



Lewis County Building and Codes Department
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Legislative Courts and Law Committee
August 9th, 2018

Personnel

No change in personnel

Munis

Audit

Budget is on track

State Mandates

No new mandates

Department Statistics

Building permits to date 437

Annual junkyard inspections to date 16

Junkyard license renewal 0

State mandated inspections of businesses, multi dwellings and places of assembly to date 130

Report

Property maintenance code

On January 11th 2018 I presented to the Courts and Law Legislative with in the report

"As I drive around the County there exist numerous properties that are in violation of the Property Maintenance Code (PMC), some of these structure are egregious.

The reason I bring this before the committee is that I have long been of an opinion that the maintenance of a property and structure has a direct bearing on that parcels real property assessment

Out of curiosity, I spoke to Real property Director Candy Akin, who in turn reached out to (2) two separate assessors; the county's most senior assessor appraises structures that are in poorly maintained by reducing the assessment of that parcel by an estimate of what it will cost to repair the structure.

The second assessor is one of the few within the county that annually reassesses parcels. The approach was different in that this assessor stated that a parcels value can see a reduction of 10% to 40 %, which can include reducing the assessment on adjoining parcels that are affected by the proximity of a poorly maintained structure and property

Based on those views Lewis County is losing revenue due to the lack of an active property maintenance program. The extent of the number of parcels involved and by extension the loss of revenue, would require an inventory of the readily visible exterior properties and structures in the county

During that January 11th meeting it was explained to the legislators that nationally and statewide few municipalities have an active Property Maintenance code violations enforcement program. The property maintenance code sets the minimum standards for both structure and premises, to include height of the lawn, painting of the structure, presence of rubbish or garbage, overcrowding, unsafe equipment, sanitation, maintenance of heating , plumbing, electric, and life safety.

The primary reason for not having an active program is time constraints. Locally this code is addressed on a complaint basis, in accordance to Section 11 of Lewis County Local Law No. 9 of the year 2006.

During that January 11th meeting it was agreed that the process of Property Maintenance violations continue to be addressed by a complaint basis.

Recently I have had conversations with the County Manager in regards to the Vision of the County- what do we as residents of the county and those that visit and pass through the county want to this county to be viewed as?

The International Property Maintenance Code has been adopted in 36 states along with the District of Columbia

Property Maintenance Code establishes the minimum and most essential standards for the health, safety and general welfare of the people who live and work in a community. Taking a proactive rather than reactive approach to property maintenance stabilizes and maintains the viability of aging building and housing stock

The Property Maintenance Code Is a tool; which thru local law a community can be used to correct and prevent conditions that may adversely affect the quality of life, to prevent building deterioration and prevent the creation of unsightly neighborhoods, relieve blighting conditions and Maintain property values by protecting the character and stability of buildings and cleanliness and appearance of property.

The county has enacted an active Junkyard enforcement law, for the purpose of regulating the control and storage or keeping of Junk within the county as the presence of junk tends to detract from the value of surrounding properties.

The Legislators may wish to consider taking a trip around the County to view structures and parcels where an active Property Maintenance enforcement program; though time consuming would certainly contribute to the relieve of Blight, protect or enhance the surrounding parcels and most likely improve the valuation of the parcel in question and surrounding parcels.

Roxy Vasant Fire Marshey Road, Diana

On December 14, 2017 I brought before this committee a complaint that involved an October 14, 2017 fire which destroyed a manufactured home at 7864 Marshey Road, Town of Diana. The owner, Roxy M. Vasant died in that fire. It was reported that immediate family members are minors and the husband is in prison,

It was reported to the committee that a local residence submitted a written complaint voicing their concern that the remnants of structure will be left as blight on the surrounding properties.

That letter requested that the Town of Diana demolish the structure and remediate the site. The Town of Diana does not have an unsafe structures law, as such, the County of Lewis retains responsibility via the Counties unsafe structures law.

The Committee requested that it be determined if insurance by the property owner was available to remedy the site. On August 6th, 2018 I received an Email from Emergency Management director Robert McKenzie indicating that he has no information on an insurance company.

The remnants of this structure remain blight on the surrounding parcels and needs to be removed under the Counties Unsafe Structure Law

Lewis County Local Law No.2 of 2007 is the local law providing for the repair or removal of unsafe equipment and collapsed structures. This law states that; "the Board of Legislators finds unsafe equipment and collapsed structures pose a threat to life and property in the County of Lewis." That Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general Deterioration.

That Vacant building that are not secured at doorways and windows also serve as an attractive nuisance for Youth who may be injured within, as well as a point of congregation by vagrants and Transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community. Similarly, unsafe equipment may pose a threat to public health as well as risk of injury.

Section 1 of Lewis County Local Law No.2 of 2007 states that It is the purpose of this local law to provide for the safety, health, protection, and general welfare of Persons and property in the County of Lewis by requiring that such unsafe condition be repaired or demolished and removed.

Section 5, of Lewis County Local Law No.2 of 2007, states that the Code Enforcement Officer is responsible for Administration and enforcement of this law and that when the officer becomes aware of a building (whether vacant or Occupied) that may become a danger or unsafe to the public. Is open at the doorways-windows making it an attraction to minors, vagrants and trespassers, or may become a place of rodent infestation. Alternatively, presents any other danger to the health, morals or general welfare of the public, or is unfit for the Purpose for which it may lawfully be used.

Lewis County Local Law No.2 of 2007 directs that the Code Enforcement Officer shall investigate and report in writing to the Board of Legislators, findings and recommendations.

Section 6 of Lewis County Local Law No.2 of 2007 directs that the Board of Legislators shall consider such a report and by resolution determine:

- If it is in their opinion that such a building is unsafe and dangerous
- Whether in addition to any other order of condemnation issued by the code official to order the repair of the same if it can be safely repaired
- Whether to order its demolition and removal
- In any event, to order that a Notice of its decision be served upon the property owners of record. with the Legislative notice containing the following information:
 - a. Provide the location of the violation.
 - b. Why the building is deemed unsafe or dangerous.
 - c. An order outlining the manner in which the building or equipment is to be made safe or and secure OR demolished and removed.
 - d. A statement that the securing or removal of such a building shall commence within 30 days of the service and be completed within 60 days
 - e. A date time and place of hearing before the Board of Legislators in relation to such dangerous or unsafe building with the hearing scheduled not less than 5 days from the date of service of the notice
 - f. A statement that in the event of neglect or refusal to comply with an order to secure or demolish and remove the building or equipment. The Board of Legislators is Authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which the violation is located and to institute a special proceeding to collect the cost of the demolition ,to include legal expenses

‡ It is my recommendation to the courts and Law Committee and to the Board of Legislators that the County take a proactive stance and remove what remains of this structure and remediate the site.

Such a recommendation is in keeping with the stated purpose of local law No.2 of 2007 to provide for the safety, health, protection, and general welfare of Persons and property in the County of Lewis by requiring that such unsafe condition be repaired or demolished and removed.

Department Information

The Lewis County Building and Codes Department provides administration and enforcement of the New York State Uniform Fire Prevention and Building Codes for 21 of the counties 26 municipalities.

The Uniform codes consist of (9) separate Codes: Building, Residential, Existing Building, Mechanical, Fuel gas, Fire, Plumbing, Energy, Property Maintenance, Along with the 2017 New York State Uniform Code Supplement, the codes contain hundreds of Referenced Standards such as the National Electric Code. This department regularly interacts with the Departments of State, Labor, Health, Adirondack Park Agency, Social services, Adult Protective, Child Protective, Local Fire Departments and FEMA. The department functions with three certified code enforcement officials along with a keyboard specialist.

Further through an Intermunicipal agreement this department provides administration and enforcement of local land use (zoning) laws for (9) of those municipalities. Additionally this department Provides administration of Flood prevention laws for three municipalities. By directive of the legislator this department also administers and enforces the Counties Junkyard Law.

This department provides a dedicated, professional service to the residence of Lewis County. For the public's safety; we respond to chimney and structural fires when requested by the fire departments. In accordance to state law, this department annually conducts over 200 inspections of areas of assembly, apartment building and businesses.

On average the department issues 800+ building permits, Further; in cooperation with the Lewis County Real Property department, information relating to those permits is shared with the counties municipalities, for the purpose of providing notice to the municipalities that a change in the taxable value of a parcel may be warranted.

As a society of written law, the actions and decisions made by this department must comply with the mandates of those laws codes and standards we enforce.

So that you may have a better understanding of history behind and the mandates of the Uniform fire prevention and building code I am providing this excerpt from the Department of State

"In 1981, New York State adopted a new Article 18 of the Executive Law providing for the development and implementation of a comprehensive building and fire code. Article 18, consisting of sections 370 through 383 of the Executive Law, sets forth the process by which the code is to be developed, maintained, administered, and enforced for the protection of all New Yorkers.

Responsibility for developing and maintaining the Uniform Code is vested in the State Fire Prevention and Building Code Council, a seventeen member body composed of State officials, local officials, and private individuals versed in building construction and maintenance standards. The Code Council is deemed a entity of the Department of State, with the Secretary of State serving as its Chair.

An individual city, town or village is not required to "adopt" the Uniform Code or to take any other affirmative step to make the Uniform Code effective within the municipality. The Uniform Code is automatically in effect in each municipality in the State by directive of the State Legislature.

An individual city, county, town, or village *cannot* choose to exclude itself from all or any part of the Uniform Code.

Executive Law § 381 requires every city, town and village to administer and enforce the Uniform Code within its boundaries. However, Executive Law § 381 permits a municipality to “opt out” of its administration and enforcement responsibilities by adopting a local law which provides that the municipality will not administer and enforce the Uniform Code. Any such local law must be enacted prior to July 1 in any year, and becomes effective on January 1 of the following year. If a municipality “opts out” of its administration and enforcement responsibilities by adopting such a local law, the responsibility for administering and enforcing the Uniform Code passes to the county in which the municipality is located

Article 18 of the Executive Law directs the Secretary of State to promulgate regulations prescribing minimum standards for administration and enforcement of the Uniform Code. The Secretary has adopted such regulations in 19 NYCRR Part 1203. Any municipal program for administration and enforcement of the Uniform Code must conform to the requirements of Part 1203, and must include all the following features:

- **Designating Responsibility for Code Enforcement.** The persons, offices, departments, agencies or combinations thereof responsible for administration and enforcement of the Uniform Code must be clearly identified.
- **Building Permits.** Building permits must be required for any work which is required to conform to the Uniform Code. Certain limited exceptions to permits are found within Title 19 NYCRR Part 1203 and within the New York State Uniform code Supplement.
- **Construction Inspections.** Inspections of certain specified elements of the construction process must be required. Building permits holders must keep work accessible and exposed until inspected and accepted by the municipality.
- **Stop Work Orders.** Stop work orders must be issued to halt work that is determined to be contrary to provisions of the Uniform Code, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit.
- **Certificates of Occupancy or Compliance.** A certificate of occupancy or a certificate of compliance is required (1) for all work for which a building permit was required and (2) whenever the general occupancy classification of a building is changed.
- **Notifications.** The code enforcement program must include procedures for the chief of any fire department / company providing fire fighting services for a property to notify the code enforcement official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.
- **Unsafe Structures and Equipment.** The code enforcement program must include procedures for identifying and addressing unsafe structures and equipment.
- **Operating Permits.** Operating permits must be required for conducting certain specified activities or using certain specified categories of buildings.
- **Fire Safety and Property Maintenance Inspections.** The code enforcement program must provide for fire safety and property maintenance inspections of all buildings which contain:

- ✚ An area of public assembly(occupant load of 50 or greater)
- ✚ All multiple dwellings (3 or more dwelling units within a structure)
- ✚ All nonresidential occupancies (Businesses) (other than agricultural buildings used directly and solely for agricultural purposes).

The interval between inspections of buildings containing an area of public assembly cannot exceed one (1) year.

Inspections of multiple dwellings and nonresidential occupancies must be consistent with local conditions; provided, however, that such interval cannot exceed one year for dormitory buildings, and such inspection interval cannot exceed three (3) years for all other buildings

- **Complaint Procedures.** The code enforcement program must include procedures for addressing bona fide complaints which assert that conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for administration and enforcement of the Uniform Code.
- **Record Keeping.** The code enforcement program must establish a system of records of the features and activities specified in above and of fees, if any, charged and collected.
- **Reports.** Every municipality responsible for administration and enforcement of the Uniform Code is required to submit an annual report of its activities relative to administration and enforcement of the Uniform Code to the Secretary of State. The Department of State has developed forms to be used in satisfying this reporting obligation.

Municipal officials should also be aware that all local code enforcement personnel must complete a prescribed program of code enforcement training consisting of 120 hours, and there after must annually receive a minimum of 24 hours of continuing education

Regards,

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