

Memo

To: The Town of Canandaigua Town Board

From: Michael Murphy, CFM

cc:

Date: 11/13/2024

Re: Repal and replacement of municipal code chapter 88.

The proposed local law will replace the existing chapter 88, which provides regulations for the removal and repair of unsafe buildings. The proposed local law incorporates the same purpose while expanding the policy and procedures for resolution of vacant buildings and property neglect issues. Below is a list of all significant differences from the current legislation to what is currently proposed.

Article I General Provisions

- The chapter will no longer have an independent definition of “Unsafe Structures” and aligns itself with the NYS Uniform Code.

Article IV Vacant Buildings

- The proposed ordinance has legislation for the creation and maintenance of a vacant building registry.
- Companies maintaining or responsible for a vacant building shall register with the Code Enforcement Office to provide up to date information and contacts.
- This article also provides for general conditions for which applicable properties and structures are to be maintained to.

Article IV Unsafe Buildings

- Article relates to the policy and procedure for the remediation of unsafe structures by means of a public hearing before the Town Board.

Article V Enforcement

- Article V provides for policy and procedures for remediation of violations as it relates to Chapter 88.

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Canandaigua

Local Law No. _____ of the year 20²⁴

A local law adopting town code chapter 88

(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Canandaigua _____ as follows:

(see attached)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Chapter 88

BUILDINGS AND PROPERTY MAINTENANCE

ARTICLE I

General Provisions

- § 88-1. Policy and purpose.**
- § 88-2. Definitions.**

ARTICLE II

General Requirements

- § 88-3. General requirements; incorporation of codes by reference.**

ARTICLE III

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- § 88-4. Inspection authorization.**

ARTICLE IV

Vacant Buildings

- § 88-5. Policy and purpose.**
- § 88-6. Vacant building registration.**
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- § 88-8. Vacant building and property maintenance.**

ARTICLE V

Unsafe Buildings

- § 88-9. Findings; purpose.**
- § 88-10. Investigation and report.**
- § 88-11. Public hearing; notice; order to repair or remove.**
- § 88-12. Failure to comply with order.**
- § 88-13. Payment and assessment of costs.**

ARTICLE VI

Enforcement

- § 88-14. Notice of violation and order to remedy.**
- § 88-15. Appearance tickets.**
- § 88-16. Penalties for offenses.**
- § 88-17. Civil penalties.**
- § 88-18. Injunctive relief.**
- § 88-19. Remedies not exclusive.**

ARTICLE I General Provisions

§ 88-1. Policy and purpose.

- A. The purpose of this chapter is to provide basic and uniform standards governing the maintenance, appearance and condition of all buildings and properties within the Town, whether used or intended to be used or designed to be used, in whole or in part, for residential, commercial, business or industrial use and occupancy.
- B. The Town Board finds that properly kept and maintained buildings and properties are essential to the health, safety and welfare of the residents of the Town. The existence of unsanitary or deteriorating building and/or property conditions can endanger the safety of persons, jeopardize the security of private property and adversely affect the value of surrounding buildings and properties.
- C. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that the same shall be liberally construed to effectuate the purposes herein stated.

§ 88-2. Definitions.

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

BUILDING — Includes primary and/or accessory structures.

CODE ENFORCEMENT OFFICER – The Code Enforcement Officer(s) or such other person(s) appointed by the Town Board to enforce the provisions of this chapter.

EMERGENCY SITUATION — Where the condition of a building, or any part thereof, is an imminent, immediate, and substantial danger to the health or safety of occupants and/or the general public. Such conditions include, but are not limited to, fire hazards, falling or dilapidated buildings, or any part thereof, loss of significant water, heat, ventilation, or a lack of sanitary conditions.

OPERATOR — Any person(s) or entity who has charge, care or control of a building and/or property, including a tenant or property maintenance company.

OWNER — The person, persons, or entity shown to be the owner or owners on the current assessment records; a mortgagee in possession, either by commencement of a mortgage foreclosure action, or otherwise; assignee of rents; receiver; executor, administrator, trustee, lessee, or other person, firm or corporation in control of the premises, including an operator as defined herein. Any such owner shall have joint and several obligations for compliance with the provisions of this chapter.

SECURED BY OTHER THAN NORMAL MEANS — A building secured by means other than those used in the design and approved plans for the building.

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

UNOCCUPIED — A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by a Code Enforcement Officer. In determining whether a building is unoccupied, a Code Enforcement Officer may consider these factors, among others:

- A. Whether lawful residential or business activity has ceased.
- B. The percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units;

- C. Whether the building is substantially devoid of contents or the minimal value of fixtures or personal property in the building;
- D. Whether the building lacks utility services;
- E. Whether the building is subject to a foreclosure action;
- F. The duration of vacancy; and/or
- G. The presence or reoccurrence of code violations.

UNSECURED — A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

VACANT BUILDING — A building or a portion of a building which is any one or more of the below:

- A. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and an unsafe building as determined by an Enforcement Officer;
- D. Unoccupied and the Code Enforcement Officer has issued an order to correct code violations; or

ARTICLE II General Requirements

§ 88-3. General requirements; incorporation of codes by reference.

- A. The provisions of the Uniform Code and the Energy Code are hereby incorporated by reference into this chapter.
- B. Any and all owners and operators of properties within the Town shall comply with all of the provisions of this chapter, including the Uniform Code and the Energy Code.
- C. The Code Enforcement Officer shall administer and enforce all of the provisions of this chapter, including the Uniform Code and the Energy Code.

ARTICLE III Inspection of Buildings and Properties

§ 88-4. Inspection authorization.

- A. The Code Enforcement Officer is hereby authorized and directed to make all inspections necessary to determine whether compliance with the provisions of this chapter exists. For the purpose of making such inspections and subject to legal restrictions, Code Enforcement Officers are hereby authorized to enter, examine and survey, at all reasonable times, all buildings and properties. The owner, operator and/or occupants of every building, or the person in charge thereof, shall give a Code Enforcement Officer free access to such building and the property, at all reasonable times, for the purpose of such inspection, examination and survey. Every occupant of a building shall give the owner and/or operator thereof, or the owner's and/or operator's agent or employee, access to any part of such building and/or the property at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.
- B. In the event that permission to enter any such building for the purpose of inspection is denied, a Code

Enforcement Officer may apply to the appropriate authority for a search warrant.

C. A search warrant shall not be required:

- (1) When entry is by permission or at the request of the owner, operator or occupant.
- (2) Where an imminent danger to health and safety exists.
- (3) Following an incident or accident or if an inherent condition exists where immediate inspection is required to determine if an imminent danger to health or safety exists

ARTICLE IV Vacant Buildings

§ 66-5. Policy and purpose.

It is the finding of the Town Board that vacant buildings are unsightly, unsafe, and have a negative effect on the community. Unfortunately, many buildings, once vacant, remain that way for years. The purpose of this article is to establish a program for identifying and registering vacant buildings, to set forth the responsibilities of owners and/or operators of vacant buildings, and to speed the rehabilitation of vacant buildings.

§ 66-6. Vacant building registration.

- A. The owner of a vacant building shall register with the Code Enforcement Officer no later than 30 days after any building becomes a vacant building or not later than 30 days after being notified by a Code Enforcement Officer of the requirement to register. A Code Enforcement Officer may identify vacant buildings through a routine inspection process, as well as through notification by residents, neighborhood associations and other community groups. Notice will be served upon, or sent by mail, to the owner, to any property maintenance company, and to the property address. Notice will be deemed received upon personal delivery or three days in Ontario County or five days outside Ontario County after service by first-class mail.
- B. The registration shall be submitted on forms provided by the Code Enforcement Officer and shall include the following information:
 - (1) The street address and most recent use of the vacant building.
 - (2) The names, addresses, and telephone numbers of the owner or owners. If an owner is a corporation, limited liability company or partnership, the address for each director, manager, or partner, as the case may be. The address must include a street address; a post office box is not acceptable.
 - (3) A name, address, and telephone number of a responsible natural person who can be reached at all times during business and nonbusiness hours. The address must include a street address; a post office box is not acceptable.
 - (4) The name, address, and telephone number of any property manager and/or property maintenance company responsible for maintaining the vacant building and the property. If a property manager is a corporation, limited liability company or partnership, contact information for a responsible natural person on behalf of the property manager.
 - (5) The names and addresses of all known lienholders and all other parties with an ownership interest in the vacant building. Each address must include a street address; a post office box is not acceptable.
 - (6) A vacant building plan as described in Subsection C of this section.
- C. The owner shall submit a vacant building plan which must meet the approval of the Code Enforcement Officer. The plan, at a minimum, must contain information addressing the following:
 - (1) A plan for the securing of the vacant building and the premises, in accordance with standards provided in § 88-8 of this article, along with the procedure that will be used to maintain the vacant building and the property, and a statement of the reasons why the building will be left vacant.

- (2) If the vacant building is to be demolished, there will be a demolition plan which indicates the proposed time frame and methods for demolition.
 - (3) If the vacant building is to be returned to appropriate occupancy, a rehabilitation plan for the vacant building. The rehabilitation plan may not exceed six months from the date of submission and shall include progress benchmarks at least every two months, unless the Code Enforcement Officer grants an extension for good cause shown, upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the vacant building must comply with any applicable zoning, historic preservation and/or building codes.
- D. The owner will comply with all applicable laws and codes. The owner will notify the Code Enforcement Officer of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Enforcement Officer.
- E. The owner will keep the vacant building, and the property secured, safe and properly maintained as provided in § 88-8 of this article.
- F. The owner shall notify the Code Enforcement Officer of any transfer of ownership within 15 days of transfer. The new owner will continue to comply with the approved vacant building plan and timetable submitted by the previous owner until any proposed changes are submitted and approved by the Code Enforcement Officer.
- G. Vacant building registration fees.
 - (1) The owner of a vacant building will pay an initial registration fee of \$100. The registration fee is due and payable upon registration, to wit, no later than 30 days after any building becomes a vacant building or no later than 30 days after being notified by a Code Enforcement Officer of the requirement to register.
 - (2) In order to cover the cost to the Town of monitoring and inspecting the vacant building, a renewal fee, in the amount of \$250, is due and payable annually on the anniversary of the initial registration, until the vacant building is properly demolished or rehabilitated.
 - (3) Failure to pay the initial registration fee or any renewal fee, within 30 days of its due date, will result in a penalty in the amount of \$200, for each instance.
- H. Exemptions. A vacant building which has suffered fire damage or damage caused by extreme weather conditions will be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event, provided that the owner submits a request for exemption in writing to the Code Enforcement Officer. This request will include the following information supplied by the owner:
 - (1) The street address of the vacant building.
 - (2) The reason for an exemption.
 - (3) The names and addresses of the owner or owners. A post office box is not acceptable.
 - (4) A statement of intent to repair and reoccupy the vacant building in an expedient manner or the intent to demolish the vacant building.

§ 88-7. Property maintenance company registration.

- A. Any person, corporation, limited liability company or partnership responsible for maintaining a vacant building on behalf of any owner shall register with the Code Enforcement Officer no later than 30 days after commencing such maintenance responsibilities or not later than 30 days after being notified by a Code Enforcement Officer of the requirement to register. The registration shall be submitted on forms provided by the Code Enforcement Office and shall include, for each vacant building being maintained, the following information:
 - (1) The street address of the vacant building.
 - (2) The name, address, and telephone numbers of the registrant. If a registrant is a corporation, limited liability company or partnership, the address for each director, manager, or partner, as the case may be. The address must include a street address; a post office box is not acceptable.
 - (3) The name, address, and telephone number of a responsible natural person of the registrant who can be reached at all times during business and nonbusiness hours. The address must include a street address; a post office box is not acceptable.
 - (4) The name, address, and telephone number of the owner of the vacant building. If an owner is a corporation, limited liability company or partnership, contact information for a responsible natural person on behalf of the owner.
- B. The registrant shall, on an ongoing basis, immediately advise the Code Enforcement Officer of any changes to the information provided pursuant to Subsection A of this section, including additions to and/or deletions from the vacant buildings being maintained by the registrant.

§ 88-8. Vacant building and property maintenance.

- A. The owner of a vacant building will take such steps and perform such acts as may be required, from time to time, to ensure that the vacant building and the property remain safe and secure and do not present a hazard to adjoining property or the public. Owners are responsible for maintaining vacant buildings so that they do not become unsafe.
- B. The owner shall protect and maintain the exterior of a vacant building, as follows:
 - (1) Exterior walls, including foundations, shall be maintained so that water does not penetrate basements, cellars, or other interior areas. All exterior walls and foundations must be free of holes and crevices.
 - (2) Exterior doors, windows, skylights and similar openings shall be maintained secured and weathertight.
 - (3) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition.
 - (4) Roofs shall be maintained in a weathertight condition, either with normal roofing material or other materials that are reasonably visually compatible with the existing roofing material and not unsightly.
 - (5) Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
 - (6) Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to

deterioration shall be treated with a protective coating of paint or other suitable preservative. There shall not be excessive flaking, peeling or chipping of any protective coating.

- (7) The coverings for windows and doors with glass may not consist of any substance sprayed onto the glass doors or windows. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general appearance of the building or the neighborhood and, when possible, secured by normal means.
- (8) The covering for broken doors and cracked or broken windows may consist of replacement glass, Plexiglas, boards, plywood or similar materials finished and maintained in a manner recommended and approved by the Code Enforcement Officer. The materials will be designed and of such color to blend in with the finish of the building.
- (9) Windows that are not cracked or broken may be covered with interior blinds, curtains, shades, or decorative paper.

C. The owner will maintain the property as follows:

- (1) There shall be no accumulation of garbage, refuse or debris.
- (2) The property shall be maintained free of insects, vermin and rodent harborage and infestation.
- (3) Junk vehicles, equipment, materials or personal property shall not be stored on the property.
- (4) If the vacant building is to remain vacant for more than 30 days, all fuel gas, water, and utilities shall be disconnected at the mains and water pipes drained and winterized. Prior to such disconnections, the vacant building shall be heated to avoid freezing pipes; fuel gas pipe systems shall be maintained gastight, safe and operative condition; and water pipes shall be maintained to avoid leaks and/or breakage.
- (5) Fuel tanks shall be maintained so as not to be a hazard or be discontinued in a manner consistent with the Uniform Code.
- (6) Swimming pools shall be maintained in a clean and sanitary condition, in good repair and properly fenced and secured.
- (7) Yards shall be trimmed and mowed, with the height of grass and weeds being no more than ten inches, and with all dead, damaged or diseased trees or shrubs, or any portion thereof, removed or replaced.

ARTICLE V Unsafe Buildings

§ 88-9. Findings; purpose.

Unsafe buildings pose a threat to life and property in the Town. Buildings and structures may become unsafe because of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children, who may suffer injury therein, as well as points of congregation by persons not having a legal or lawful claim of occupancy. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this article to provide for the safety, health, protection and general welfare of the people and property in the Town by requiring such unsafe buildings to be repaired or demolished and removed.

§ 88-10. Investigation and report.

When a Code Enforcement Officer has reason to believe that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows, making it accessible to and an object of attraction to minors under 18 years of age, as well as to persons not having a legal or lawful claim of occupancy; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, the Code Enforcement Officer shall cause or make an inspection thereof and report, in writing, to the Town Board findings and recommendations in regard to its repair or demolition and removal.

§ 88-11. Public hearing; notice; order to repair or remove.

- A. The Town Board shall consider such a report and, if in its opinion the report warrants, set a date for a public hearing on at least 10 days' notice to determine whether or not such a building can be safely repaired or should be demolished and removed.
- B. The notice of hearing shall be published once in the official Town newspaper, a copy shall be affixed to the building in question and a copy shall be either personally served on the owner or sent to the owner by certified mail.
- C. At the public hearing all interested parties shall be heard on the question of repair or demolition and removal of the building.
- D. The Town Board shall thereafter make an order either denying any action regarding the building; ordering its repair, if the same is feasible; or ordering its demolition and removal.
- E. If the Town Board order requires repair or demolition and removal, it shall also contain the following:
 - (1) The street address of the building.
 - (2) A statement of the particulars in which the building is unsafe or dangerous.
 - (3) An order outlining the way the building is to be made safe and secure or demolished and removed.
 - (4) A statement that the securing or removal of such building shall commence within 20 days of the service of the order and shall be completed within 45 days thereafter, unless for good cause shown such time shall be extended.

- (5) A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its securing or demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.
- (6) The Town Board order shall be served to the owner, either personally or sent to the owner by certified mail and affixed to the building. Such a Town Board order will be deemed received upon personal delivery or three days in Ontario County or five days outside Ontario County after service by certified mail.

§ 88-12. Failure to comply with order.

In the event of the refusal or neglect of the owner to comply with said Town Board order, the Town Board shall provide for the repair or demolition and removal of such building or structure either by Town employees or by contract.

§ 88-13. Payment and assessment of costs.

- A. In a case where the Town has made repairs or demolished and removed such building, because of the failure of the owner to do so, the owner shall pay to the Town the costs thereof, within 20 days of service of a demand for payment issued by the Code Enforcement Officer. Such demand for payment shall be served on the owner personally or by certified mail and will be deemed received upon personal delivery or three days in Ontario County or five days outside Ontario County after service by first-class mail.
- B. Upon the failure of the owner to pay the above costs, the costs shall be deemed to be a civil penalty against the owner, personally. Such costs, if unpaid, shall also be assessed against the property on which such a building is located and shall be levied and collected in the same manner as provided in Article 15 of New York State Town Law for the levy and collection of a special ad valorem levy. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town. The provisions of this section with respect to costs shall be in addition to any penalty imposed for violation of or noncompliance with any provision of this chapter.

ARTICLE VI Enforcement

§ 88-14. Notice of violation and order to remedy.

- A. The Code Enforcement Officer is hereby authorized to issue to an owner a notice of violation and order to remedy any condition or activity found to exist in, on or about any building or property in violation of the Uniform Code, the Energy Code or this chapter. The notice of violation and order to remedy shall:
- (1) Be in writing.
 - (2) Be dated and signed by a Code Enforcement Officer.
 - (3) Specify the condition or activity that violates the Uniform Code, the Energy Code or this chapter.
 - (4) Specify the provision or provisions of the Uniform Code, the Energy Code or this chapter which are violated by the specified condition or activity.
 - (5) Specify the period of time which the Code Enforcement Office deems to be reasonably necessary for achieving compliance.
 - (6) Direct that compliance be achieved within the specified period of time.
 - (7) State that corrective action may be taken by the Town if compliance is not achieved within the specified period of time and that the cost of such corrective action will be the responsibility of the owner and may be added to the Town taxes, become a lien against the property; and
 - (8) Advising the owner of the owner's rights to a hearing before the Town Board, in accordance with the procedures set forth in Subsection C of this section.
- B. The Code Enforcement Officer shall cause the notice of violation and order to remedy, or a copy thereof, to be served on the owner of the affected property personally or by certified mail.
- C. Hearing on notice of violation and order to remedy. The owner so served may request and shall be granted a hearing on the matter by the Town Board, provided that such an owner shall, within 48 hours after service is complete, file in the Office of the Town Clerk a signed, written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefor. Upon receipt of such notice of appeal, the Town Clerk shall set a time and place for such a hearing and shall give the person appealing notice thereof. The hearing shall commence not later than 20 days after the request is made, provided that for good reasons the Town Supervisor, or a designee of the Town Supervisor, may postpone such hearing for a reasonable time. The Town Board shall determine such appeals as promptly as practicable. If, after the hearing, the Town Board finds that no violation exists or that such unusual, extraordinary or undue hardship occurs as a result of strict adherence to the notice of violation and order to remedy, it shall direct the Code Enforcement Officer to withdraw the notice of violation and order to remedy. If the Town Board finds that a violation does exist, it shall affirm the contents of such notice of violation and order to remedy and order compliance therewith, within the time prescribed therein.
- D. Upon the failure, neglect or refusal of the owner so notified to properly comply with a notice of

violation and order to remedy within the time prescribed therein, the Code Enforcement Officer is hereby authorized and empowered to correct any and all violations set forth in the notice of violation and order to remedy, either by Town employees or by contract.

- E. In a case where the Town has corrected any violation as a result of the failure of the owner to do so, the owner shall pay the Town the costs thereof, within 20 days of service of a demand for payment issued by the Code Enforcement Office. Such demand for payment shall be served on the owner personally or by certified mail and will be deemed received upon personal delivery or three days in Ontario County or five days outside Ontario County after service by certified mail.
- F. Upon the failure of the owner to pay the above costs, the costs shall be deemed to be a civil penalty against the owner, personally. Such costs, if unpaid, shall also be assessed against the property on which such a building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town. The provisions of this section with respect to costs shall be in addition to any penalty imposed for violation of or noncompliance with any provision of this chapter.
- G. Emergencies. If, in the judgment of the Code Enforcement Officer, a public health or welfare emergency exists, the procedures required by Subsections A, B, C and of this section shall not be required and the Code Enforcement Office shall immediately arrange to remedy such emergency with Town employees or by contract. The provisions of Subsections E and F of this section shall apply to such emergency cases.

§ 88-15. Appearance tickets.

The Code Enforcement Office and each Code Enforcement Officer are authorized to issue appearance tickets for any violation of this chapter, the Uniform Code or the Energy Code.

§ 88-16. Penalties for offenses.

Any owner or operator who shall violate any provision of this chapter shall be punishable by a fine of not less than \$500 and not more than \$1,000. Each day that a violation continues shall be deemed a separate offense.

§ 88-17. Civil penalties.

In lieu of an appearance ticket and a criminal remedy, any owner who violates any provision of the Uniform Code, the Energy Code or this chapter shall be liable to pay a civil penalty of not less than \$500 and not more than \$1,000 for each day, or part thereof, during which such violation continues. The civil penalties provided by this section shall be recoverable in an action instituted in the name of the Town.

§ 88-18. Injunctive relief.

An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct or abate any violation of or to enforce any provision of the Uniform Code, the Energy Code or this chapter. In particular, but not by way of limitation, where a building or property is in violation of any provision of the Uniform Code, the Energy Code or this chapter, an action or proceeding may commence in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or an abatement

of the condition in violation of such provision. No action or proceeding described in this section shall be commenced without the appropriate authorization from the Town Board.

§ 88-19. Remedies not exclusive.

No remedy or penalty specified in this article shall be the exclusive remedy or remedy available to address any violation described in this chapter, and each remedy or penalty specified in this article shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this chapter or in any other applicable law. Any remedy or penalty specified in this article may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty. In particular, but not by way of limitation, each remedy and penalty specified in this article shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision 2 of § 382 of New York State Executive Law, and any remedy or penalty specified in this article may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision 2 of § 382 of New York State Executive Law.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20²⁴ of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the _____ on December 16 20²⁴, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

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

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

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

(Seal)

Date: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:			State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	Other(Specify):	
Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Wetland <input type="checkbox"/> Urban Suburban </div>		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px; margin-top: 10px;"> a. Will storm water discharges flow to adjacent properties? </div> <div style="margin-left: 20px; margin-top: 10px;"> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: <div style="border-bottom: 1px solid black; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: <div style="border-bottom: 1px solid black; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <div style="border-bottom: 1px solid black; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Applicant/sponsor/name: _____ Date: _____ </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Signature: Title: _____ </div>		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)