

LOCAL LAW #2 OF 2003
TOWN OF ENFIELD CODE ENFORCEMENT LAW

ARTICLE I, Adoption of the Enfield Code

§ 1. Legislative intent; Title

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Enfield shall be known collectively as the "Code of the Town of Enfield," (hereafter termed the "Enfield Code").

§2. Continuation and Repeal of Existing Local Laws

Any portion of any local law which is in effect prior to the date of the adoption of the Enfield Code and which conflicts with any portion of the Enfield Code is hereby repealed. Any portion of any local law which is in effect prior to the date of the adoption of the Enfield Code and which does not conflict with any portion of the Enfield Code shall continue in full force and effect.

Article II, Penalties and Jurisdiction

§ 1. Penalties for offenses.

A. Unless a different penalty is specified, violations of the provisions of the Enfield Code shall be punishable by a fine of not more than \$1,000.00 or imprisonment for a term of not more than 15 days, and not less than \$100 or 25 hours of community service. For the purpose of determining the appropriate fine or sanction, each day on which the violation continues to exist shall be considered a separate offense. In no case shall a term of imprisonment exceeding 15 days be imposed as a penalty for violations of the Enfield Code, no matter how many days of violation are charged, unless, by separate code section, the violation has been classified as a misdemeanor.

B. Notwithstanding any contrary Enfield Code provision, appearance tickets may be issued by the Enfield Code Enforcement Officer or his/her designee(s) charging violations of any section of the Enfield Code and New York State Uniform Fire Prevention and Building Code whenever there is probable cause to believe that said violations have occurred.

ARTICLE III, Building Code Enforcement Ordinance of the Town of Enfield

§ 1. Purpose and Compliance required.

No person shall construct, alter, repair, move, remove, demolish, equip, occupy, move or relocate mobile home(s) and/or manufactured home(s), use or maintain any building, structure or portion thereof in violation of any provision of this chapter, the New York State Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code (hereinafter termed "New York Code"), this Enfield Code, laws, ordinances, rules and regulations of any agency having jurisdiction over the subject matter nor fail to comply with lawful orders of the Code Enforcement Officer of the town, nor shall any person conduct or engage in any trade, occupation, or event required to be licensed pursuant to the provisions of this chapter without first obtaining the proper license or permit provided for hereunder.

§2. Necessity of Certificate of Occupancy/Compliance/Completion

It is unlawful to use or occupy or permit use or occupancy of any building, structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy/Compliance/Completion has been issued therefore by the Code Enforcement Officer stating that the proposed use of the building, structure, or premises conforms to the requirements of the Enfield Code and New York Code and that the proposed work has been completed in compliance with the Enfield Code and New York Code.

ARTICLE IV, Administration and Enforcement

§ 1. Administrative officers and functions.

A. Code Enforcement Officer(s). The Code Enforcement Officer(s) shall be a practical builder, architect or civil engineer who has been actively engaged in such occupation for at least five years in a responsible capacity or otherwise suitably prepared by training or experience. The Code Enforcement Officer(s) shall not be employed and/or engaged in any capacity upon any building operation of the Town of Enfield nor hold any municipal office which would prejudice or interfere with the proper conduct of the office of Code Enforcement Officer. The Enfield Code Enforcement Officer(s) shall be selected, designated, and hired by the Board of the Town of Enfield and the department shall be known as the "Town of Enfield Office of Code Enforcement."

B. Code and Building Inspectors. The Code Enforcement Officer(s) may appoint and hire, with the approval of the Town Board, one or more Code and Building inspectors to work under his/her supervision and to serve as his/her authorized representative and agent.

C. Plumbing Inspector. The Code Enforcement Officer(s) or the Plumbing Inspector, under the supervision of the Code Enforcement Officer(s), or a code and building inspector, shall inspect all plumbing work within the jurisdiction of this chapter and determine its compliance with the plumbing standards in effect in this town.

D. Electrical Inspector. The Code Enforcement Officer(s) or the Electrical Inspector, under the supervision of the Code Enforcement Officer(s), or a code and building inspector, shall inspect all electrical installations within the jurisdiction of this chapter and determine its compliance with all applicable electrical codes and standards in effect in the Town of Enfield.

E. Enforcement.

(1) The Code Enforcement Officer(s) shall be responsible for the enforcement of the Enfield Code and the New York Code, and shall have the power to stop work not conforming to either the Enfield Code or the New York Code.

(2) The Code Enforcement Officer(s) shall receive and examine all plans and specifications for proposed new work, alterations or removals and shall record and file the same for safekeeping.

(3) The Code Enforcement Officer(s) shall receive and examine all applications for building permits and take reasonably prompt action thereon.

F. Records.

(1) The Code Enforcement Officer(s) shall maintain records of all building operations and particulars thereof in his/her jurisdiction.

(2) All such records, together with all drawings, specifications, statements, etc., so filed, shall be considered public records and shall be open for inspection at reasonable times, but the copying of any drawing, specification or part thereof without the consent of the Code Enforcement Officer(s) is hereby forbidden.

G. Right to enter buildings. The Code Enforcement Officer(s) or the Code Enforcement Officer's authorized representatives shall have the right of entry, at all reasonable hours, to any building or site where work is contemplated or being done under the provisions of this chapter, or to any building alleged to be unsafe to life or health, upon the exhibition of proper evidence of authority; and interference with such authorized entry in an official capacity shall be punishable as a violation of this chapter.

H. Inspection of buildings. The Code Enforcement Officer(s) or his/her authorized representatives shall examine all buildings upon which or within which work is being done under the provisions of this chapter as often as practicable during the progress of the work; and particularly, the Code Enforcement Officer(s) shall visit as often as may be necessary all construction, alteration or removal jobs where a special hazard to public safety may be involved and shall promptly follow up all complaints, inquiries and discrepancies in a reasonably prompt manner occurring in connection with the building operation under his/her jurisdiction.

I. Issuance of Appearance Tickets. The Code Enforcement Officer(s) or his/her authorized representatives is authorized to issue appearance tickets in accordance with Article 150 of the New York State Criminal Procedure Law.

Article V, Plans and Specifications

§ 1. Requirements

A. Required to accompany application.

(1) Each application for a building permit or other permit under this chapter shall be based upon and be accompanied by a plot plan to show the general arrangement and location of the proposed work and also a complete set of floor plans, cross section or sections, exterior views and such details and specifications as may be required.

(2) Each set of plans shall be accompanied by a complete set of specifications describing in clear and specific terms all materials proposed to be used and the workmanship required so that adequate information as to the extent and character of the proposed work may be known.

B. Preparation.

- (i) Plans for buildings and/or structures exceeding 1500 sq/ft, when required by Education Law §§ 7209 and 7307 shall be drawn and/or approved by a registered architect or licensed engineer, whose seal of registration and signature in New York State shall be legibly imprinted on the plans.
- (ii) Plans for buildings and/or structures less than 1500 sq/ft must include diagrams with dimensions, detailing floor plans with room sizes, windows, doors, electrical switches, plumbing, egress/ingress and intended purpose or use.

C. Duplicate copies submitted, if required by Code Enforcement Officer(s).

(1) An original Plan and specifications shall be submitted to the Code Enforcement Officer(s). A duplicate set of plans shall be submitted if requested by the Code Enforcement Officer(s). One approved set shall be left for the Code Enforcement Officer's records and the other kept at the job during construction or in possession of the owner, and made available when required.

(2) In certain cases, as where the state or other separate authority requires records of building, additional sets of both drawings and specifications shall be submitted with the application for a permit.

D. Exceptions; multiple construction. When several buildings are proposed to be erected alike in a single operation, only one complete set of plans need be filed for office records.

E. Quality of plans and specifications. Plans shall be drawn to scale, for principal working drawings not less than 1/8 inch to one foot, except that extensive plot plans may be drawn at a smaller scale in the discretion of the Code Enforcement Officer(s). Details at larger scales or parts on which particular information is required shall be furnished to the Code Enforcement Officer(s) as required. Specifications shall be true and legible copies, suitably arranged and paragraphed so as to be conveniently read and so prepared as to leave no uncertainty as to materials and quality of construction required. Plans for sheds and other construction of minor importance will be acceptable if rough-sketched but with accurate dimensions. [See Art. V §1(B)(ii)] It shall be unlawful to make any change in either drawings or specifications after a permit has been granted, except as such change involves no appreciable difference in the terms of the application or permit.

F. Imperfect plans; rejections.

(1) If the information in the application, plans or specifications is indefinite or incomplete, the Code Enforcement Officer(s) shall decline to issue the permit until such defect or deficiency shall have been corrected. Undimensioned plans and plans not in conformity with either Art. V §1(B)(I) or (ii) shall be deemed incomplete.

(2) An applicant for a permit which has been rejected under this section may, upon request, receive from the Code Enforcement Officer(s) a written statement of the exact reasons for such rejection.

G. Disposal of plans. All plans submitted to the Code Enforcement Officer(s) or his/her agent shall become the permanent property of the Code Enforcement Department and shall be available for public review upon request.

Article VI, Building Permits

§ 1. Permit required. Every construction or demolition operation shall require a building permit, as well as any conversion as defined by the Enfield Code or the New York Code or any change of use of a building or structure. In the case of ordinary repairs scattered over a building or group of buildings, the Code Enforcement Officer may, in his/her discretion, forgo said permit. A permit must be obtained before:

(1) Any excavation work is done other than for utility lines.

(2) The cutting of any beams or supports.

(3) The removal of or closing of any stairway or means of exit.

§ 2. Repairs and alterations without a permit.

(1) Repairs and alterations of buildings or structures may be made without notice to the Code Enforcement Officer if the work meets the criteria of § 2(1)(a) or (b) below:

(a) The work involves repairs using like materials or alterations to existing buildings, provided that such work:

[1] Costs less than 1% of the value of the building or structure and less than \$5,000 or costs more than 1% of the value of the building or structure but totals less than \$1,000.

[2] Does not materially affect structural features.

[3] Does not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits.

[4] Does not involve the installation or extension of electrical systems.

[5] Does not involve the installation or extension of plumbing systems.

[6] Does not include the installation of solid-fuel-burning heating appliances and associated chimneys or flues.

[7] Does not involve the change in use of the building or structure or a conversion as defined in the Enfield Code or the New York Code.

(b) If the work involves the construction, repair or alteration of small noncommercial structures less than 100 square feet in area not intended for use by one or more persons as quarters for living, sleeping, eating or cooking, e.g., a small storage building.

(2) Costs shall be assumed to include both labor and materials. In cases where cost information is not readily available to the Code Enforcement Officer(s) and there exists a question of the value of any alteration or addition, the Code Enforcement Officer(s) shall have the discretionary power to make his/her own estimate of such labor, material and other costs. Labor costs shall be estimated to be at least equal to federal minimum labor standards in effect at the time.

§ 3. Application for permit.

(1) Every application for a permit shall be in writing on an approved form and shall be signed by the owner or the owner's authorized agent. In his/her discretion, the Code Enforcement Officer(s) may require sealed plans from an architect or engineer registered to practice in the State of New York for structural or other work, even though the cost of the work may be below the minimum requirement of the State Education Law, and may also require a property survey of the lot or lots concerned in any proposed building operation.

(2) Permit fees.

(a) Permit fees shall be paid before permit review can commence according to the following schedule: Fees are listed on Building Permit Applications and any changes are subject to the approval of the Enfield Town Board.

Article VII, Property Maintenance; Declaration of purpose.

§ 1. The purpose of this chapter is to provide a minimum standard for the maintenance of the exterior grounds and visible facades of all properties within the Town. This chapter is intended to help provide stable and inviting neighborhoods and business and commercial districts and to promote public health and safety by prohibiting certain deficiencies in exterior property maintenance which create or contribute to unhealthy or hazardous conditions. This chapter is also intended to ensure that property owners or their delegated agents perform such repair and maintenance of properties as will prevent deficiencies that could become an attractive nuisance with regard to children, trespassers or household pets or that may attract insect or animal pests. The adoption and enforcement of this chapter is intended to serve as deterrence to substandard exterior property maintenance and as a tool for protecting property investment, the tax base and the health, safety and welfare of all Town residents.

§ 2. Definitions.

For the purposes of this chapter, the following definitions shall apply:

BULK ITEMS -- Large items and materials, including furniture (other than aluminum and plastic yard furniture), house furnishings and large appliances, such as refrigerators, stoves, washing machines and clothes dryers.

COLLECTIBLE YARD WASTES -- Grass, leaves, brush, and other plant wastes and soil materials from gardens, lawns and yards, prepared for collection in conformance with Town requirements.

COMPOSTING MATERIALS -- Yard trimmings, vegetable wastes and other organic matter managed for the purpose of natural transformation into compost and stored in a container or compact pile that contains no sewage, sludge or septage; contains no inorganic materials, such as metal, plastic or glass; and is maintained in a manner to minimize odors and the attraction of insect and animal pests.

DUMPSTER -- A bulk storage container for garbage, recyclable materials and other solid waste that can be hauled directly to the point of disposal or emptied into a compactor-type truck for disposal.

EXTERIOR STRUCTURES -- Includes porch areas and the external walls of a building, as well as fences and retaining walls, sheds and other structures on property.

GARBAGE:

A. Discarded materials generated from the activities of a household, business, institution, or public or quasi-public facility, consisting of:

(1) Food wastes, including but not limited to kitchen and table scraps, decaying or spoiled vegetable, fruit and animal matter, and fallen fruit.

(2) Any other used or discarded waste materials such as paper, plastic, metal, rags, food wrappings and containers, sweepings, rubber, leather, cloth, clothing, waste materials from normal maintenance and repair activities, pasteboard, crockery, shells, dirt, ashes, wood, and glass.

B. "Garbage" does not include properly prepared and stored recyclable materials or collectible yard wastes.

GRAFFITI -- Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property to the extent that the graffiti was not authorized in advance by the owner or occupant of the property.

GROUNDS and EXTERIOR PROPERTY -- Any area of a building or lot, excluding porch areas, not enclosed within the walls of a building. These terms include any public rights-of-way which pass through or are adjacent to a property, including the sidewalk and any area between the sidewalk, if there is one, and the street pavement.

HAZARDOUS MATERIALS -- Means, without regard to amount and/or concentration, petroleum, petroleum distillates or products, polychlorinated biphenyls (PCB's), asbestos, formaldehyde, radioactive materials, and any substances which are defined as (or otherwise included in the definition of) "hazardous substances," "hazardous materials," "hazardous wastes," "toxic substances," "toxic pollutants," "pollutants," or "contaminants" under any federal or New York State law, statute, rule, regulation, or code.

INDUSTRIAL WASTE -- Any substance resulting from any process of industry or manufacturing, including but not limited to chemical waste, sludge from air or water treatment facilities, and incinerator residue.

PORCH AREA -- Includes any open and/or partially enclosed porches or decks, as well as any entranceways or exit ways which are in the public view.

PUBLIC VIEW -- Areas of any property that are visible by pedestrian or vehicular traffic in the public right-of-way or visible from the exterior ground level of adjoining properties or properties within 100 feet of the subject property.

RECYCLABLE MATERIALS or RECYCLABLES -- Materials that are defined as "recyclable materials" or "recyclables" pursuant to Tompkins County laws, rules or regulations, have not become contaminated through household or other use, and are fit for recycling.

REFUSE -- Garbage, recyclable materials and collectible yard wastes resulting from the normal day-to-day operation of a household, business, institution or a public or quasi-public facility. "Refuse" does not include properly stored and maintained composting materials, rubble, bulk items, industrial waste, hazardous materials, automobile or other motor vehicle tires, or any other material that the Town or private waste hauler has specified will not be picked up curbside at a property as part of the regular collection.

ROOF -- The outer cover and its supporting structures on top of a porch or building or other structure.

RUBBLE and/or RUBBISH -- Waste material typically resulting from construction, demolition and major renovation activities, including but not limited to waste cement, concrete, masonry, bricks, tiles, sheetrock, plaster, shingles, lumber, telephone poles, railroad ties, wooden pallets, doors and door frames, windows and window frames and any similar material.

SOLID WASTE -- Any materials or substances that are discarded or rejected as being spent, worthless, useless or in excess to the owners or users at the time of such discard or rejection, including but not limited to garbage, refuse, industrial waste, hazardous materials, tires, rubble, discarded motor vehicles, and discarded bulk items.

Notwithstanding the foregoing, "solid waste" shall not include properly prepared and stored recyclables or collectible yard wastes, or properly stored and maintained composting materials. An object shall be presumed to be discarded or rejected solid waste when the object is stored, placed or left on the grounds

or exterior of the property in the view of neighbors or passersby under circumstances which meet any of the following criteria:

1. The object produces an offensive smell.
2. The object is of a type designed for interior use or made of materials which are suitable only for interior use and the object is left outside and exposed to the weather.
3. The object has reached a degree of dilapidation or disrepair that can reasonably be presumed to render the material unsuitable for or incapable of being used for its original intended purpose or some other reasonable purpose.
4. The object is left, placed or stored in a manner which appears likely to cause injuries.

§ 3. Standards for grounds and exterior property.

It shall be the duty and responsibility of all owners of property in the Town of Enfield to ensure that:

A. All grounds and exterior property are kept clean and free of solid waste.

B. All garbage, when stored outside, is completely contained in nonabsorbent, watertight, durable containers having a tight-fitting lid in place. Plastic bags are not considered durable containers. Strong, waterproof plastic bags may be used to place garbage at the curbside on the evening before scheduled collections or may be taken to an approved refuse disposal site. Garbage containers shall not be stored in front yards, or any other yards that have frontage on a public street unless all yards on the property have frontage on public streets. Composting materials, so long as they are maintained as defined by this section, shall not be considered garbage.

C. Solid waste, other than garbage stored in proper containers and in the locations described above, and other than recyclable materials stored in accordance with §3J below, is not stored in the public view, except that construction and demolition debris related to an ongoing construction project with a valid building permit may be stored in the public view for not more than 30 days. Residents may place reusable materials on the tree lawn for purposes of informal scavenging, not to be observable for more than two successive days.

D. Motor vehicles. Except as provided for in statute or other regulations, no more than one inoperative motor vehicle or no more than one unlicensed motor vehicle shall be parked, kept or stored on any premises, in public view and no vehicle shall at any time be in public view in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

EXCEPTION: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

E. The area along public rights-of-way adjacent to or on the property, including but not limited to the area between the front property line or sidewalk and the curb or street pavement, is maintained in a reasonably clean and sanitary condition free of garbage and/or solid waste. The planting of annuals and perennials in these sidewalk areas shall be allowed, but the planting of trees or shrubs in these areas shall not be permitted without the written approval of the Enfield Town Highway Department Superintendent or Enfield Code Enforcement Officer. Premises situated at street intersections or on

curved streets shall be kept in such a condition as to give a clear and unobstructed view of the intersection or curve.

F. Trees, shrubs or other vegetation are pruned such that they will not obstruct the passage of pedestrians on sidewalks. The maintenance of trees, including trees between the sidewalk and curb, must be left to the appropriate local or state highway department.

G. Fences and walls are maintained in a safe and structurally sound condition.

H. Steps, walks, driveways, parking spaces and other similar paved areas are maintained so as to afford safe passage under normal use and weather conditions.

I. Sidewalks are kept substantially clear of snow, ice and other obstructions, including but not limited to free-flowing water from drains, ditches, and/or downspouts located on the property except during flooding. All sidewalks, ramps and curb cuts shall be cleared of such obstructions within 24 hours of when the obstruction initially occurs. For properties that abut the intersection of two streets, the sidewalks that must be kept substantially clear of snow, ice and other obstructions shall include that portion of the sidewalk which runs to the curb line of any street and shall include any access ramps therein. The obstruction of sidewalks and access ramps is presumed to have commenced concurrently with the beginning of any snowfall or icfall or storm.

J. Recycling containers and recyclable materials shall not be stored in front yards, or any other yards that have frontage on a public street, unless all yards on the property have frontage on public streets. If recyclable materials are stored in plastic bags, such bags must be made of clear plastic. This prohibition against the use of plastic bags at curbside shall not apply to collectible yard wastes as long as the provisions of the Enfield Code and New York Code are met.

§ 4. Standards for exterior structures.

It shall be the duty and responsibility of all owners of property in the Town of Enfield to ensure that:

A. Exterior structures are kept free of garbage, unless stored and completely contained in durable, nonabsorbent, watertight containers having a tight-fitting lid in place. Plastic bags are not considered durable containers.

B. Construction and demolition debris is located on exterior structures of property for no longer than 30 days.

C. Any exterior structures that are defaced with graffiti do not remain so defaced for a period longer than 20 days, provided that, if the subject graffiti can reasonably be interpreted as being hateful or derogatory towards any person or any group of persons by virtue of their actual or perceived race, color, religion, age, disability, marital status, sexual orientation, military status, or national origin, then the property owner may request that the Town remove or paint over the graffiti at no expense to the property owner.

D. No furniture shall be permitted on any roof that has not been specifically designed for occupancy and does not have guardrails meeting the State Building Code requirements at the time of construction. Roofs shall be kept free of solid waste.

Article VIII, Cutting required; exception.

§ 1. The owners of all private property are hereby required to cut, trim or remove brush, high grass, rubble and weeds from their premises and keep such premises in a reasonably clean and sanitary condition to prevent the breeding of insects. Premises situated at street intersections or on curved streets shall be kept in such condition as to give a clear and unobstructed view of the intersection or curve.

§ 2. Exception. This rule shall not be construed to prevent the raising of garden or cultivated crops on farm lands or to unreasonably require the cutting of grass and brush on undeveloped areas except within 200 feet of improved properties.

Article IX, Responsibilities of agents delegated by property owners.

§1. Property owners who do not reside in Tompkins County or one of its contiguous counties must file an agency agreement with the Enfield Office of Code Enforcement designating an agent to be responsible for all of the responsibilities outlined in the Enfield Code, and to accept service of process on behalf of the property owner. Property owners residing within Tompkins County or one of its contiguous counties may delegate the responsibilities outlined in this chapter to an agent so long as, at the time of any violation of this subsection, an agency agreement is on file in the Enfield Office of Code Enforcement. The property owner and agent shall both be liable for violations of this chapter, and the Town may bring an enforcement action against either the property owner or agent, or both. If a property owner who does not reside in Tompkins County or one of its contiguous counties fails to file an agency agreement with the Enfield Office of Code Enforcement within 60 days of the effective date of this chapter, then the Town Clerk shall be deemed to be the owner's agent for the limited purpose of accepting service of process on behalf of the owner. All agency agreements shall be in the form specified by the Enfield Office of Code Enforcement and shall contain at a minimum the following information: the identity of the owner and the agent, the owner's and agent's addresses and current phone numbers, the property or properties the agent is accepting responsibility for, the beginning and ending date of the agreement, and the signatures of both the property owner and agent, along with each party's date of birth. The agent must be a resident of or maintain business in Tompkins County. Post office boxes will not be accepted as addresses for agents. The owner shall be responsible for informing the Enfield Office of Code Enforcement, in writing, of changes to the owner's and agent's addresses and telephone numbers that occur after the owner files the agency agreement with the Enfield Office of Code Enforcement. The property owner may not designate a residential tenant as the agent pursuant to this section, except where such designation is contained in an employment agreement between the property owner and the tenant. The employment agreement shall not be contained in the lease agreement between the property owner and the tenant, and the tenant's acceptance of designation as the agent shall not be a condition of the lease agreement.

Article X, Notice of Violation(s)/ Order(s) to Remedy.

§ 1. The Code Enforcement Officer(s), or his/her authorized representative, upon complaint being made to him/her, or upon his/her own motion, shall address to any owner or owner's designated agent pursuant to Article IX of the Enfield Code or tenant or occupant permitting a violation under the Enfield Code or New Code to exist upon his or her property a notice, in writing, served personally or by certified or first-class mailing to the address appearing on the town tax roll or to the address of the owner or owner's designated agent and if unable to contact tenant or owner or owner's agent after 3

attempts, shall nail order to building, pursuant to Article IX of the Enfield Code or tenant or occupant requiring such person within a time specified in such notice from the service or mailing thereof, to comply with this section. Upon the failure of such owner to comply with such notice within the time limited therein, the Code Enforcement Officer(s) shall cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises, including a fifty-percent charge for supervision and administration.

§ 2. Payment for services.

Bills rendered for remedying any violations under Article VII or Article VIII of the Enfield Code shall be due 30 days from the date of such bills. The owner or tenant or occupant of the premises shall be held responsible and liable for all charges for such service. Any charges past due more than 30 days shall be added to the property tax for the subject property and the Town is authorized to collect such delinquent charges in the same manner as the Town is authorized under law to collect delinquent property taxes.

Article XI, Appeals

§1 BOARD OF APPEALS.

A. The Town Board of the Town of Enfield is designated the Board of Appeals to determine any grievance, complaint or denial of a Building Permit or Certificate of Compliance/Occupancy/Completion, or appeal of any decision of the Code Enforcement Officer under this Law. The Town Supervisor shall preside over all hearings. The Code Enforcement Officer(s) shall be an ex-officio member of the Board of Appeals. The Board of Appeals shall not waive or set aside a code requirement. The Board of Appeals shall not review violations issued pursuant to Article II of the Enfield Code.

B.

C. Procedure.

Any party desiring to appeal to the Board of Appeals any matter as provided in Article XI, §1.A. shall file his appeal on form provided for such purpose by the Town Clerk within 20 days of such decision of the Code Enforcement Officer(s) or denial of a permit requiring review. The time to file an appeal may be waived by the Board of Appeals on good cause shown to the Board of Appeals.

1. The Board of Appeals by a quorum consisting of a majority of its members shall hear such appeal within 30 days of filing the same. Adjournments of the hearing may be granted only on good cause shown to the Board of appeals or on its own motion.
2. The Board of Appeals shall issue its decision within seven days from the close of the hearing in writing by mailing a copy of the decision to the applicant at the address set forth in the form filed for appeal.
3. The Board of Appeals may adopt such other procedures for the conduct of appeals as it deems necessary and useful providing the same are not inconsistent with this Law or any other applicable Law, and are filed with the Town Clerk.

Article XII. Mass Gatherings Law

[Reaffirming local law already in place]

§1 – PERMIT REQUIRED

No person, partnership, association, corporation, organization, landowner, lessee or other entity shall hold, permit to be held or promote an outdoor public musical event, amusement or other assembly which is to be held within the Town of Enfield and which might reasonably be expected to attract one thousand five hundred (1500) persons or more without first obtaining a special permit used by the Town Board of the Town of Enfield.

§2 – APPLICATION for Special Permit

Written application for a special permit for the mass gathering event shall be made to the Town Board of the Town of Enfield by submission to the Town Clerk at least ninety (90) days prior to the first day the event is to be held. The Town Board shall approve or deny the permit application within sixty (60) days. The applicant shall submit a fee, as set forth from time to time by resolution of the Town Board, with the application, in cash or by certified check, to defray the cost of administering this chapter.

§3 – APPLICATION REQUIREMENTS

Each application for a special permit shall be by verified petition, addressed to the Town Board, and shall contain the following:

- A) A statement of the name, age and residence address of the applicant; if the applicant is a corporation, the name of the corporation and the names and addresses of directors, officers and stockholders owning five percent (5%) or more of the number of shares outstanding of each class of stock; if the applicant is a partnership or other entity, the names, addresses and ages of every individual associated with the partnership or other entity.
- B) A statement of the name and address of the owner of the property upon which the event is to occur and the nature and interest of the applicant therein; the proposed date and hours of the event; the maximum number of persons intended to use the property at any one (1) time and collectively; the number of automobiles and other vehicles intended to use the property at one (1) time and collectively; the purpose of the function, including the nature of the activities to be carried on and the admission fees to be charged; and the names and addresses of all concessionaires and other persons providing services or facilities under contract, lease or other arrangement for the event.
- C) A survey map prepared by a professional engineer licensed by the State of New York showing the size of the property, the names and the record owners of the adjoining properties, the streets or highways abutting the property, the size and location of any existing or proposed structures or facilities to be used for the assembly, the placement of the proposed water distribution system, the location of parking areas for automobiles and other vehicles, the means of ingress and egress to the parking areas and the service, public and private roads serving the camping areas, food service areas, toilet facilities, garbage and refuse collection facilities and entertainment and performance areas.
- D) A detailed plan with drawings and written explanation, showing and specifying the methods to be used for the disposal of sanitary sewage.

- E) A detailed plan with drawing and written explanation showing and specifying the system for supply, storage, treatment and distribution of drinking water.
- F) A detailed plan with drawings and written explanation showing and specifying the layout of the parking areas for automobile and other vehicles and the methods of traffic control to be used thereon.
- G) A statement specifying whether food or beverage is intended to be prepared, sold or distributed. If food or beverage is intended to be prepared, sold or distributed, a statement specifying the method of preparation and distribution of the food or beverage.
- H) A detailed plan with drawings and written explanation showing and specifying the method and means of disposing of garbage, trash, rubbish and other refuse.
- I) A written statement specifying whether private security personnel will serve on or about the site during the event and, if so, the names and addresses of such persons, the duties to be performed by such persons and the qualifications and source of such persons.
- J) A detailed written plan providing the fire protection, specifying the location of fire lanes, water supply and equipment or apparatus to be available for fire control.
- K) A detailed written plan specifying the facilities to be available for medical and ambulance service, and including the names and addresses of all medical providers and ambulance services the applicant will provide for the event.
- L) A detailed written description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the Town of Enfield and its various public bodies, officers and employees.
- M) A subscribed authorization from the landowner and the applicant to the Town of Enfield and the County of Tompkins to permit the Town and County and their lawful agents to go upon the property to inspect the same to determine if there is compliance with all other State and Local Laws, to provide adequate police and fire protection and to protect persons and property from danger.
- N) A written statement subscribed by the applicant stating the maximum number of tickets to be sold, given or otherwise issued.
- O) A written statement subscribed by the applicant stating that the applicant shall not allow more persons to attend the event than is specified in the permit.

§4 – ADVISORY AUTHORITY

The Town Board, before issuing any permit, may seek advice from any or all of the following agencies:

- A) The New York State Department of Health or the Tompkins County Health Department as to any proposed sanitary sewage system, lavatories or toilets.
- B) The New York State Department of Health, the Tompkins County Health Department or the New York State Water Resources Commission as to any proposed system for the supply, storage and distribution of water.

- C) The Town of Enfield Highway Superintendent, the Tompkins County Highway Department, the New York State Department of Transportation, the Tompkins County Sheriff's Department, the New York State Police, and the Fire Chief of the Enfield Volunteer Fire Company as to the proposed parking areas and the means of ingress and egress to such parking areas.
- D) Members of the public potentially affected as to the proposed type, number and location of any sound producing equipment, outdoor lights or signs.
- E) The New York State Department of Health and/or the Tompkins County Health Department as to the proposed method of preparing, selling or distributing food or beverage and the removal of refuse, trash, rubbish or garbage.
- F) The Tompkins County Sheriff's Department and/or the New York State Police as to any police related matters.
- G) The Fire Chief of the Enfield Volunteer Fire Company and/or the Fire Coordinator of Tompkins County as to any proposed fire protection systems or matters.
- H) The New York State Department of Health, the Tompkins County Health Department, and/or the Chief of the Enfield Volunteer Fire Company as to any proposed facilities for emergency medical treatment.
- I) The Town of Enfield Code Enforcement Official and/or the New York State Department of Health as to any proposed camping, housing or sleeping areas or facilities, and any other permit required structure.

§5 – INSURANCE and BOARD REQUIREMENTS

- A) No permit shall be issued unless the applicant has furnished to the Town of Enfield at least fifteen (15) days prior to the event, a comprehensive liability insurance policy insuring the Town against liability for damage to person or property with limits of not less than five hundred thousand/one million dollars (\$500,000.00/\$1,000,000.00) for bodily injury or death and limits of not less than five hundred thousand dollars (\$500,000.00) for property damage, sufficient in form to insure, indemnify and save the Town harmless from any liability or causes of action that might arise by reason of the granting of the permit. This insurance shall be non-cancelable without ten (10) days prior written notice to the Town.
- B) No permits shall be issued unless the applicant deposits with the Clerk of the Town of Enfield cash or a bond with sufficient sureties approved by the Town Board, in such sum not less than one hundred thousand dollars (\$100,000.00), as the Town Board may reasonably require, and conditioned that all requirements of the permit will be fully performed by the applicant, that no damage will be done to any public or private property and that the applicant will not permit any litter, debris, or other refuse to remain upon any public or private property by reason of the granting of the permit. The cash or surety bond or cash shall serve as an indemnity to save and protect the roads, pavements, bridges, road signs and other property of the Town of Enfield, the County of Tompkins and any other Town and Village within the County from any and all damage that may be caused by vehicles, employees or participants in the event, to be used to restore the ground where the event is held to a sanitary condition and to pay all charges and losses to the Town of Enfield and the County of Tompkins and its respective towns and villages for damages to roads, pavements, bridges and other property.

§6 – PERMITS

No permits shall be issued unless all of the provisions for the event described in the application are determined by the Town Board to sufficiently safeguard the safety, health, welfare and well-being of person and property and unless it is in compliance with all other requirements of this chapter, other local laws of the Town of Enfield, the regulations of the New York State Department of Health, the State Environmental Quality Review Law, and any other applicable laws and regulations.

§7 – SUSPENSION or REVOCATION of PERMIT

A permit issued pursuant to this chapter may be immediately suspended or revoked by the Town Board after public hearing if the provisions of this chapter, requirements of the Tompkins County Health Department or conditions of the permit are not complied with or adhered to.

§8 – PENALTIES for OFFENSES

- A) A person who violates any provision of this chapter shall have committed an offense punishable by a fine not to exceed one thousand dollars (\$1,000.00) or sixty (60) days in jail, or both. Each day such violation exists or continues shall constitute a separate offense.

- B) In addition to the penalties described above, the Town Board of the Town of Enfield may also maintain an action or proceeding(s) in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Article XIII. Effective Date.

This local law shall become effective upon filing in the office of the New York State Secretary of State.