviews are performed. This does not represent good practice because the absence of a plan review worksheet often places the burden for code compliance on the inspection phase, after any potential areas of non-compliance have already occurred. Additionally, we find that many of the inconsistencies discovered in the permit files could be reduced or eliminated by a disciplined, systematic approach to plan review which an individual worksheet can provide.
5. We find there is no evidence on the permit application that the town is requiring compliance with the NYS Energy Conservation Construction Code Act. There are no plan reviews for energy code compliance. There are no inspections recorded for compliance with the energy code provisions.
6. We find that the town does not maintain copies of the submitted plans with the permit application or the issued permit.
7. We find that there is a concerted effort by the Code Enforcement Officer to keep permits up to date, the town maintains a separate file of open permits.
8. We find that the town's practice of requiring separate plumbing permits is confusing.
9. There appear to be separate departments keeping records when it comes to water and septic issues. There is no indication on the permit as to approval or disapproval of any plans for such systems.
10. The Town itself has failed to obtain permits for its own building projects.

### **REMEDIES**

1. There is no notice that an affidavit of workers compensation insurance is required on the permit or that "Accord" type forms would not be acceptable. The Town should amend its permit application to indicate that certificates of workmen's compensation are required, or a certificate indicating exemption from such requirement has been obtained. Certificates should be attached to the permit application and maintained with the permit file.
2. The Town needs to amend its permit applications to reflect the requirements within its local law.



3. The Code Enforcement Officer or a plans reviewer, is to review all documents accompanying the building permit application for code compliance. These is to be accomplished through a plan review sheet which is maintained with the permit file.
4. The Code Enforcement Officer or a plans reviewer, is to review all documents accompanying the building permit application for energy code compliance. This is to be accomplished through an energy plan review sheet which is maintained with the permit file.
5. The town needs to keep complete records of each project submitted. The town should be maintaining all documents and plans submitted in one easily accessible location. The project file should contain any submitted plans, prints, documents.
6. The town's plumbing permit needs to indicate whether the permit application is for stand alone construction or if it is part of a larger package. If the permit is for stand-alone work it must indicate that workmen's compensation is required and such proof must be submitted at the time of submittal for review. Additionally, the plumbing permit application needs to indicate that compliance with the energy code provisions is required.
7. There is no indication on the permit application(s) as to whether or not well or septic permits are required and if so, approved or denied. This should be clearly indicated and copies of any separate departmental approval should be attached to the application and permit.
8. There appear to be a substantial number of permit applications and open permits that the building department is currently handling. There is concern that one individual can easily become overburdened with the sheer volume of work necessary to properly process an application, perform adequate plan review upon, and subsequently issue permits. The town must seriously consider increasing its staff to better handle the application process and remediate the lack of required data review.
9. It was observed that the town utilizes electronic media (computer system) for most of their records tracking. In the event of power failure, computer issues or other similar problem there is no way to retrieve the data as it is not contained within each project record. It would be recommended that electronic data be backed-up daily and stored in a location easily accessible to the departments' personnel and that a paper copy of all data is kept within the project file for retrieval.
10. The town is required to obtain permits for any and all construction projects that it undertakes. The town is further required to obtain any and all required inspections for those projects as well as obtain a certificate of occupancy or compliance for each project.



## C. CONSTRUCTION INSPECTIONS AND RELATED RECORDS

Section 1203.3(d)1 requires a municipality to provide for inspections at various stages of construction when a building permit has been issued and prior to the issuance of a certificate of occupancy. Inspections must be performed to observe code compliance of foundations; structural elements; electrical systems; plumbing systems; heating, ventilating, and air conditioning systems; fire protection and detection systems; and exit features.

### OBSERVATIONS

As previously noted in the local law section, the Town does have specific provisions that require the code official to conduct specific inspections, but uses non-specific language on its permits and applications that buildings must be inspected for *A...compliance with provisions of the Uniform Code*. The Town's local law fails to provide for the inspection of *fire protection and detection systems and exit features*.

The Code Enforcement Officer stated that he regularly performs those construction inspections which are required by Section 1203.3(d) 1. Written inspection reports are compiled by the inspector on a daily basis and a generic report of the number of inspections is presented to the town board on a monthly basis. No actual inspection reports are placed in the project files and none were observed in the files. There were occasionally some papers with handwritten notes on them that appeared to be only a list of items which needed to be corrected. There was no consistency in the forms and they were not signed and dated. The scope of the inspections was not indicated.

The Town of Ontario Health Department has the authority for approving septic system and plumbing plans; and for inspecting septic systems and plumbing installations. There is no evidence of an approval upon completion of inspections. A review of the files produced no copies of applications or approvals or comments.

Electrical inspections are be carried out by one or more authorized electrical inspection agencies in accordance with Local law #1 of 2014. Copies of such approvals and inspections were not found in many of the reviewed files.

It should be noted that while electrical, water and septic systems are actually inspected by third parties rather than by the code official, the town, and not the third-party provider is the final authority who must approve installations and accept inspection reports or certifications. The Town should be reasonably assured that the reports or certifications are reliable with regard to compliance with the provisions of the Uniform Code.



## **FINDINGS**

1. We find that the Town asserts that it performs construction-related inspections, but the inspection records do not appear to be part of the property files, and not part of the official town record. There is no record that the town either performs or records the third party inspections as part of the project file.
2. We find that the practice of keeping records in a place other than the permit or project file is not good practice. The only way for an interested party to review a project is to look in several different files and make direct contact with the Code Enforcement Officer, the clerk for the building department and third party contractors. Permit files should be kept up to date with current inspection reports.
3. The Town's building permit application and the actual issued building permit specify that certain inspections are required to be accomplished, however there are several inspections which are required under section §1203.3 (b) (2) which are not spelled out as being required nor is there evidence to support that these inspections are done.
4. We find that the town has a practice of recording all inspections performed for any project on a daily activity report sheet which is kept separate from the permit files. In order to ascertain what inspections have been completed or are lacking on any particular project a separate report is required from the building department's computer system. This program is accessed by the building department clerk and is not readily available by the Code Enforcement Officer.
5. We find that with occasional exception, the building plans are not kept with the permit file.
6. Without detailed inspection reports there is no way to ascertain what portions of a project had been inspected and no record of any particular inspection that may have failed. Verbal communications are not acceptable records.

## **REMEDIES**

1. The Town must amend its local law and documents to provide for the inspections which are required by Section 1203.3(d)1, of fire protection and detection systems and exit features.
2. The Town must begin keeping detailed records of any inspection which is conducted upon a premises,
3. The Town must begin a procedure of providing a copy of each inspection report, in the actual project file upon completion of any given inspection. It is recommended that a master page be kept in a project file so as to provide a tracking of which inspections have been performed and which are needed.



4. The Town should network the building departments computers so that all of the information is easily retrievable by the Code Enforcement Officer and any additional building department staff.
5. All electronic data should be backed-up on a daily basis to prevent corruption or loss of the information
6. It is strongly recommended that the specific scope of the inspection which is performed be noted on inspection reports. For example, a notation of the date, inspector and note that the footings were inspected may not in and by themselves be descriptive enough. Weather conditions, how much of the footing was installed, a copy of the concrete ticket supplied by the concrete company and other relevant information will help to quantify the project inspection records

#### **D. CERTIFICATES OF OCCUPANCY AND RELATED RECORDS**

Section 1203.3(c) requires a municipality to provide for the issuance of a certificate of occupancy or certificate of compliance upon completion of a permitted project and upon the conversion of a building from one occupancy classification to another.

#### **OBSERVATIONS**

The Town's local law provides for the issuance of certificates of occupancy, certificates of compliance and temporary certificates of occupancy. Article X, section 2 of the zoning law does require certificates of compliance to be issued in conjunction with the zoning permits. Typically, a certificate of occupancy is used to authorize occupancy or use of a building or portion thereof, and a certificate of compliance is used to authorize the use of equipment, or to signify the completion of a project with does not involve occupancy, such as minor renovations, roofing, solid fuel burning heating equipment, etc.

In many communities it is the practice to issue a single permit for a project, which combines zoning and Uniform Code requirements to issue permits. Customarily, it is also common practice for a community to issue a single certificate of occupancy, or certificate of compliance which encompasses both requirements.

A review of selected files indicated that certificates of occupancy and certificates of compliance, both relating to the Uniform Code are issued for all permitted work.

The certificate of occupancy form which the town uses states that the "*structure conforms substantially to the approved plans and specifications....*". It includes reference to the building permit and is signed by the Building Inspector/Code Enforcement Officer.



The certificate of compliance form which the town uses states that the “*structure complies with Building and Fire Codes as well as Town and State Codes...., structure complies with Town and State Codes...., structure complies with NYS Fire Code....*”. The certificate includes reference to the building permit number but does not indicate what is actually in compliance and is signed by the Assistant Building Inspector/Code Enforcement Officer.

The Town’s building department assigns certificate numbers that do not correlate to the permit numbers.

The Town maintains a separate file for the issued Certificates of Occupancy and Certificates of Compliance apart from the project file.

### **FINDINGS**

1. We find that the town is in substantial compliance with 19 NYCRR Part 1203.3(c), in that certificates of occupancy are issued.
2. We find that the town’s local law delineates the language and content that needs to be contained on both the Certificates of Occupancy and the Certificates of compliance. It appears that while the issued Certificates of Occupancy for projects substantially conforms to the local law, the Certificates of Compliance issued do not.
3. We find that the Certificates of Compliance are to be signed by the “*Assistant Building Inspector/Code Enforcement Officer*”, a position of which the town does not employ anyone in.
4. We find that the town issues temporary certificates of occupancy per their local law these temporary certificates are for a thirty day time period with an automatic renewal of two (2) additional thirty day time periods if the Code Enforcement Officers deems there to be good cause for said renewals.
5. We find that the town uses a confusing numbering system for the certificates. It appears to be a yearly sequential system resetting upon each new year and does not correlate in any manner to the permit number that is issued at the time of construction.
6. We find that the town maintains a separate file and/or log of certificate numbers and that not all certificates are filed within a project file.



## **REMEDIES**

1. The Town must amend its language on its Certificates of Compliance to reflect the required language as delineated in its local law.
2. The Town must amend the signatory portion of the Certificates of Compliance to reflect actual staff.
3. The Town needs to look at it's numbering practice and better correlate the Certificates of Occupancy (both permanent and temporary) and the Certificates of Compliance to the permits for which they are issued for.
4. The Town needs to make sure that any issued Certificate is placed in the project file for which it was issued for.

## **E. FIRE SAFETY INSPECTIONS IN AREAS OF PUBLIC ASSEMBLY AND RELATED RECORDS**

Section 1203.3(d)3 requires local governments to make provisions for conducting fire safety inspections in all areas of public assembly at least once a year. A municipality is responsible to require correction of violations identified during the inspections.

There is no inventory of buildings containing an area of public assembly.

## **OBSERVATIONS**

The town's local law does provide for fire safety inspections in areas of public assembly and buildings containing areas of public assembly.

The town does not perform fire safety inspections.

There is not a general inventory of buildings which needed fire safety inspections.

## **FINDINGS**

1. We find that the town is not in compliance with 19 NYCRR 1203.3(d)3, or its own local law because all areas of public assembly have not been inspected annually.



2. We find that without an accurate inventory of buildings containing areas of public assembly, the town cannot adequately identify those occupancies which are subject to annual inspection, and cannot reasonably establish an annual schedule of inspections for such occupancies.

### **REMEDIES**

1. The Town must begin a program of conducting annual fire safety inspections of all areas of public assembly including those buildings which the Town owns or has control thereof.
2. Due to the number of such occupancies located within the town, the town must compile an inventory of buildings containing areas of public assembly. Further, such an inventory should be used to create a schedule of inspections which will be conducted throughout a calendar year.
3. The Town must keep detailed records of any inspection which is conducted upon a premise.
4. The Town must adequately document its inspections. The information contained on an inspection report should indicate the following:
  - A. Date of inspection.
  - B. Inspector's name and signature.
  - C. Address of the property inspected.
  - D. Occupancy or use of the building.
  - E. Clear identification of what the violation is, if any, including location or area of the building or property and the referenced code section.
  - F. Clear understanding of what is expected to abate the violation. Repair, remove, replace, provide and install are all words of action, followed by a specific requirement such as; "Repair broken emergency exit light located over the north door."
  - G. Date when re-inspection to observe completed corrective action will occur.
5. It is recommended that fire inspection records be kept in an easily retrievable manner, such as by property address. It is good practice to refer to prior inspections of a property when preparing to conduct a scheduled inspection.
6. The Town needs to provide additional personnel to perform the required Fire and Property Maintenance inspections. We find that the Code Enforcement office is seriously understaffed.



## **F. OTHER FIRE SAFETY INSPECTIONS AND RELATED RECORDS**

Section 1203.3(d)4 requires a municipality to provide for fire safety and property maintenance inspections of non-residential occupancies and multiple dwellings at maximum 3 year intervals. A municipality is responsible for requiring corrections of violations that are identified during the inspections.

Section 381.1(g), of the Executive Law specifically exempts owner-occupied one and two family dwellings from periodic inspections.

Code Enforcement officials are required to inspect fire damage to buildings and must inspect a chimney, smokestack, flue, gas vent, smoke pipe or connector which has had a fire in it for damage before that element can be reused. In any community it is reasonable to expect that such fires have occurred.

It is reasonable for a code official to keep an inventory of all buildings requiring inspection and to establish an inspection schedule of such buildings.

A municipality is responsible for requiring corrections of violations that are identified during the inspections.

## **OBSERVATIONS**

The Town's local law does provide for fire safety inspections of commercial or industrial buildings, multiple dwellings. These structures are required to be inspected at least once every thirty six (36) months.

The town's local law provides for additional fire safety and property maintenance inspection of any building or structure, use or occupancy, or of any dwelling unit at any time upon:

- a. request of Owner;
- b. receipt of a written statement alleging conditions or activities failing to comply with the Uniform Code or Energy code exist;
- c. receipt by Code Enforcement Officer of any reasonably reliable information alleging conditions or activities failing to comply with the Uniform Code or Energy code exist;

The town does not perform fire safety and or property maintenance inspections.

There is not a general inventory of buildings which needed fire safety inspections.

A rapid calculation and physical assessment of multiple dwelling units located within the Town was done by staff with a rough estimate of approximately 600+/- units being noted.

A rapid calculation and physical assessment of commercial units located within the Town was done by staff with a rough estimate of approximately 500+/- units being noted.



## **FINDINGS**

1. We find that the Town is not in compliance with 19 NYCRR 1203.3(d)4 because it does not perform required fire safety and property maintenance inspections of all commercial or industrial buildings, or multiple dwellings
2. We find that the town does not have an inventory of all commercial, industrial or multiple dwellings located within the Town from which to establish a regular inspection routine.
3. We find that based on the estimated number of units of both commercial/industrial and multifamily that the Code Enforcement Officer would need to at a bare minimum inspect 2 structures every day year round. To accomplish this the Code Officer could not perform any other task.

## **REMEDIES**

1. The Town must perform fire safety inspections of all commercial, industrial, and multifamily dwellings, including those buildings which the Town owns or has control thereof.
2. It is recommended that the Town perform these inspections at the rate of 1/3 of the total inventory each year.
3. The Town needs to compile and maintain an inventory of all places within the town to achieve compliance.
4. The Town must adequately document its inspections. The information contained on an inspection report should indicate the following:
  - A. Date of inspection.
  - B. Inspector's name and signature.
  - C. Address of the property inspected.
  - D. Occupancy or use of the building.
  - E. Clear identification of what the violation is, if any, including location or area of the building or property and the referenced code section.
  - F. Clear understanding of what is expected to abate the violation. Repair, remove, replace, provide and install are all words of action, followed by a specific requirement such as; "Repair broken emergency exit light located over the north door."
  - G. Date when re-inspection to observe completed corrective action will occur.



4. It is recommended that fire inspection records be kept in an easily retrievable manner, such as by property address. It is good practice to refer to prior inspections of a property when preparing to conduct a scheduled inspection.
5. The Town must provide additional personnel to perform the required Fire and Property Maintenance inspections. **We find that the Code Enforcement office is seriously understaffed.**

#### G. OPERATING PERMITS

Section 1203.3(g) requires a municipality to provide for the issuance of operating permits for the following activities:

- (i) 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), of the Fire Code of New York State (see 19 NYCRR Part 1225);
- (ii) 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;
- (iii) use of pyrotechnic devices in assembly occupancies;
- (iv) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (v) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government or agency charged with or accountable for administration and enforcement of the Uniform Code.

#### OBSERVATIONS

The Town's local law provides for the issuance of Operating permits.

The Town's local law provides that the application for an Operating Permit shall be in writing on a form provided by the Code Enforcement Officer.

The Town does not issue operating permits.



## **FINDINGS**

1. We find that the Town is not in compliance with 19 NYCRR 1203.3 (g) because it does not issue operating permits for the described activities.
2. We find that the Town does not provide an application for Operating Permits or perform Inspections of premises prior to issuances of an Operating Permit as proscribed by their local law.

## **REMEDIES**

1. The Town must begin to issue operating permits including those buildings which the Town owns or has control thereof.
2. The town should prepare for the issuance of such permits by preparing the necessary forms and procedures.
3. It is recognized that the implementation of a new program, such as requiring operating permits, may take some time to bring into compliance since many occupancies requiring permits may not be know until the initial cycle of fire prevention and property maintenance inspections have been performed. The Town should strive to complete the required fire prevention and property maintenance inspections first, then implement the issuance of operating permits once that is complete.
4. It should be recognized that the Town must provide additional personnel to perform the required Fire and Property Maintenance inspections. We find that the Code enforcement office is seriously understaffed and hence have been unable to perform this task.

## **H. COMPLAINTS AND RELATED RECORDS**

Section 1203.3(d)5 requires a municipality to provide for the conducting of inspections in response to bona fide complaints alleging violations of the Uniform Code. It is reasonable to expect that all life and health threatening complaints will be investigated expeditiously.

## **OBSERVATIONS**

The Town's local law for administration and enforcement of the Uniform Code does provide for inspections in response to bona-fide complaints. The Town produced records indicating that it had established a formal procedure for receiving or responding to bona fide complaints.



The Code Enforcement Officer asserted that he promptly investigates complaints which are brought to his attention.

### **FINDINGS**

1. We find that the town does respond to complaints, and that there is a formally identified procedure in place.

### **REMEDIES**

1. No corrective action required.

## **H. FEES AND RELATED RECORDS**

Part 1203 does not require fees to be charged for permits, inspections, or certificates of occupancy or compliance. However, the assessment of fees is generally an element of local code enforcement programs. Fees and charges should be received in accordance with good accounting procedures as indicated by the regulations established by the State Comptroller's Office and by the Town Law.

### **OBSERVATIONS**

Fees are required to be established by the town board of Ontario by resolution. The current fee structure in place was adopted January 9, 2012 and appears to have fees not amended since the 1990's and 2005. Fees are a mix of costs and square foot calculations.

Fees are collected by the town clerk prior to the issuance of a permit.

Based on a residence of 1,100 square feet, @ \$90.00 square foot of construction cost, a \$100,000 residence at the Town's \$00.08 per square foot fee, would generate a permit fee of the base minimum of \$150., or approximately 0.001% of the cost of construction. It is questionable whether the current fees generated by the town provide adequately toward the cost of the building department



## **FINDINGS**

1. We find that the current system of assessing and processing fees is consistent with Town Law.
2. We find that average permit fees assessed by the town for permits appears to be somewhat low consonant to the cost of the service provided.

## **REMEDIES**

1. The Town may wish to reassess its fee structure to reflect the costs be born by the applicant of the project as opposed to the total town tax base.

## **I. RECORDS AND RECORD KEEPING PRACTICE**

Section 1203.3(e) requires a municipality to establish and maintain a system of records of code enforcement activities. Records should be readily retrievable and contain enough information so that anyone not familiar with a specific project could understand the manner of transactions which occurred between the municipality and the public.

Record keeping activities should also be done in accordance with regulations established in Section 57.25 of the Arts and Cultural Affairs Law and 8 NYCRR 185 (Regulations of the State Commissioner of Education).

## **OBSERVATIONS**

The records relating to building permits are kept in the town hall within the building department, under the custody of a code enforcement clerk. The only security is a front desk where the town clerk's station is located.

There are various applications that are utilized, depending on the type of activity for which a permit is being sought.

Upon submission to the building department, an application number indicating the order in which it was received and the year is assigned and logged into a master log. The application is then forwarded to the Code Enforcement Officer, who reviews the application and signs the permit, a permit number is then assigned.

Active building permits are kept in an active file, according to the permit number. Completed permits are filed by permit number except for new residential home construction which are kept by street.



Staff observed that the permanent files contained some record of the activities for a given permit number but are missing many key documents. In order to create a more complete file it is necessary to obtain documents from several different areas and sources within the building department. There is no history of a property within a file, it is a painstaking chore to sort through several files to obtain the documents relative to each property.

Examination of the records revealed that few, if any, plan reviews and no inspection reports are contained in the files. Other information at first glance appeared to be provided, but deeper review revealed that many files were incomplete for different reasons; missing energy code compliance worksheet or certification by designer; missing window dimensions; no smoke detectors indicated to mention a few.

### **FINDINGS**

1. We find the Town to be in substantial compliance with 19 NYCRR 1203.3(e), only in that records are kept. The Town is not in compliance in that records are inadequately produced by the Code Enforcement Officer, and files are generally incomplete.
2. We find that records while retrievable are scattered in different files and areas. It is strongly recommended that all files pertaining to a property or project be kept in a manner that makes easily retrievable and located in one area or file. Each file should contain the complete history of the property or project.
3. Copies of plan reviews, performed inspections, certificates and other project related documents should all be filed together.

### **REMEDIES**

1. The Town must begin a practice of better documenting its code enforcement activities. Copies of plan reviews, performed inspections, certificates and other project related documents should all be filed together.
2. The Town must improve its filing system to allow for the easy re-creation of a history of a particular property. Records of permitted construction activities must be explicit and be easily retrievable.
3. For the Town to be in compliance with this section, it must review its record keeping practices and make such changes as will effectively consolidate all official records having to do with administration and enforcement of the Uniform Fire Prevention and Building Code.



4. The Town must begin keeping detailed records of any inspection which is conducted upon a premises. These inspection records are to be kept with the permit for which the inspections were required.
5. There is only one (1) full time clerical person within the Building Department. Adding to the full time clerical support with additional staff to perform such minimal tasks such as data management, filing, organization and scheduling will help bring the files into compliance.

#### **J. CODE ENFORCEMENT OFFICIAL**

Part 1206 establishes the requirements for the training of code enforcement officials. Individuals charged with enforcement of the Uniform Code who are appointed and perform their duties on or after January 1, 1985, must complete the basic 114 hour code enforcement training program.

Code enforcement officials are required to participate in 24 hours of additional training annually in approved curriculum which is relative to the performance of their tasks and duties.

Part 1203.2 ( e ) ( 1 ) , requires that when a municipality affords itself the use of contractors to provide code related services, that municipality A...shall satisfy itself that any such provider has qualifications....of Part 434.@ Part 1203.2 ( e ) ( 2 ), states that "No agreement shall be made...by which the public powers.....are surrendered".

#### **OBSERVATIONS**

The Town of Ontario's Code Enforcement Officer is Mr. Edward Collins. Mr. Collins has been responsible for enforcing the Uniform Code in the Town of Ontario since March 1990. He obtained basic training 1984. His training ID# is NY0008001.

Edward Collins has attended additional training programs such as the Department of State certified course on Manufactured Housing, and has successfully completed his required International Code Transitional Training provided by the Department of State.

Edward Collins attends additional code official training programs including the Finger Lakes Building Officials Educational Conference, New York Planning Federation Land Use Workshop.

The Code Enforcement Officer, Edward Collins, is an active member of the Finger Lakes Chapter of the New York State Building Officials Conference.



The Code Enforcement Officer, Edward Collins, demonstrated proficiency with many provisions of the Uniform Code and associated regulations relative to residential and light commercial code requirements.

The Deputy Code Enforcement Official position is currently unfilled. He resigned previous to the review.

The position of Fire Marshal is currently unfilled.

During our interviews with the code official and observations of his operations, organization and work station, it became apparent that he has more responsibilities than he can reasonably be expected to handle. This may be attributed in part to his current work load, his losing his deputy code official and his office reorganizing efforts.

In addition to the position and expectations of Code Enforcement Officer, the town has also added the duties of Zoning Officer, Deputy Health Officer, Addressing Officer, Flood Plain Manager, Watershed Director, Noise Control Officer and Building Maintenance/Security support to his job duties. This load is impracticable for a department handling the number of projects that he does. While his efforts are making progress, they are also impairing his ability to provide quality code administration for more recent projects.

The lack of additional, full time, certified Code Enforcement Officers and Fire Marshals to assist in handling the daily requirements of inspections, plan reviews, zoning issues makes the job even more difficult if not impossible.

The Town's local law 1 of 2011 authorized electrical inspectors to issue written Certificates of Compliance and Certificates of Occupancy when electrical installations and equipment are in conformity with the Town Code Chapter 68. A copy of the Certificate of Compliance or Occupancy is to be forwarded to the Code Enforcement Officer. This local law was further amended by local law #1 of 2014 amending language in Chapter 68, paragraph §68-2 to allow for re-inspections and to approve or disapprove the same.

## **FINDINGS**

1. We find that the Code Enforcement Officer has met the minimum training requirements set forth by 19 NYCRR 1203, and has completed the required transitional training.
2. The town has not provided adequate personnel resources for the code enforcement office to maintain a minimal level of administration.



3. The Towns local law 1 of 2011 which authorizing electrical inspectors to issue written Certificates of Compliance and Certificates of Occupancy effectively removes the authority from the public employee (Code Enforcement Officer).

### **REMEDIES**

1. The Town must begin an investigation to evaluate the code official's work load and make a determination of what staffing level is necessary to provide adequate code enforcement to the Town of Ontario, which meets the minimum requirements of 19 NYCRR 1203, and to address the deficiencies related in this report. It is staffs recommendation that at minimum, one (1) additional full time Code Enforcement Officer is to be added to meet the requirements of the department.
2. It is staffs recommendation that at minimum, that the town consider providing additional part time clerical assistance. The current full time clerk is overburdened with the workload. Such an effort would greatly benefit the code official by having a positive effect on the efficiency of the office function.
3. It is staffs recommendation that the town provide at minimum, one (1) full time Fire Marshal to its staff. Such an effort would bring the town into compliance with the requirements of 19 NYCRR 1203 and the Town's own Local law.
4. The town must amend local laws #1 of 2011 and #1 of 2014 and amend Chapter 68 of the Town Code to remove language which authorizes Electrical Agencies and their personnel to issue Certificates of Occupancy. It must further be amended to reflect that any Certificates of Compliance issued are for the electrical components or equipment only. It must be clear that the Code Enforcement Officers authority and obligation to inspect and reject such is not waived.

### **K. PROGRAM REPORTING**



Part 1203.4 requires that every village, town, and county, charged under subdivision 2 of section 381 of the Executive Law with administration and enforcement of the Uniform Code shall annually submit to the Secretary of State, on a form prescribed by the Secretary, a report of its activities relative to administration and enforcement of the Uniform Code.

### **OBSERVATIONS**

The regulation for reporting code related activities to the Department of State became a requirement beginning with 2007 activities.

### **FINDINGS**

1. The Town has reported annually as required.

### **REMEDIES**

1. No corrective action required



# Appendix's and Examples



*John J. Smith*  
Supervisor

14-45

Director Ronald Piester  
Building Standards and Codes  
Dept. of State, Office of Planning & Development  
One Commerce Plaza  
99 Washington Ave, Suite 1160  
Albany, NY 12231-0001

July 23, 2014

Dear Director Piester:

The Town of Ontario is a community of 10,000+ residents on the shores of Lake Ontario in Wayne County. We pride ourselves as a modern small town with a commitment to providing professional service to our citizens.

Through internal governance and investigation, I have learned that our Building Department is not operating up to current standards. Mr. Edward Collins, Code Enforcement Officer and Building Inspector, is our appointed official responsible for enforcing state standards and local law relative to fire and building codes.

Upon specific examination of building records I found no evidence of a uniform record of required fire or public assembly inspections. Mr. Collins stated he has completed such inspections but has not documented the activity. Only several random fire inspection reports were provided, and those were completed by a former assistant building inspector.

Earlier this month I had the pleasure of meeting with Code Compliance Specialist Deborah Babbitt-Henry. She was a wealth of information and offered several valuable recommendations; one of which was to start an audit/oversight process of the Building Department's code compliance program. After my in-house examination, I am now convinced of the need for independent scrutiny of our records and process. Director Piester, I am officially requesting that assistance.

# TOWN OF NTARIO

WAYNE COUNTY'S "COMMUNITY OF GOOD NEIGHBORS"

John J. Smith  
Supervisor

Good and responsive government demands that officials comply with all laws and serve the best interest of our tax payers. With your agency's help I believe we can restore confidence in Ontario's Building Department/code compliance function.

Thank you for your consideration of my request. I respectfully request a reply at your earliest convenience.

Yours Truly,



John J. Smith  
Town Supervisor

Xc: Ms. Deborah Babbitt-Henry  
Ms. Debra DeMinck, Ontario Town Clerk



*adopted 2/14/14*

**TOWN OF ONTARIO, NEW YORK  
PROPOSED LOCAL LAW NO. 1  
OF THE YEAR 2014:  
AMENDING §68-2 OF CHAPTER 68 – ELECTRICAL  
INSPECTIONS OF THE TOWN CODE**

Sec. 1      Title

This Local Law shall be known as “Local Law No. 1 of 2014: Amending §68-2 of Chapter 68 – Electrical Inspections of the Town Code.”

Sec. 2      Amendment to Existing Law

§68-2 of Chapter 68 – Electrical Inspections of the Code of the Town of Ontario is amended, to read as follows:

Chapter 68  
Electrical Inspections

**§68-2. Designation of electrical inspectors.**

The Chief Inspector and each of the duly appointed inspectors of the New York Electrical Inspection Agency, Commonwealth Electrical Inspection Service, Inc., and the Middle Department Inspection Agency, Inc., are hereby authorized and deputized as agents of the Town of Ontario, New York, to make inspections and reinspections of all electrical installations heretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections or reinspections be a charge against the Town of Ontario.

Sec. 3      Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

Sec. 4      Effective Date

This Local Law shall take effect immediately following filing with the Secretary of State.



**TOWN OF ONTARIO**  
**Local Law No. 1of 2011**

**A Local Law to Re-Designate Electrical Inspection Agencies**

Be it enacted by the Town Board of the Town of Ontario as follows:

**1. Amendments to Chapter 68 of the Town Code.** The current Chapter 68 of the Code of the Town of Ontario, entitled "ELECTRICAL STANDARDS," is amended as follows:

a. The title of Chapter 68 shall be changed to "ELECTRICAL INSPECTIONS."

b. Section 68-2, entitled "Designation of electrical inspectors," shall be amended to read as follows:

The Chief Inspector and each of the duly appointed inspectors of the Commonwealth Electrical Inspection Service, Inc. and the Middle Department Inspection Agency, Inc., are hereby authorized and deputized as agents of the Town of Ontario, New York, to make inspections and reinspections of all electrical installations heretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections or reinspections be a charge against the Town of Ontario.

c. Section 68-3, entitled "Duties of inspectors," shall be amended as follows:

(1) Subdivision A is amended to read as follows:

It shall be the duty of the inspector to report, in writing, to the Code Enforcement Officer.

(2) Subdivision F is amended to read as follows:

He shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this chapter. He shall direct that a copy of the certificate of compliance be sent to the Town of Ontario to the attention of the Code Enforcement Officer

d. Subdivision A of section 68-4, entitled "Duties of inspectors," shall be amended to read as follows:

It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties of the Town of Ontario until an application for inspection has been filed with the Commonwealth Electrical Inspection Service, Inc. or the Middle Department Inspection Agency, Inc. It shall be a violation of this chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to issuance of a temporary certificate or a certificate of compliance by the Commonwealth Electrical Inspection Service, Inc. or the Middle Department Inspection Agency, Inc.

**2. Amendment to Section 80-2 of the Town Code.** The definition of "Inspector" contained in Section 80-2 of the Town Code is amended as follows:

INSPECTOR – A Code Enforcement Officer, Assistant Code Enforcement Officer, Acting Code Enforcement Officer, or Fire Marshal appointed pursuant to § 80-4 of this Chapter, or an electrical inspector designated pursuant to Chapter 68.

**3. Invalidity.** If any provision of this law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.

**4. Effective Date.** This local law shall take effect upon filing with the Secretary of State



PA# \_\_\_\_\_

**APPLICATION FOR BUILDING PERMIT**

DATE \_\_\_\_\_

**APPLICATION**

Application is hereby made for a Building Permit in Compliance with the New York State Fire Prevention and Building Code for the construction of building, additions or alterations or for removal or demolition as herein described.

The applicant agrees to comply with all applicable laws, ordinances and regulations: and will complete the proposed work in one year or apply for a Permit Renewal.

**APPLICANT:** Name (Sign) \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

**OWNER:** Name \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Parcel No. \_\_\_\_\_

**TYPE PROJECT:** (Underline One) New Building, addition, remodeling, demolition, pool, shed, deck, porch, other.

**LOCATION:** Road \_\_\_\_\_ House No. \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot No. \_\_\_\_\_ Zone \_\_\_\_\_

Structure (IS) (IS NOT) located in flood plain.

**ESTIMATED COST \$** \_\_\_\_\_

**LOT SIZE:** Front \_\_\_\_\_ N \_\_\_\_\_ ft. E \_\_\_\_\_ ft. S \_\_\_\_\_ ft. W \_\_\_\_\_ ft.

Set back: \_\_\_\_\_ ft. from front lot line

\_\_\_\_\_ ft. from rear lot line

Side lines: \_\_\_\_\_ ft. from N ☐ E ☐ S ☐ W ☐ side line

\_\_\_\_\_ ft. from N ☐ E ☐ S ☐ W ☐ side line

**DIMENSIONS OF PROJECT:**

Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Variations \_\_\_\_\_

Height \_\_\_\_\_ ft. Stories \_\_\_\_\_

Area: Main (Over Foundation) \_\_\_\_\_ Sq. Ft.

Accessory: \_\_\_\_\_

Intended Use: \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

**WORKERS COMP INSURANCE:** Attached \_\_\_\_\_ On File \_\_\_\_\_

Permit to do the construction work described in the foregoing application is hereby granted subject to the conditions in said applications and the laws and ordinances pertaining thereto. Permit is issued and subject to the New York State Fire Prevention & Building Code and New York State Energy Code.

This permit is also granted subject to and by reason of the following conditions, exceptions and reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INSPECTIONS REQUIRED**

☐ Footing: \_\_\_\_\_ ☐ Water Service: \_\_\_\_\_  
☐ Foundation: \_\_\_\_\_ ☐ Water Meter: \_\_\_\_\_  
☐ Framing: \_\_\_\_\_ ☐ Insulation: \_\_\_\_\_  
☐ Plumbing: \_\_\_\_\_ ☐ Electrical Approval: \_\_\_\_\_  
☐ Sanitary System: \_\_\_\_\_ ☐ Assessment: \_\_\_\_\_  
☐ Certificate of Occupancy: \_\_\_\_\_

**CALL 24 HOURS IN ADVANCE FOR INSPECTIONS**

Recreation  
Fee: \_\_\_\_\_

Permit  
Fee: \_\_\_\_\_

Watershed  
Fee: \_\_\_\_\_

Total: \_\_\_\_\_

Approved Building Inspector \_\_\_\_\_

\$100.00

\$300.00

Security Deposit

# BUILDING PERMIT

Permit No.

**14-160**

The Town of Ontario, Building Department, County of Wayne, State Of New York

hereby issues permit for project as described herein:

Issued Date: **8/19/2014**Valid Until Date: **8/19/2015**

Location of Property:

**1648 Route 104**Tax Parcel ID: **62117-12-894660****Description Of Work**

Office Space Renovation

Lot #

Subdivision: **State Farm Office**Estimated Cost **\$40,000.00**Owner: **Brian Natalie**Applicant: **DVC Inc****617 Wild Mallard Trail  
Webster, NY 14580****64 Stonington Drive****Pittsford, NY 14534**Applicant's Phone #: **585 353-3307**

The applicant agrees to comply with all applicable laws, ordinances and regulations; and will complete the proposed project in ONE YEAR from date of permit or apply for a Permit Renewal. Each year, for two years, a Permit Renewal can be granted; by which time the work must be completed. Any further extensions can only be granted by the Zoning Board of Appeals.

---

*Applicant's Signature*

Permit to do the project described herein is hereby granted, subject to the conditions in said permit and the laws and ordinances pertaining thereto. Permit is issued and subject to all New York State Fire Prevention Building code and New York State Energy Code.

This permit is also granted subject to and by reason of the following conditions, exceptions and reason:

**Comments:**

1.) construct per plan submitted. 2.) Emergency lights required per code. 3.) Fire extinguishers per code and inspection. 4.) Class A finishes required per code. 5.) Plumbing permit required if any. 6.) Not to be occupied until C/O is issued.

**You must call for the following inspections at least 24 Hours in advance:**

0. Footer 42" - 315-524-7170 x 753  
7. Electrical 2 - C-wealth 585-524-2380  
14. Assessment - 315-524-7170 x 753

5. Plumbing - 315-524-7170 x 753  
8. Insulation - 315-524-7170 x 753  
17. Electrical 3 - NYEIA 585-536-4460

6. Electrical - MDIA 585-545-5191  
13. C/O or C/C - 315-524-7170 x 753

Permit Fee:

Permit Fee: \$100.00

Total Permit Fee:

**\$100.00**

Cash or Check #

Security Deposit:

**\$100.00**

Cash or Check #

Paid By: Owner ☐ Applicant ☐ Other ☐

Rec'd By

Date

Receipt #

**Edward Collins**  
Building Inspector/CEO



Town of Ontario  
Code Enforcement Office

1850 Ridge Road  
Ontario, NY 14519  
(315)524-7170x399

COMPLAINT OF VIOLATION

Form of Complaint: Phone\_\_\_\_\_ Walk-in\_\_\_\_\_ Letter (attached)\_\_\_\_\_

Complainant:\_\_\_\_\_

Address:\_\_\_\_\_

Phone:\_\_\_\_\_

Site Location:\_\_\_\_\_

Property Owner:\_\_\_\_\_

Nature of Complaint:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

ACTION BY ENFORCEMENT OFFICER:

Possible violation of Article \_\_\_\_\_, Section \_\_\_\_\_.

Subsection \_\_\_\_\_ of the \_\_\_\_\_

Inspection completed on \_\_\_\_\_ at \_\_\_\_\_ {AM/PM}

Report of Findings:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

Code Enforcement Officer

# ***Certificate of Compliance***

*The Town of Ontario - Building Department - Wayne County - State of New York  
hereby issues this Permanent certificate as described herein:*

---

*Certificate Number*

**10-0021**

*Date:*

*January 6, 2010*

*Street Address of Property:*

**6270 Lakeside Road**

*Tax Parcel ID:*

**61117-00-937624**

*Inspection Date:*

*January 6, 2010*

## ***COMPLIES WITH TOWN AND STATE CODE***

*Property Owner:*

**Patel Prakash  
6270 Lakeside Road  
Ontario, New York 14519**

*Issued To:*

**Androniki Amaxopoulos  
6270 Lakeside Road  
Ontario, New York 14519**

**Comments:**

---

*Applicants Signature*

---

*Donald Morrill*

*Assistant Building Inspector/Code Enforcement Officer*

*Please sign and return one copy to the Building Department*



# ACTIVITY REPORT 2013

10 Found. Foot  
11 Acc. Foot  
12 Foundation  
13 Framing  
14 Plumbing  
15 Electrical

16 Sanitary - Lat.  
17 Septic System  
18 Water Service  
19 Water Meter  
20 Insulation  
21 C/O or C/C

22 General  
23 Fire  
24 Drainage  
25 Citizens Request/Asst  
26 Assessor's Insp.  
27 Ordinance - Zoning  
28 Mobile Home

LOCATION	NEED DATE	DATE DONE	TYPE	INSPECTOR	APPROVED	PERMIT #

Notes:

Project Inspected:

--	--	--	--	--	--	--

Notes:

Project Inspected:

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Notes:

Project Inspected:

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Notes:

Project Inspected:

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Notes:

Project Inspected:

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Notes:

Project Inspected:

# ACTIVITY REPORT 2013 2014

10 Found. Foot  
11 Acc. Foot  
12 Foundation  
13 Framing  
14 Plumbing  
15 Electrical

16 Sanitary - Lat.  
17 Septic System  
18 Water Service  
19 Water Meter  
20 Insulation  
21 C/O or C/C

22 General  
23 Fire  
24 Drainage  
25 Citizens Request/Asst  
26 Assessor's Insp.  
27 Ordinance - Zoning  
28 Mobile Home

LOCATION	NEED DATE	DATE DONE	TYPE	INSPECTOR	APPROVED	PERMIT #
50 Route 104	5-14	5-14	(21)	EC	OK	

Notes: P.M. Dallas General

C/O # 14-044

Project Inspected:

1280 Lake Rd.	5-19	5-19	(21)	EC	NO	
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Notes: AM Pool + Check NO ELECT INSP. NOT ENOUGH WATER IN POOL TO ACTIVATE ALARM

Project Inspected:

1719 Kemper Rd.	5-19	5-19	(21)	EC	OK	
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Notes: AM Shed 12'x12' NO ELECT.

C/O # 14-035

Project Inspected:

2289 Lake Rd.	5-19	5-19	10V	EC	OK	
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Notes: AM Garage Footers

Project Inspected:

1770 Kemper Rd.	5-19	5-19	13/25	EC	—	—
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Notes: 10:20 AM Postal Home Unsafe Called by P. Carr Sat. AM

Project Inspected:

1078 L. F. Road	5-19	5-19	(21)	EC	OK	OK
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Notes: P.M. SHED

C/O # 14-040

Project Inspected:



# TOWN OF ONTARIO BUILDING DEPARTMENT REPORT

## Building Permits Issued In:

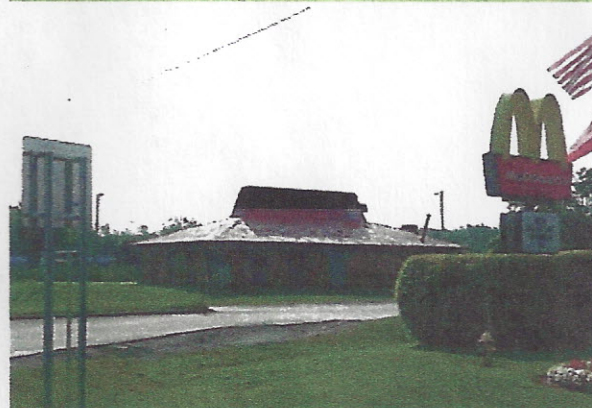
July 2014

Street Name	House	Project Type	Building s.f	Permit	Est. Cost \$	Permit Fee \$	Rec Fee \$	Watershed Fee \$
Boston Rd	746	Deck (590sf)		14-124	4,000.00	47.20		
Brown Sq	2100	Remodel Apt 25 and Common Are		14-154	42,760.00	116.00		
Clevenger Rd	1123	ABG Pool 21' x 52"		14-149	4,000.00	30.00		
County Line Rd	6624	Demolition Detached Garage and		14-139	0.00	10.00		
Furnace Rd	6212	ABG Pool		14-157	3,500.00	30.00		
Hopewell Dr	5859	Deck for Pool (280sf)		14-148	6,000.00	40.00		
Kenyon Rd	2179	ABG Pool 52" x 24'		14-136	5,000.00	30.00		
Lake Rd	309	Single Family Home (1486sf), Gara	2921	14-145	85,000.00	248.68	700.00	400.00
Lincoln Rd	5744	Deck (32sf)		14-144	3,400.00	40.00		
Misty Way	7690	Shed (192sf)		14-156	1,000.00	40.00		
Morning Star Lane	7683	Roof over existing patio (256sf)		14-151	5,600.00	40.00		
Ontario Ctr Rd	6858	Deck (448sf)		14-137	7,000.00	40.00		
Ontario Ctr Rd	6921	Storage Building 32x40		14-128	2,500.00	102.40		
Ontario Ctr Rd	6802	Garage Addition (840sf) Attic Area		14-138	12,000.00	108.00		
Ridge Rd	2352	20x16 Deck		14-134	2,000.00	40.00		
Ridge Rd	1720	Generator		14-158	8,400.00	30.00		
Ridge Rd	765	Chimney Repair after Fire		14-162	3,000.00	30.00		
Ridge Rd	2011	Sign - Photochica Photography		14-000	0.00	20.00		
Ridge Rd	1377	ABG Pool 54" x 27'		14-132	4,200.00	30.00		
Ridge Rd	248	Open Porch (180sf)		14-141	1,800.00	40.00		
Shoreline Blvd	7682	Pool 28' x 54"		14-142	10,000.00	30.00		
Southbrook Dr	6123	Single Family Home (1405sf), Gara	1999	14-152	183,000.00	174.92	700.00	400.00
Stonehedge Dr	2117	Demolition of Inground pool and fill		14-131	2,000.00	5.00		
Trillium Trl	6022	ABG Pool 24'		14-153	5,000.00	30.00		
Trillium Trl	6037	Deck with landing and steps 211sf		14-143	10,000.00	40.00		
Walworth Rd	5623	3' Fence		14-140	6,000.00	30.00		
Woodgate Dr	2029	Deck Extension (16x16)		14-135	3,500.00	40.00		
<b>Totals</b>				27	\$420,660.00	\$1,462.20	\$1,400.00	\$800.00



## APPENDIX

### Examples of Public Assembly's located within the Town of Ontario





## APPENDIX



Public Assembly's are required to be inspected once each and every year

Examples of Multifamily Units located within the Town of Ontario





APPENDIX





## APPENDIX

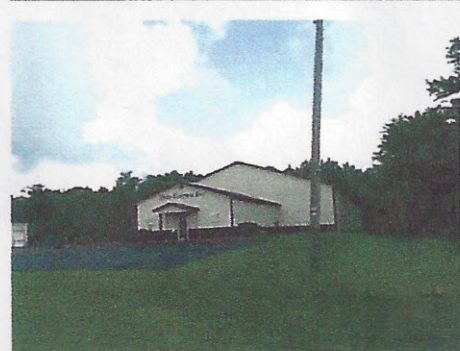
Multifamily units are those residential occupancies where there are three (3) or more units. These are required to be inspected at least once in a three year period of time.

Examples of Business, Factory, Mercantile, Manufacturing , Storage located within the Town of Ontario



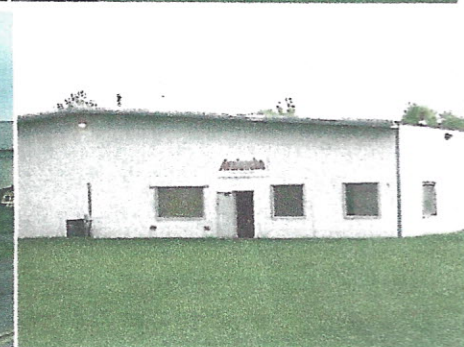


APPENDIX





APPENDIX





APPENDIX





APPENDIX





## APPENDIX



These types of occupancies are required to be inspected at least once every three years.

These photographs are representative only and do not reflect the entire inventory for the Town of Ontario.