CHAPTER 23 OF THE TOWN OF MONROE CODE
BUILDING CONSTRUCTION ADMINISTRATION

§ 23-1. Definitions

Building Permit – shall mean a permit issued pursuant to section 4 of this local law. The term building permit shall also include a building permit which is renewed, amended or extended pursuant to any provision of this local law.

Certificate of Occupancy – shall mean a certificate issued pursuant to subdivision __ of section ___ of this local law.

Town – shall mean the Town of Monroe.

Building Inspector – shall mean the Building Inspector appointed pursuant to subdivision __ of section ___ of this local law.

Energy Code – shall mean the State Energy Conservation Construction Code, as currently in effect and as hereinafter amended from time to time.

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

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

Stop Order – shall mean an order issued pursuant to section ___ of this local law.

Temporary Certificate – shall mean a certificate issued pursuant to subdivision __ of section ___ of this local law.

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

§ 23-2. Establishment of Building Department.

A. There is hereby established in the Town of Monroe a department to be designated as the Building Department for the administration and enforcement of the provisions of all laws, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the town, exclusive of the Villages of Harriman and Monroe.

B. The Department of Buildings shall be headed by a town official designated as the Town Building Inspector, hereinafter referred to as “Building Inspector.”

A. The Building Inspector shall be a person who shall have had at least two years experience as a licensed professional engineer or architect, building inspector, building contractor or supervisor of building construction.

B. The Building Inspector shall obtain basic training, in-service training, advanced in-service training, and other training as the State may require and shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

C. The Building Inspector shall be appointed by the Town Board and serve at the pleasure of the Board at a compensation to be fixed by the Board.


A. The Building Inspector, with the consent of the Town Board, may appoint one or more Assistant Building Inspectors, as the need may appear, to serve at the pleasure of the Board and to exercise, pursuant to the provisions of this chapter, any or all of the duties of the Building Inspector. The compensation of such Assistant Building Inspectors shall be fixed by the Town Board.

B. The Assistant Building Inspector shall be a person who has had at least one year of practical experience in the design or construction of buildings or in the design, construction or installation of plumbing, heating or electrical equipment. The Assistant Building Inspector shall obtain basic training, in-service training, advanced in-service training, and other training as the State may require and shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

§ 23-5. Appointment of other employees authorized.

The Building Inspector may appoint such other employees as may be authorized from time to time by the Town Board to carry out the functions of the Building Department.


In the absence of the Building Inspector or in the case of his inability to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act in his behalf and to exercise all of the powers conferred upon him by this Chapter.

No officer or employee of the Building Department shall engage in any activity inconsistent with duties of the position or with the interests of the Building Department; nor shall be, during the term of employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the said territory, excepting only that this provision shall not prohibit any officer or employee from such activities in connection with the construction of a building or structure owned by the officer or employee.

§ 23-8. Employees relieved from personal liability.

No official or employee of the Building Department shall, while acting pursuant to the provisions of this Chapter, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of the official duties of the position, provided that such acts are performed in good faith and without gross negligence.


A. The Building Inspector shall have all of the powers relating to the administration and enforcement of the Uniform Code, the Energy Code, and this local law as hereafter amended.

B. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.

C. The Building Inspector shall receive and review applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof, shall include such terms and conditions as may be determined to be appropriate, and shall conduct inspections of the premises for which such applications have been received or such permits have been issued for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction.

D. The Building Inspector shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. The Building Inspector shall make all inspections which are necessary or proper for the carrying out of the duties of the position, except that the Building Inspector may accept written reports of inspection from Assistant Building Inspectors or other employees of the Department of Buildings or from generally recognized and authoritative service and inspection agencies, provided that the same are certified by a responsible official thereof.
E. The Building Inspector shall issue Stop Orders.

F. The Building Inspector shall review and investigate complaints.

G. The Building Inspector shall collect fees as set by the Town Board.

H. The Building Inspector shall pursue legal actions and proceedings as may be necessary to enforce this local law.

I. The Building Inspector shall exercise all other powers and fulfill all other duties conferred by this local law.

J. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, the Building Inspector may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.

§ 23-10. Required records and reports.

A. The Building Inspector shall keep permanent official records of all transactions and activities of the Building Department, including:

   (1) applications received;
   (2) permits and certificates issued;
   (3) fees charged and collected;
   (4) inspection reports and notices and orders issued;
   (5) plans, specifications and construction documents approved;
   (6) complaints recieving;
   (7) investigations conducted;
   (8) condition assessment reports received

B. All such records shall be public records open to public inspection during business hours.

C. The Building Inspector shall, monthly, submit to the Town Board a written report and summary of all business conducted by the Building Department, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending. The Building Inspector shall also submit an annual report related to administration and enforcement of the Uniform Code, on behalf
of the Town on a form prescribed by the Secretary of State, to the Secretary of State.

D. The Building Inspector shall upon request of the New York State Department of State provide to the New York State Department of State from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

§ 23-11. Cooperation of other officials required.

The Building Inspector may request and shall receive, so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

§ 23-12. Building permits required; applications.

A. No person, firm, corporation or association shall commence or cause to be commenced the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, relocation, or change in the nature of the occupancy of any building or structure nor shall any person, firm, corporation or association do any earth work, such as excavating, filling, blasting, changing the grade of any land or altering the course or bed of any natural water body, or cause the same to be done in preparation for such erection, construction, enlargement, alteration, improvement or conversion of any building or structure or for any accessory use to service such building or structure, such as parking facilities, without first obtaining a separate building permit from the Building Department for each such building or structure. No building permit shall be required for the performance of ordinary repairs as set forth herein, which are not structural in nature.

B. Ordinary Repairs as set forth in subdivision (A) shall mean:

(1) Painting, Wallpapering, Tiling, Carpeting, Siding, and Installing Same Size Windows, yard fences, playgrounds, and cosmetic finish work.

C. No person, firm, corporation or association shall install a solid fuel burning heating appliance, chimney or flue in any dwelling unit without first obtaining a building permit from the Building Department.

D. No person, firm, corporation or association shall commence or cause to be commenced any earth work or earthmoving activities whatsoever, such as excavation, clearing, stripping, filling, grading or removal, in preparation for any use of the land different than its current use without first obtaining approval of the Building Department to do so.

E. In the event that any of the activities set forth in subdivisions (A) and (B) result in or will result in significant impact on surrounding property lots or change to the existing lot(s), including increased drainage runoff, soil erosion or grade change in excess of 10%
overall, the Building Department shall, in its discretion:

(1) Deny approval for the same;

(2) Condition approval on prescribed drainage, runoff and erosion control measures; or

(3) Refer the application to the Town Planning Board for site plan review and approval in accordance with Chapter 57, Zoning, Article VI, of the Town Code.

F. Application for a building permit shall be made, in writing, to the Building Inspector on forms provided by the Building Department and shall contain the following information:

(1) A description of the land including the tax map number and street address on which the proposed work is to be done.

(2) A statement of the use or occupancy of all parts of the land and of the building or structure.

(3) Where applicable, a statement of special instructions prepared in accordance with the provisions of the Uniform Code.

(4) The valuation of the proposed work.

(5) The full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations.

(6) A brief description of the nature of the proposed work and whether it is to be performed after competitive bidding or otherwise.

(7) A duplicate set of plans and specifications as set forth in Subsection F of this Section in every case where the improvement is to be performed after competitive bids; otherwise, a duplicate set of plans and specifications procured or prepared by the building contractor who is to perform the work, by agreement with the owner or for his own account on property owned by him, which are deemed sufficient by the Building Inspector.

(8) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations, including the State Building Construction Code.

G. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in subdivision (I) of this Section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Building Inspector
in writing or by stamp. One set of the accepted construction documents shall be retained by the Building Inspector, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Building Department Personnel. However, the return of a set of accepted construction documents to the Applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be or has been issued. Work shall not be commenced until and unless a Building Permit is issued.

H. Applications shall be made by the owner or lessee or agent of either or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application. The Application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner.

I. Each application for a building permit shall be accompanied by at least two (2) copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the location of any existing or proposed well or septic system, and, where required by the Building Inspector, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings. The Building Inspector may waive the requirement for filing plans. Each application shall substantiate that the proposed work will comply with the Uniform Code, the Energy Code, and the Town Code.

J. Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector.

§ 23-13. Issuance or refusal of permit.

A. The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. The Building Inspector shall approve or disapprove the application within a reasonable time.

B. Upon approval of the application and upon receipt of the legal fees therefor, the Building Inspector shall issue a building permit to the applicant upon the form prescribed by the Town and shall affix his or her signature or cause it to be affixed thereto.

C. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word “approved.” One set of such approved plans and specifications shall be retained in the files of the Department of Buildings and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site open
to inspection by the Building Inspector or an authorized representative at all reasonable times.

D. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable building regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefore, to be transmitted to the applicant, in writing.


A. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six twelve (12) months after the date of its issuance. For good cause, the Building Inspector may allow a maximum of two extensions for periods not exceeding six (6) three months each. No building permit approval shall be granted extension beyond two (2) years from the first date of its issuance. An application for an extension must include the payment of an application fee.

B. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building laws, ordinances or regulations. All work shall conform to the approval application, plans and specifications, except that no building permit shall be valid insofar as it authorizes the performance of work or the use of materials which are not in accordance with the requirements of the applicable building regulations.


A. For each permit, the Applicant shall pay a fee to the Town in an amount determined by the Town Board.

B. If no permit is issued, the Applicant shall be entitled to a refund of 50% of the fee paid, provided that no construction has commenced. Upon completion of the work, the Building Inspector shall file the plans, if plans are required, accompanied by a Certificate of Completion.

C. Upon completion of the work for which a permit has been issued and prior to the issuance of a Certificate of Occupancy as hereinafter provided, the Applicant for such permit shall submit to the Building Inspector a sworn statement setting forth the true and correct cost of such work, and in the event the cost as set forth in such statement exceeds the estimated cost, the permit fees shall be recomputed in accordance with the schedule of fees hereinbefore provided and the deficiency paid to the Town.

§ 23-16. Revocation and Suspension of Building Permits.
The Building Inspector may revoke or suspend a building permit issued in the following instances:

A. Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.

B. Where he finds that the building permit was issued in error because of incorrect, inaccurate, or incomplete information, or the work for which the building permit was issued violates the Uniform Code, Energy Code, or the Town Code and should not have been issued in accordance with the applicable law.

C. Where he finds that the work performed under the building permit is not being completed in accordance with the provisions of the application, plans or specifications.

D. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

E. A building permit shall be suspended until such time as the Permit Holder demonstrates that all work is in compliance with applicable law and all work to be performed will be in compliance with applicable law.

§ 23-17. Issuance of Stop Orders.

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, the Building Inspector shall notify the owner of the property, or the owner’s agent, or the person performing the work, to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

§ 23-18. Department employees to have right of entry.

Any employee of the Buildings Department, upon the showing of proper credentials and in the discharge of the employee’s duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.


A. Contents of Certificates of Occupancy. A Certificate of Occupancy shall contain the
following information:

(1) the Building Permit number, if any;

(2) the date of issuance of the Building Permit, if any;

(3) the name, address and tax map number of the property;

(4) if the Certificate of Occupancy is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of the structure, if any;

(8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Building Inspector issuing the Certificate of Occupancy and the date of issuance.

B. No building hereafter erected shall be used or occupied in whole or in part until a Certificate of Occupancy shall have been issued by the Building Inspector.

C. No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit, shall continue to be occupied or used for more than 30 days after the completion of the alteration or work, unless a Certificate of Occupancy shall have been issued by the Building Inspector.

D. No change shall be made in the use or type of occupancy of an existing building unless a Certificate of Occupancy shall have been issued by the Building Inspector.


A. Before issuing a Certificate of Occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy; and the Building Inspector may conduct such inspections as the Building Inspector deems appropriate from time to time during and upon completion of
the work for which a building permit has been issued.

B. There shall be maintained in the Building Department a record of all such examinations and inspections, together with a record of findings of violations of the law.


A. The Building Inspector or his designee shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws including the Uniform Code, the Energy Code, and the Town Code, ordinances and regulations, and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Building Inspector shall issue a Certificate of Occupancy upon the form provided by him. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the applicant for the Certificate of Occupancy, shall be provided to the Building Inspector prior to issuance of the Certificate of Occupancy:

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a Certificate of Occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

B. The Certificate of Occupancy shall certify that the work has been completed and that the proposed use and occupancy are in conformity with the provisions of the applicable building laws, ordinances and regulations and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

C. Temporary Certificate. The Building Inspector shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Building Inspector issue a Temporary Certificate unless the Building Inspector determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and that all required means of egress from the building or structure have been provided. The Building Inspector may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time not to exceed six (6) months, which shall be determined by the Building Inspector.
and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

D. Revocation or suspension of certificates. If the Building Inspector determines that a Certificate of Occupancy or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.

A fee shall be charged and collected for the issuance of a Certificate of Occupancy shall and Temporary Certificate be established by resolution of the Town Board. Such fee may thereafter by amended from time to time by resolution of the Town Board. The fee specified in or determined in accordance with the provisions set forth in this Section must be paid at the time of submission of an application for a Certificate of Occupancy or Temporary Certificate.


Upon request, the Building Inspector may issue a Temporary Certificate of Occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.


Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform with the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

§ 23-23. Abatement of unsafe buildings and structures; collection of costs.

A. Purpose. Unsafe buildings pose a threat to life and property in the Town of Monroe. Buildings and structures may become unsafe by reason 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 be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building, including but not limited to buildings not maintained structurally; or which are under construction and which the construction stops for a period of time which makes the building unsafe; which are abandoned may also serve as a place of rodent or other animal infestation, thereby creating a health menace to the community. Debris, rubble or parts of buildings left on the ground and not removed constitute a dangerous, unhealthy and unsightly condition. Buildings which are structurally unsafe and/or unfinished present a
dangerous, unhealthy and unsightly condition which the health, safety, and welfare powers of the municipal government authorize the Town (but do not require the Town) to remedy. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Town of Monroe by requiring such unsafe buildings to be repaired or demolished and removed.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

BUILDING — Any building, structure or portion thereof used for residential, business, industrial, recreational or other purpose.

BUILDING INSPECTOR — The Building Inspector of the Town of Monroe or such other person appointed by the Town Board to enforce the provisions of this chapter.

PORTION OF BUILDING OR STRUCTURE — any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty.

UNSAFE BUILDING OR STRUCTURE — any building or structure or portion thereof which:

(1) Because of its structural condition, is or may become dangerous or unsafe to the public.

(2) Is open at the doorways or windows or walls or roof, making it accessible to and an object of attraction to minors under 18 years of age, as well as to wild animals, vagrants and other trespassers.

(3) Is or may become a place of rodent or other animal infestation.

(4) Consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.

(5) Presents any other danger to the health, safety, morals and general welfare of the public.

(6) Is unfit for the purposes for which it may lawfully be used.

C. Prohibited acts. It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Town of Monroe to maintain such building or structure or portion of any building or structure in any condition or manner which shall be unsafe as defined in § 23-23B of this chapter.

D. Investigation and report. When, in the opinion of the Building Inspector or Town Engineer (or both), any building or structure located in the Town of Monroe shall be deemed to be an unsafe building or structure to the public as defined in § 23-23B, the Building Inspector or Town Engineer shall make a formal inspection thereof and report,
in writing, to the Town Board of his findings and recommendations in regard to the building's or structure's removal or repair.

E. Action of Town Board upon receipt of report. The Town Board shall, upon receipt of the report, meet to consider the same and shall cause the same to be transmitted to the property owner. The transmittal notice shall include:

1. The name of the owner or person in possession as appears from the tax and deed records.

2. A brief description of the premises and its location.

3. A description of the building or structure which is unsafe or dangerous and a statement of the particulars in which it is unsafe or dangerous.

4. The recommendations of the Building Inspector or Town Engineer (or both) in regard to the building or structure's removal or repair.

5. That a hearing shall be held before the Town Board on the same, at which hearing the owner, occupant or other person having an interest in said premises shall have the right to contest the report of the Town Engineer or Building Inspector.

6. That in the event that such owner, occupant or other person having an interest in said premises shall fail to contest such order and/ or fail to comply with the same, the Town Board may, upon the conclusion of the hearing, order the repair or removal of such building or structure by the town and that the town will assess all costs and expenses, including but not limited to legal and engineering expenses, incurred in such repair or removal against the land on which such building or structure is located or will institute a special proceeding against the owner to collect the cost of repair or removal, including all legal and engineering expenses incurred in connection therewith.

F. Contents of hearing notice and hearing procedure.

1. The hearing set by the Town Board pursuant to § 23-23E(5), above, shall be upon at least five days notice. The Town Board shall attempt to cause one or more persons in the County of Orange having an interest in the building or structure to be served personally with the hearing notice. If after three attempts to personally serve an owner or person having an interest in the building, such service has not been successful, or if all persons known to have an interest in the building or structure appear not to be residents of the County of Orange after investigation by staff directed by the Town Supervisor to undertake such a review, a notice of the hearing shall be posted on the door of other suitable location of the building or structure which shall be plainly visible and shall be sent by first class and certified mail, return receipt requested to the owner or one of the owners, executors, legal representatives, agents, lessees or other person having a vested interest in the
premises as shown on the town tax records. If the Town tax bill is also sent to a mortgagee, the Town may, but shall not be required to cause such notice to be sent to such mortgagee. If personal service (delivered personally to one or more persons who appear as the record owner or owners of the property) was not accomplished, a notice of hearing shall also be published in the official newspaper of the Town.

(2) At such hearing, the Building Inspector or his or her assistant, or the Town Engineer, or both or all, shall discuss the report with the Town Board and make a recommendation to remediate the dangerous and unsafe condition. Thereafter, the property owner may be heard personally or by Counsel and provide such testimony or evidence as he or she shall deem warranted, including but not limited to testimony from a contractor or engineer. The formal rules of evidence under the CPLR shall not apply.

(3) The Town Board may adjourn the hearing until a later date, or close the hearing to oral testimony and allow the submission or written statements until a date specified in the Town Boards resolution closing the hearing from oral testimony. Likewise, if the Town Board is satisfied that the property owner has had opportunity to present evidence, the Town Board may close the hearing for testimony and render an order.

(4) Upon the failure of the property owner or his/her/its representative to appear and contest the evidence, the testimony of the Building Inspector or Town Engineer may be deemed, by the Town Board, as established.

G. Issuance of order and service and filing of order.

(1) Issuance of order.

(a) Upon the conclusion of the hearing and receipt of any written testimony prior to a date authorized for receipt of same by the Town Board, the Town Board shall issue an order:

[1] Confirming the Building Inspector or Town Enginee's recommendations; or
[2] Modifying such recommendations; or
[3] Determining no action is needed with respect to the building or structure.

(b) Such order shall require the property owner to commence such improvements to the building or structure or demolish the building or structure within 30 days and to be completed within 60 days unless the start or completion dates should be modified for good cause shown (such as imminent threat or anticipated seasonal change which would make the work's completion unlikely).
(2) Service of order.

(a) A copy of said order shall be personally served upon the owner or some one of the owners, executors, legal representatives, agents, lessees or other person having a vested interest in the premises as shown on the town tax records or in the records in the Orange County Clerk's office. Alternatively, if one or more of the owners of the property appeared by Counsel, service shall be permitted by certified mail to such Counsel.

(b) If no such person (owners, executors, legal representatives, agents, lessees or other person having a vested interest in the premises as shown on the town tax records) can be reasonably found for personal service (after the Town having made three attempts to do so within the County of Orange), then a copy of said notice shall be mailed to such person by registered mail addressed to his last known address, as shown on said records, and by securely affixing a copy of said notice upon said building or structure.

(c) In addition to either Subsection G (2) (a) or (b) immediately above, a copy of said notice shall be filed in the Orange County Clerk's office, which notice shall be filed in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency as therein provided. The notice so filed shall be effective for a period of one year from the date of filing and may be extended by the town for an additional period of one year thereafter upon the filing with the Orange County Clerk of a duly verified extension of notice which shall provide for extension thereof and refer to the name and address of the person against whom the notice was served, the date the original notice was filed and a statement that the Town elects to extend the effectiveness of said notice pursuant to this section of the Town Code. Such notice may be vacated only upon an order of a judge or justice of a court of record and of competent jurisdiction upon grounds sufficient to cancel a notice of pendency pursuant to § 6514 of the Civil Practice Law and Rules.

H. Future of property owner/agent to act.

If, after an order is transmitted pursuant to § 23-23G of this section, such order is not complied with, the Town Board may provide that such building or structure be made safe and secure or removed and demolished by town employees or by independent contractors. Except in emergency cases as herein provided, any contract for repair or demolishing and removal of a building or structure in excess of $20,000 shall be awarded through competitive bidding.

(1) Assessment of expenses. All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building and all reasonable and
necessary legal expenses incidental thereto, shall, at the option of the Town Board, either:

(a) Be assessed against the land on which such 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; or

(b) Be collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law § 78-b.

(2) Hearing on assessment of expenses.

(a) In the event that the Town takes any action as provided in this chapter which results in the incurring of any expenses and the Town Board seeks to assess such expenses against the land on which the building is located, the Town Board shall conduct a public hearing as to the amount of such expenses.

(b) Prior to the hearing, the Town shall cause to be served upon the owner a notice which shall contain in sum and substance the following statements:

[1] The name of the owner against whose property an assessment of expenses is being sought.


[3] That the Town Board has previously issued an order directing the owner of the premises to complete the work specified therein.

[4] That the work was not completed as requested by the order.

[5] That the Town took action in order to make the building or structure safe and secure or removed and demolished.

[6] That the Town incurred expenses (in an amount to be specified in the notice) as a result.

[7] That the Town is seeking to assess said expenses against the land on which such building or structure is or was located.

[8] The date, time and place of the hearing to be held before the Town Board, at which time the owner or his representative or agent shall have the right to contest the amount of expenses to be assessed or collected.

[9] That in the event that such owner or his representative or agent shall fail to appear and/or fail to successfully contest such expenses, the Town Board
shall levy such expenses against the land described in the notice and shall collect them in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

(3) Service of the notice required by § 23-23H shall be made by regular first class and certified mail, return receipt requested, to the record owner of the property as shown on the Town of Monroe assessment office; and on any person appearing on behalf of the property owner during any hearing occurring under this section; and at the option of the Town Board, personally on any property owner or tenant of the property appearing to be over the age of 18.

I. Emergencies. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building or structure is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the Building Inspector or Town Engineer to immediately cause the repair or demolition of such unsafe building or structure. The expenses of such repair or demolition, at the option of the Town Board, shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in § 23-23H(2)(a) hereof or shall be the subject of a special proceeding as provided in § 23-23H(2)(b) hereof.

J. Statutory authorization. This Section is promulgated pursuant to the authority contained in Municipal Home Rule Law § 10, Subdivision 1(ii)a(12) and d(3).


A. The Building Inspector shall review and investigate complaints submitted in writing which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance, or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding for a complaint shall include the following steps:

(1) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(2) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in this local law;

(3) if appropriate, issuing a Stop Order;

(4) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a
final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 23-25. Inter-municipal Agreements.

The Town Board may, by resolution, authorize the Town Supervisor to enter into an agreement in the name of the Town with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 23-26. Violations

A. Order to Remedy. The Building Inspector is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or the Town Code. An Order to Remedy shall be in writing; shall be dated and signed by the Building Inspector or his designee; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or the Town Code; shall specify the provision or provisions of the Uniform Code, the Energy Code, or the Town Code which is/are violated by the specified condition or activity; and shall include the following statement:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by ____________, which is thirty (30) calendar days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the Person served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Building Inspector may deem appropriate, during the period while such violation are being remedied. The Building Inspector shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Building Inspector shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any Owner or the Owner’s agent or a Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.
B. Appearance Tickets. The Building Inspector and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code, the Energy Code, or the Town Code.


A. It shall be unlawful for any Person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this Chapter or to fail in any manner to comply with a notice, directive or order of the Building Inspector or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved Building Permit or Certificate of Occupancy or Temporary Certificate.

B. Any person who shall fail to comply with a written order of the Building Department within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in the construction or use of any building, who shall knowingly violate any of the applicable provisions of this Chapter or any lawful order, notice, directive, permit or certificate of the Building Department made thereunder, shall be punishable by a fine of not more than $500 or 30 days in jail, or both. Each day that a violation continues shall be deemed a separate offense.

C. Except as provided otherwise by law, such a violation shall not be a crime, and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, if any person convicted thereof.

D. This Section shall not apply to violations of the provisions of the State Building Construction Code punishable under § 385 of the Executive Law of the State of New York, nor to violations of the provisions of the Multiple Residence Law punishable under § 304 of the Multiple Residence Law of the State of New York.


Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises; and these remedies shall be in addition to the penalties prescribed in the preceding section.

§ 23-29. Entity disclosure law.

A. Legislative findings and intent. The Town Board ("Board") of the Incorporated Town of
Monroe, New York ("Town"), hereby finds that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of all entities making land use applications before the Town to the extent possible to ensure that any and all potential conflicts of interest or other ethical concerns are properly disclosed and addressed by any and all affected parties. The Town finds and declares that there is no existing law that preempts the adoption of this section so that the public interests in open and transparent government and land use applications can be promoted by enactment of this section to require all land use applicants to supply information as to all limited and general members, shareholders, officers and directors or any other persons having control over such entity who applies for approval from the Town for any unincorporated areas within the Town. The Town Board further finds and declares:

(1) The Town Board finds that in connection with development or potential development in the unincorporated portions of the Town that land use applications may have a significant impact upon the health, safety and general welfare of the Town, its inhabitants and visitors, and upon existing uses, public services, traffic and the environment, in general.

(2) The Town Board further finds that under these circumstances the Town Board is required to be certain that anyone with any interest or controlling position of any limited liability company, partnership, limited partnership, joint venture, doing business name, corporation or association (hereinafter referred to as the "entity") who applies for any land use approval or permission from the Town must have no conflict of interest and that the disclosure of any member, shareholder, director, officer, beneficial owner, or authorized person (herein collectively the “nondisclosed person”) is required to be made in any land use application or request for any approval from the Town to be certain that no conflict of interest exists and without the disclosure of that nondisclosed person a meaningful review of any conflict cannot take place.

(3) Any “authorized person” as used herein shall mean a person, whether or not a nondisclosed person who is authorized to act or otherwise acts, solely or in conjunction with others, on behalf of an entity or to direct, influence or otherwise control the entity in any manner.

B. Disclosure requirement.

(1) Every nondisclosed person for any entity applying for land use approvals or permission to undertake any construction activity within the unincorporated portion of the Town shall complete an entity disclosure statement in the form approved by the Town Board from time to time by resolution and provide all information required in said form. Said statement shall be affirmed or sworn to under the penalty of perjury and shall be filed along with any such land use application or request for permission to undertake any construction activity within the Town.
(2) In the event that a land use project that has previously received approval is sold, assigned or otherwise transferred, whether by transfer of the property or transfer of the management or operation or both of the entity to another entity, the transferring entity shall notify the Town in writing, and any such succeeding entity must fully comply with this section before any work or other activity on the project shall be permitted to proceed, continue, or be completed.

(3) Said entity disclosure statement shall apply to any land use approvals or permission sought from the Building Inspector, the Town Board, the Town Planning Board or the Town Zoning Board of Appeals. The Town Board, Planning Board and Zoning Board of Appeals shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision, special permit, variance or other land use application or permit which relates directly, or indirectly, to any construction activity, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with any construction unless the application includes a fully completed entity disclosure statement signed and either sworn to or affirmed and submitted with said application to the respective Board.

(4) An entity disclosure statement is not required for any of the following activities:

(a) Construction of a private garage, not in excess of 500 square feet. Said building shall not be used for any other purpose than the storage of automotive vehicles;
(b) Construction of accessory structures, other than garages, not in excess of 300 square feet;
(c) Construction of outdoor decks, sidewalks, or porches;
(d) Construction of outdoor swimming pools;
(e) Installation of fences;
(f) Interior or exterior remodeling of a single-family detached residential dwelling in existence and with a valid certificate of occupancy as of the effective date this section, which does not involve any change of use or increase the size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
(g) Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
(h) Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this section;
(i) Construction of a private shed not exceeding 300 square feet; or
(j) Other minor improvements to dwellings or residential lots with an existing certificate of occupancy, after the Building Inspector has conferred with the Town Board, and the Town Board has rendered a determination that the
improvement falls within the scope and nature of the exemptions listed herein.

C. Penalties for offenses.

(1) Where an entity or its representative(s) refuses or otherwise fails to provide the information required under this section, the further processing of such application and any work related thereto ("the application") shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the entity has fully complied with all provisions of this section. In the event of any form of transfer of the property that is the subject of the application occurs or the ownership or management or both of the project is transferred in any manner to another entity during a pending suspension of the application under this section, the application shall remain suspended until such time as the succeeding entity shall appear before such board or official before whom the application is pending and obtain approval for any continued work in relation to the application in addition to compliance with this section. The Building Inspector is authorized to and shall issue a stop-work order on any project where an application has been suspended under this section.

(2) Any entity or authorized person or representative of an entity that provides no information or false information or grossly inaccurate information or otherwise makes any misrepresentation in any application shall, in addition to the suspension of any pending application as set forth in Subsection C(1) above, be subject to a civil penalty of 1% of the stated value of the applicant's project as reflected in its application or the fair market value of the applicant's proposed project (whichever is greater) for any violation of this section. The Town Building Inspector/Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process for a violation of this section.

(3) Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the people of the State of New York against the entity or any of its representatives in the Justice Court or County Court for any offenses where the conduct committed may constitute a violation of the New York State Penal Law or other criminal statutes.

(4) Civil Penalty. In addition to those penalties prescribed herein and by state law, any person or entity that violates any provision of this chapter shall be liable for all reasonable attorneys’ fees, costs, and disbursements incurred by the Town to recover this civil penalty in any legal action instituted in the name of this Town. In any such proceeding to collect a civil penalty or enforcement action, the Town shall be entitled to collect interest, costs, and disbursements incurred in connection with such proceeding and in addition reasonable counsel fees or a charge to reimburse the Town for expenditures for appraisers, accountants or other consultants employed by the Town.

D. Application of law. This section shall apply to all land use applications to and/or before

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


A. Operation Permits required. Operating Permits shall be required for conducting any activity listed in paragraphs (1), (2), or (3) below or operating any type of building or structure listed in paragraphs (4), (5), or (6) below:

1. manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1)-(4) of the 2015 edition of the International Fire Code as incorporated by reference in 19 NYCRR Part 1225, as may be amended from time to time;

2. hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, waste handling;

3. use of pyrotechnic devices in assembly occupancies;

4. buildings containing one or more areas of public assembly with an occupant load of 100 persons or more;

5. parking garages as defined in subdivision (a) of section 13 of this local law; and

6. buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to
commencing such activity or operation.

B. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantifies, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

C. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

D. Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

E. Duration of Operating Permits. Operating Permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

F. Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

G. Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid at the time of
submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.


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

1. Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

2. Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

3. Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every twenty-four (24) months.

B. Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

1. The request of the owner of the property to be inspected or an authorized agent of such owner;

2. Receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

3. Receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to
comply with the Uniform Code or Energy Code exist:

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law Section 156-e and Education Law Section 807-b.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in this local law must be paid prior to or at the time each inspection is performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.


If any section of this local law shall be held unconstitutional, invaled, or ineffective, in whoel or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

§ 23-31. § 23-34. Effective Date.

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