

VILLAGE OF OTISVILLE
PROPERTY MAINTENANCE CODE
ORDINANCE No. 97

AN ORDINANCE REGARDING THE PROPERTY MAINTENANCE CODE OF LEASED, RENTED, COMMERCIAL AND INDUSTRIAL PROPERTY STRUCTURES.

THE VILLAGE OF OTISVILLE ORDAINS:

ARTICLE 1 GENERAL

100.1 TITLE:

THESE REGULATIONS SHALL BE KNOWN AS THE PROPERTY MAINTENANCE CODE OF THE VILLAGE OF OTISVILLE HEREINAFTER REFERRED TO AS THE PROPERTY MAINTENANCE CODE OR "THIS CODE".

100.2 SCOPE:

THIS CODE IS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE IN ALL EXISTING STRUCTURES OF LEASED, RENTED, COMMERCIAL AND INDUSTRIAL PROPERTY, AND ON ALL EXISTING LEASED, RENTED, COMMERCIAL AND INDUSTRIAL PREMISES AS HEREINAFTER PROVIDED BY:

1. ESTABLISHING MINIMUM BASIC MAINTENANCE STANDARDS FOR ALL STRUCTURES AND PREMISES FOR BASIC EQUIPMENT AND FACILITIES FOR LIGHT, VENTILATION, SPACE HEATING AND SANITATION; FOR SAFETY FROM FIRE; FOR SPACE, USE AND LOCATIONS; AND FOR SAFE AND SANITARY MAINTENANCE OF ALL COVERED STRUCTURES NOW IN EXISTENCE;
2. FIXING THE RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS OF ALL STRUCTURES, AND;
3. PROVIDING FOR ADMINISTRATION, ENFORCEMENT, AND PENALTIES.

100.3 INTENT:

THIS CODE SHALL BE CONSTRUED LIBERALLY AND JUSTLY TO ENSURE PUBLIC HEALTH, SAFETY AND WELFARE INSOFAR AS THEY ARE AFFECTED BY THE MAINTENANCE OF STRUCTURES AND PREMISES.

100.4 OTHER REGULATIONS:

THE PROVISIONS IN THIS CODE SHALL NOT BE CONSTRUED TO PREVENT THE ENFORCEMENT OF OTHER ORDINANCES OR REGULATIONS WHICH PRESCRIBE STANDARDS OTHER THAN ARE PROVIDED HEREIN.

100.5 APPLICATION OF BUILDING CODE:

ANY REPAIRS OR ALTERATIONS TO A STRUCTURE OR CHANGES OF USE THEREIN, WHICH MAY BE CAUSED DIRECTLY OR INDIRECTLY BY THE ENFORCEMENT OF THIS CODE SHALL BE DONE IN ACCORDANCE WITH THE PROCEDURES AND PROVISIONS OF THE BUILDING CODE.

100.5 EXISTING REMEDIES:

THE PROVISIONS IN THIS CODE SHALL NOT BE DEEMED TO ABOLISH OR IMPAIR EXISTING REMEDIES OF THE JURISDICTION OR ITS OFFICERS OR AGENCIES RELATING TO THE REMOVAL OR DEMOLITION OF ANY BUILDINGS WHICH ARE DEEMED TO BE DANGEROUS, UNSAFE, OR UNSANITARY.

100.6 TRAVEL TRAILERS AND MOBILE HOMES:

ALL MOVEABLE UNITS USED FOR HUMAN OCCUPANCY AND THE AREAS, GROUNDS OR PARCELS ON WHICH THEY ARE LOCATED, INsofar AS THEY ARE APPLICABLE THERETO, SHALL COMPLY WITH THE REQUIREMENTS OF THIS CODE.

101.0 VALIDITY:

101.1 VALIDITY:

IF ANY SECTION, SUBSECTION, PARAGRAPH, SENTENCE, CLAUSE OR PHRASE OF THIS CODE SHALL BE DECLARED INVALID FOR ANY REASON WHATSOEVER, SUCH DECISION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS CODE WHICH SHALL CONTINUE IN FULL FORCE AND EFFECT, AND TO THIS END THE PROVISIONS OF THIS CODE ARE DECLARED TO BE SEVERABLE.

101.2 SAVING CLAUSE:

THIS CODE SHALL NOT AFFECT VIOLATIONS OF ANY OTHER ORDINANCE, CODE OR REGULATION EXISTING PRIOR TO THE EFFECTIVE DATE HEREOF, AND ANY SUCH VIOLATION SHALL BE GOVERNED AND SHALL CONTINUE TO BE PUNISHABLE TO THE FULL EXTENT OF THE LAW UNDER THE PROVISIONS OF THOSE ORDINANCES, CODES OR REGULATIONS IN EFFECT AT THE TIME THE VIOLATION WAS COMMITTED.

102.0 EXISTING STRUCTURES:

102.1 EXISTING STRUCTURES:

AS PROVIDED IN SECTION 100.0, THIS CODE ESTABLISHES MINIMUM REQUIREMENTS FOR INITIAL AND CONTINUED OCCUPANCY AND USE OF ALL STRUCTURES AND PREMISES AND DOES NOT REPLACE OR MODIFY REQUIREMENTS OTHERWISE ESTABLISHED BY ORDINANCE WHICH MAY BE ADDITIONAL OR MORE STRINGENT FOR CONSTRUCTION REPAIR, ALTERATION, OR USE OF STRUCTURES, EQUIPMENT OR FACILITIES.

103.0 ENFORCEMENT AUTHORITY:

103.1 OFFICER:

IT SHALL BE THE DUTY AND RESPONSIBILITY OF THE CODE OFFICIAL TO ENFORCE THE PROVISIONS OF THIS CODE HEREIN AS PROVIDED.

103.2 RELIEF FROM PERSONAL LIABILITY:

ANY CODE OFFICIAL, OFFICER OR EMPLOYEE WHO ACTS IN GOOD FAITH AND WITHOUT MALICE IN THE DISCHARGE OF HIS DUTIES OF ENFORCEMENT OF THIS CODE IS RELIEVED OF ALL PERSONAL LIABILITY FOR ANY DAMAGE THAT MAY ACCRUE TO PERSONS OR PROPERTY AS A RESULT AS A RESULT OF SUCH ACTS OR ALLEGED FAILURE TO ACT. FURTHER, HE SHALL NOT BE HELD LIABLE FOR ANY COSTS IN ANY ACTION, SUIT OR PROCEEDING THAT MAY BE INSTITUTED BY HIM IN THE ENFORCEMENT OF THIS CODE. IN ANY OF THESE ACTIONS, THE OFFICIAL OR EMPLOYEE SHALL BE DEFENDED OR REPRESENTED BY THE JURISDICTION'S ATTORNEY-AT-LAW UNTIL THE FINAL TERMINATION OF THE PROCEEDINGS.

103.3 OFFICIAL RECORDS:

AN OFFICIAL RECORD SHALL BE KEPT OF ALL BUSINESS AND ACTIVITIES OF THE DEPARTMENT SPECIFIED IN THE PROVISIONS OF THIS CODE, AND ALL SUCH RECORDS SHALL BE OPEN TO THE PUBLIC INSPECTION AT ALL APPROPRIATE TIMES AND UNDER REASONABLE REGULATIONS ESTABLISHED BY THE CODE OFFICIAL TO MAINTAIN THE INTEGRITY AND SECURITY OF SUCH RECORDS.

104.0 DUTIES AND POWERS OF COD OFFICIAL

104.1 GENERAL:

THE CODE OFFICIAL SHALL ENFORCE ALL THE PROVISIONS OF THIS CODE RELATIVE TO THE MAINTENANCE OF STRUCTURES AND PREMISES, EXCEPT AS MAY BE SPECIFICALLY PROVIDED FOR BY OTHER REGULATIONS.

104.2 NOTICES AND ORDERS:

THE CODE OFFICIAL SHALL ISSUE ALL NECESSARY NOTICES AND ORDERS TO ABATE ILLEGAL OR UNSAFE CONDITIONS TO ENSURE COMPLIANCE WITH THE CODE REQUIREMENTS FOR SAFETY, HEALTH, AND GENERAL WELFARE OF THE PUBLIC.

104.3 INSPECTIONS:

IN ORDER TO SAFEGUARD THE SAFETY, HEALTH AND WELFARE OF THE PUBLIC, THE CODE OFFICIAL IS AUTHORIZED TO ENTER ANY STRUCTURE OR PREMISES AT ANY REASONABLE TIME FOR THE PURPOSE OF MAKING INSPECTIONS AND PERFORMING HIS DUTIES UNDER THE CODE.

104.3.1 RIGHT OF ENTRY:

IF ANY OWNER, OCCUPANT, OR OTHER PERSON IN CHARGE OF A STRUCTURE SUBJECT TO THE PROVISIONS OF THIS CODE REFUSES, IMPEDES, INHIBITS, INTERFERES WITH, RESTRICTS OR OBSTRUCTS ENTRY AND FREE ACCESS TO ANY PART OF THE STRUCTURE OR PREMISES WHERE INSPECTION AUTHORIZED BY THIS CODE IS SOUGHT, THE ADMINISTRATIVE AUTHORITY MAY SEEK,

IN A COURT OF COMPETENT JURISDICTION, AN ORDER THAT SUCH OWNER, OCCUPANT OR OTHER PERSON IN CHARGE CEASE AND DESIST WITH SUCH INTERFERENCE.

104.3.2 ACCESS BY OWNER OR OPERATOR:

EVERY OCCUPANT OF A STRUCTURE OR PREMISES SHALL GIVE THE OWNER OR OPERATOR THEREOF, OR HIS AGENT OR EMPLOYEE, ACCESS TO ANY PART OF SUCH STRUCTURE OR ITS PREMISES AT REASONABLE TIMES FOR THE PURPOSE OF MAKING SUCH INSPECTION, MAINTENANCE, REPAIRS, OR ALTERATIONS AS ARE NECESSARY TO COMPLY WITH THE PROVISION OF THIS CODE.

104.4 CREDENTIALS:

THE CODE OFFICIAL OR HIS AUTHORIZED AGENT SHALL DISCLOSE PROPER CREDENTIALS OF HIS RESPECTIVE OFFICE FOR THE PURPOSE OF INSPECTING ANY AND ALL BUILDINGS AND PREMISES IN THE PERFORMANCE OF HIS DUTIES UNDER THIS CODE.

104.5 COORDINATION OF ENFORCEMENT:

INSPECTION OF PREMISES, THE ISSUANCE OF NOTICES AND ORDERS AND ENFORCEMENT THEREOF SHALL BE THE RESPONSIBILITY OF CODE OFFICIALS SO CHARGED BY THE JURISDICTION. WHENEVER, IN THE OPINION OF A CODE OFFICIAL INITIATING AN INSPECTION UNDER THIS CODE, IT IS DEEMED NECESSARY OR DESIRABLE TO HAVE INSPECTIONS BY OTHER DEPARTMENTS, HE SHALL MAKE REASONABLE EFFORTS TO ARRANGE FOR THE COORDINATION OF SUCH INSPECTIONS SO AS TO MINIMIZE THE NUMBER OF VISITS BY INSPECTORS, AND TO CONFER WITH THE OTHER DEPARTMENTS FOR THE PURPOSE OF ELIMINATING CONFLICTING ORDERS BEFORE ANY ARE ISSUED. A DEPARTMENT SHALL NOT, HOWEVER, DELAY THE ISSUANCE OF ANY EMERGENCY ORDERS WHICH IT DETERMINES MUST BE ISSUED.

104.6 RULE MAKING AUTHORITY:

THE VILLAGE COUNCIL SHALL HAVE THE POWER AS MAY BE NECESSARY IN THE INTEREST OF PUBLIC SAFETY, HEALTH, AND GENERAL WELFARE, TO ADOPT AND PROMULGATE RULES AND REGULATIONS TO INTERPRET AND IMPLEMENT THE PROVISIONS OF THIS CODE TO SECURE THE INTENT THEREOF AND TO DESIGNATE REQUIREMENTS APPLICABLE BECAUSE OF LOCAL CLIMATIC OR OTHER CONDITIONS; BUT SUCH RULES SHALL NOT HAVE THE EFFECT OF WAIVING WORKING STRESSES OR FIRE PROTECTION REQUIREMENTS SPECIFICALLY PROVIDED IN THIS CODE OR VIOLATING ACCEPTED ENGINEERING PRACTICE INVOLVING PUBLIC SAFETY.

104.7 QUARTERLY REPORT:

AT LEAST QUARTERLY, THE CODE OFFICIAL SHALL SUBMIT TO THE CHIEF AUTHORITY OF THE JURISDICTION A WRITTEN STATEMENT OF OPERATIONS IN THE FORM AND CONTENT AS SHALL BE PRESCRIBED BY SUCH AUTHORITY.

105.0 CONDEMNATION:

105.1 GENERAL:

WHEN A STRUCTURE OR PART THEREOF IS FOUND BY THE CODE OFFICIAL TO BE UNSAFE, OR WHEN A STRUCTURE OR PART THEREOF IS FOUND UNFIT FOR HUMAN OCCUPANCY OR USE, OR IS FOUND UNLAWFUL, IT MAY BE CONDEMNED PURSUANT TO THE PROVISIONS OF THIS CODE AND MAY BE PLACARDED AND VACATED. IT SHALL NOT BE RE-OCCUPIED WITHOUT THE APPROVAL OF THE CODE OFFICIAL. UNSAFE COMMERCIAL OR INDUSTRIAL EQUIPMENT SHALL BE PLACARDED AND PLACED OUT OF SERVICE.

1. AN UNSAFE STRUCTURE IS ONE IN WHICH ALL OR PART THEREOF IS FOUND TO BE DANGEROUS TO LIFE, HEALTH, PROPERTY, OR THE SAFETY OF THE PUBLIC OR ITS OCCUPANTS BECAUSE OF DAMAGE, DECAY, DILAPIDATED, STRUCTURALLY UNSAFE, OR OF SUCH FAULTY CONSTRUCTION OR UNSTABLE FOUNDATION THAT IT IS LIKELY TO PARTIALLY OR COMPLETELY COLLAPSE.
2. UNSAFE EQUIPMENT INCLUDES ANY BOILER, HEATING EQUIPMENT, ELEVATOR, MOVING STAIRWAY, ELECTRICAL WIRING OR DEVICE, FLAMMABLE LIQUID CONTAINERS OR OTHER EQUIPMENT ON THE PREMISES OR WITHIN THE STRUCTURE WHICH IS IN SUCH DISREPAIR OR CONDITION THAT IS FOUND TO BE HAZARD TO LIFE, HEALTH, PROPERTY OR SAFETY OF THE PUBLIC OR OCCUPANTS OF THE PREMISES OR STRUCTURE. UNSAFE EQUIPMENT MAY CONTRIBUTE TO THE FINDING THAT THE STRUCTURE IS UNSAFE OR UNFIT FOR HUMAN OCCUPANCY OR USE.
3. A STRUCTURE IS UNFIT FOR HUMAN OCCUPANCY OR USE WHENEVER THE CODE OFFICIAL FINDS THAT IT IS UNSAFE, UNLAWFUL OR BECAUSE OF THE DEGREE IN WHICH IT LACKS MAINTENANCE OR IS IN DISREPAIR, IS UNSANITARY, WERE IN OR RODENT INFESTED, CONTAINS FILTH AND CONTAMINATION, OR LACKS VENTILATION, ILLUMINATION, SANITARY OR HEATING FACILITIES OR OTHER ESSENTIAL EQUIPMENT REQUIRED BY THIS CODE, OR BECAUSE ITS LOCATION CONSTITUTES A HAZARD TO ITS OCCUPANTS OR TO THE PUBLIC.
4. AN UNLAWFUL STRUCTURE IS ONE FOUND IN WHOLE OR IN PART TO BE OCCUPIED BY MORE PERSONS THAN PERMITTED UNDER THIS CODE, OR WAS ERECTED, ALTERED OR OCCUPIED CONTRARY TO LAW.

105.2 CLOSING OF VACANT STRUCTURES:

IF THE STRUCTURE OR PART THEREOF IS VACANT AND UNFIT FOR HUMAN HABITATION, OCCUPANCY OR USE AND IS NOT IN DANGER OF STRUCTURAL COLLAPSE, THE CODE OFFICIAL MAY POST A PLACARD OF CONDEMNATION ON THE PREMISES AND MAY ORDER THE STRUCTURE CLOSED UP SO IT WILL NOT BE AN ATTRACTIVE NUISANCE TO YOUNGSTERS. UPON FAILURE OF THE OWNER TO CLOSE UP THE PREMISES WITHIN THE SPECIFIED TIME IN THE ORDER, THE CODE OFFICIAL SHALL CAUSE IT TO BE CLOSED THROUGH ANY AVAILABLE PUBLIC AGENCY OR BY CONTRACT OR ARRANGEMENT BY PRIVATE PERSONS AND THE COST THEREOF SHALL BE CHARGED AGAINST THE REAL ESTATE UPON WHICH THE STRUCTURE IS LOCATED AND SHALL BE A LIEN UPON SUCH REAL ESTATE.

105.3 NUISANCE:

THE WORK "NUISANCE" SHALL BE HELD TO EMBRACE PUBLIC NUISANCE AS KNOWN AT COMMON LAW OR IN EQUITY JURISPRUDENCE; AN WHATEVER IS DANGEROUS TO HUMAN LIFE OR DETRIMENTAL TO HEALTH; WHICHEVER DWELLING IS OVERCROWDED WITH OCCUPANTS OR IS NOT PROVIDED WITH ADEQUATE INGRESS AND EGRESS TO AND FROM THE SAME, OR IS NOT SUFFICIENTLY SUPPORTED, HEATED, VENTILATED, SEWERED, DRAINED, CLEANED OR LIGHTED, IN REFERENCE TO ITS INTENDED OR ACTUAL USE; AND WHATEVER RENDERS THE AIR OR HUMAN FOOD OR DRINK UNWHOLESOME, ARE ALSO SEVERALLY, IN CONTEMPLATION OF THIS CODE, NUISANCES, AND ALL SUCH NUISANCES ARE HEREBY DECLARED ILLEGAL.

106.0 NOTICES AND ORDERS:

106.1 NOTICE TO OWNER OR TO PERSON OR PERSONS RESPONSIBLE:

WHENEVER THE CODE OFFICIAL DETERMINES THAT THERE HAS BEEN A VIOLATION OF THIS CODE OR HAS REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION HAS OCCURRED, OR WHENEVER HE HAS CONDEMNED ANY STRUCTURE OR EQUIPMENT UNDER THE PROVISIONS OF SECTION 105.0, HE SHALL GIVE NOTICE TO THE OWNER OR PERSON OR PERSONS RESPONSIBLE THEREOF IN THE MANNER PRESCRIBED BELOW. IF HE HAS CONDEMNED THE PROPERTY OR PARTS THEREOF, HE SHALL GIVE NOTICE TO THE OWNER OR PERSON OR PERSONS RESPONSIBLE THEREOF IN THE MANNER PRESCRIBED BELOW. IF HE HAS CONDEMNED THE PROPERTY OR PARTS THEREOF, HE SHALL GIVE NOTICE TO THE OWNER AND THE OCCUPANTS OF HIS INTENT TO PLACARD AND TO VACATE THE PROPERTY OR TO ORDER EQUIPMENT OUT OF SERVICE.

106.2 FORM:

SUCH NOTICE PRESCRIBED IN SECTION 106.1 SHALL:

1. BE IN WRITING
2. INCLUDE A DESCRIPTION OF THE REAL ESTATE SUFFICIENT FOR IDENTIFICATION,
3. INCLUDE A STATEMENT OF THE REASON OR REASONS WHY IT IS BEING ISSUED,
4. INCLUDE A CORRECTION ORDER ALLOWING A REASONABLE TIME FOR THE REPAIRS AND IMPROVEMENTS REQUIRED TO BRING THE DWELLING UNIT OR STRUCTURE INTO COMPLIANCE WITH THE PROVISION OF THIS CODE, AND
_____ OR WITHDRAWAL OF THE NOTICE BY
PETITION TO AN APPEALS BOARD OR APPROPRIATE REVIEW BOARD.

106.3 SERVICE:

SUCH SERVICE SHALL BE DEEMED TO BE PROPERLY SERVED UPON SUCH OWNER IF A COPY IS DELIVERED TO HIM PERSONALLY; OR BY LEAVING THE NOTICE AT THE USUAL PLACE OF ABODE, IN THE PRESENCE OF SOMEONE IN THE FAMILY OF SUITABLE AGE AND DISCRETION WHO SHALL BE INFORMED OF THE CONTENTS THEREOF; OR BY CERTIFIED OR REGISTERED MAIL ADDRESSED TO THE OWNER AT HIS LAST KNOWN ADDRESS WITH RETURN RECEIPT REQUESTED; OR IF THE

CERTIFIED OR REGISTERED LETTER IS RETURNED WITH RECEIPT SHOWING THAT IT HAS NOT BEEN DELIVERED, BY POSTING A COPY THEREOF IN A CONSPICUOUS PLACE IN OR ABOUT THE STRUCTURE AFFECTED BY SUCH NOTICE, AND PUBLISHING SUCH NOTICE IN A LOCAL NEWSPAPER OR GENERAL CIRCULATION AT LEAST ONCE A WEEK FOR THREE (3) CONSECUTIVE WEEKS.

106.3.1 SERVICE ON OCCUPANT:

WHEN A CONDEMNATION ORDER IS SERVED ON AN OCCUPANT OTHER THAN THE OWNER OR PERSON RESPONSIBLE FOR SUCH COMPLIANCE, A REASONABLE TIME TO VACATE THE PROPERTY AFTER NON-COMPLIANCE SHALL BE STATED. OWNERS OR PERSONS RESPONSIBLE FOR COMPLIANCE MUST VACATE AT THE TIME SET FOR CORRECTION OF DEFECTS IF THERE IS FAILURE OF COMPLIANCE.

106.4 PENALTIES:

PENALTIES FOR NON-COMPLIANCE OF ORDERS AND NOTICES SHALL BE SUBJECT TO THE PENALTIES SET FORTH IN SECTION 109.2.

106.5 TRANSFER OF OWNERSHIP:

IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY DWELLING UNIT OR STRUCTURE WHO HAS RECEIVED A COMPLIANCE ORDER OR UPON WHOM A NOTICE OF VIOLATION HAS BEEN SERVED TO SELL, TRANSFER, MORTGAGE, LEASE OR OTHERWISE DISPOSE OF TO ANOTHER UNTIL THE PROVISIONS OF THE COMPLIANCE ORDER OR NOTICE OF VIOLATION HAVE BEEN COMPLIED WITH, OR UNTIL SUCH OWNER SHALL FIRST FURNISH THE GRANTEE, TRANSFEREE, MORTGAGEE OR LESSEE A TRUE COPY OF ANY COMPLIANCE ORDER OR NOTICE OF VIOLATION ISSUED BY THE CODE OFFICIAL AND SHALL FURNISH TO THE CODE OFFICIAL A SIGNED AND NOTARIZED STATEMENT FROM THE GRANTEE, TRANSFEREE, MORTGAGEE OR LESSEE ACKNOWLEDGING THE RECEIPT OF SUCH COMPLIANCE ORDER OR NOTICE OF VIOLATIONS AND FULLY ACCEPTING THE RESPONSIBILITY WITHOUT CONDITION FOR MAKING THE CORRECTIONS OR REPAIRS REQUIRED BY SUCH COMPLIANCE ORDER OR NOTICE OF VIOLATION.

107.0 PLACARDING

107.1 PLACARDING OF STRUCTURE:

AFTER THE CONDEMNATION NOTICE REQUIRED UNDER THE PROVISIONS OF THIS CODE HAS RESULTED IN AN ORDER BY VIRTUE OF FAILURE TO COMPLY WITHIN THE TIME GIVEN, THE CODE OFFICIAL MAY POST ON THE PREMISES OR STRUCTURE OR PARTS THEREOF, OR ON DEFECTIVE EQUIPMENT, A PLACARD BARING THE WORDS: CONDEMNED AS UNFIT FOR HUMAN OCCUPANCY OR USE, AND A STATEMENT OF THE PENALTIES PROVIDED FOR ANY OCCUPANCY OR USE OR FOR REMOVING THE PLACARD. THE OWNER OR PERSON OR PERSONS RESPONSIBLE FOR THE CORRECTION OF VIOLATIONS SHALL HAVE REMOVED THEMSELVES FROM THE PROPERTY ON FAILURE TO COMPLY WITH THE CORRECTION ORDER IN TIME SPECIFIED, BUT OTHER OCCUPANTS SHALL BE GIVEN A REASONABLE TIME THEREAFTER TO VACATE.

107.2 PROHIBITED USE:

ANY PERSON WHO SHALL OCCUPY A PLACARDED PREMISES OR STRUCTURE OR PART THEREOF, OR SHALL USE PLACARDED EQUIPMENT AND ANY OWNER OR ANY PERSON RESPONSIBLE FOR THE PREMISES WHO SHALL LET ANYONE OCCUPY A PLACARDED PREMISE SHALL BE LIABLE FOR THE PENALTIES PROVIDED BY THIS CODE.

107.3 REMOVAL OF PLACARD:

THE CODE OFFICIAL SHALL REMOVE THE CONDEMNATION PLACARD WHENEVER THE DEFECT OR DEFECTS UPON WHICH THE CONDEMNATION AND PLACARDING ACTION WERE BASED HAVE BEEN ELIMINATED. ANY PERSON WHO DEFACES OR REMOVES A CONDEMNATION PLACARD WITHOUT THE APPROVAL OF THE OFFICIAL SHALL BE SUBJECT TO THE PENALTIES PROVIDED BY THIS CODE.

108.0 EMERGENCY ORDERS:

108.1 GENERAL:

WHENEVER A CODE OFFICIAL FINDS THAT AN EMERGENCY EXISTS ON ANY PREMISES, OR IN ANY STRUCTURE OR PART THEREOF, OR ON ANY DEFECTIVE EQUIPMENT WHICH REQUIRES IMMEDIATE ACTION TO PROTECT THE PUBLIC'S HEALTH AND SAFETY OR THAT OF THE OCCUPANTS THEREOF, HE MAY, WITH PROPER NOTICE AND SERVICE IN ACCORD WITH THE GENERAL PROVISIONS OF SECTION 106.0 ISSUE AN ORDER RECITING THE EXISTENCE OF SUCH AN EMERGENCY AND REQUIRING THE VACATION OF THE PREMISES OR SUCH ACTION TAKEN AS HE DEEMS NECESSARY TO MEET SUCH EMERGENCY. NOTWITHSTANDING OTHER PROVISIONS OF THIS CODE, SUCH ORDER SHALL BE EFFECTIVE IMMEDIATELY, AND THE PREMISES OR EQUIPMENT INVOLVED SHALL BE PLACARDED IMMEDIATELY UPON SERVICE OF THE ORDER.

109.0 VIOLATIONS:

109.1 UNLAWFUL ACTS:

IT SHALL BE UNLAWFUL FOR ANY PERSON FIRM OR CORPORATION TO ERECT, CONSTRUCT, ALTER, EXTEND, REPAIR, REMOVE, DEMOLISH, USE OR OCCUPY ANY STRUCTURE OR EQUIPMENT REGULATED BY THIS CODE, OR CAUSE SAME TO BE DONE, CONTRARY TO OR IN CONFLICT WITH OR IN VIOLATION OF ANY PROVISION OF THIS CODE.

109.2 PENALTY:

ANY PERSON, FIRM OR CORPORATION, WHO SHALL VIOLATE ANY PROVISION OF THIS CODE SHALL UPON CONVICTION HEREOF, BE SUBJECT TO A FINE OF LESS THAN \$25.00 OR MORE THAN \$100.00 OR IMPRISONMENT FOR A TERM NOT TO EXCEED 90 DAYS, OR BOTH, AT THE DISCRETION OF THE COURT. EACH DAY THAT A VIOLATION CONTINUES AFTER DUE NOTICE HAS BEEN SERVED, IN ACCORDANCE WITH THE TERMS AND PROVISIONS HEREOF, SHALL BE DEEMED A SEPARATE OFFENSE.

109.3 PROSECUTION:

IN CASE ANY VIOLATION ORDER IS NOT PROMPTLY COMPLIED WITH THE CODE OFFICIAL MAY REQUEST THE JURISDICTION'S LEGAL REPRESENTATIVE TO INSTITUTE AN APPROPRIATE ACTION OR PROCEEDING AT LAW TO EXACT THE PENALTY PROVIDED IN SECTION 109.2, AND IN ADDITION THERETO, MAY ASK THE LEGAL REPRESENTATIVE TO PROCEED AT LAW OR IN EQUITY AGAINST THE PERSON RESPONSIBLE FOR THE VIOLATION FOR THE PURPOSE OF ORDERING HIM:

1. TO RESTRAIN, CORRECT OR REMOVE THE VIOLATION OR REFRAIN FROM ANY FURTHER EXECUTION OF WORK;
2. TO RESTRAIN OR CORRECT THE ERECTION, INSTALLATION, OR ALTERATION OF SUCH STRUCTURE;
3. TO REQUIRE THE REMOVAL OF WORK IN VIOLATION, OR;
4. TO PREVENT THE OCCUPATION OR USE OF THE STRUCTURE, OR PART THEREOF ERECTED, CONSTRUCTED, INSTALLED OR ALTERED IN VIOLATION OF, OR NOT IN COMPLIANCE WITH THE PROVISION OF THIS CODE, OR IN VIOLATION OF A PLAN OR SPECIFICATION UNDER WHICH AN APPROVAL, PERMIT OR CERTIFICATE WAS ISSUED.

110.0 RIGHT TO APPEAL:

110.1 RIGHT TO APPEAL:

ANY OWNER OR PERSON WHO IS AGGRIEVED WITH THE RULING OR DECISION OF THE ENFORCING OFFICER IN ANY MATTER RELATIVE TO THE INTERPRETATION OR ENFORCEMENT OF ANY OF THE PROVISION OF THE CODE MAY APPEAL THE DECISION OR INTERPRETATION.

110.2 BOARD OF APPEALS:

THE BOARD OF APPEALS SHALL BE THE VILLAGE BOARD OF APPEALS.

110.3 RULES, PROCEDURES, FEES, ACTIONS:

THE BOARD OF APPEALS SHALL MAKE SUCH RULES AND PRESCRIBE SUCH PROCEDURES AS MAY BE NECESSARY FOR ITS OPERATION IN CONFORMITY WITH THIS ORDINANCE. THE BOARD OF APPEALS SHALL MAINTAIN A PERMANENT OFFICIAL RECORD OF ALL ITS TRANSACTIONS, SUCH RECORDS TO BE CONSIDERED THE SAME AS ANY PUBLIC RECORD. WHERE THERE IS A SHOWING OF FINANCIAL DISTRESS SUCH THAT PAYMENT OF REGISTRATION FEE REQUIRED UNDER THIS CODE WOULD RESULT IN HARDSHIP, THE BOARD OF APPEALS MAY WAIVE THE PAYMENT OF SUCH FEE. IN NO CASE SHALL THE ENFORCING OFFICIAL OR OFFICIALS CHARGED WITH THE ENFORCEMENT OF THIS CODE BE LIABLE FOR COSTS IN ANY ACTION OR PROCEEDINGS THAT MAY BE COMMENCED IN PURSUANCE OF THIS CODE, EXCEPT THAT SUCH OFFICIALS OR MEMBERS OF THE BOARD OF APPEALS MAY BE REQUIRED, UNDER PROPER PROCEDURES, TO SHOW CAUSE WHY CERTAIN ACTIONS WERE TAKEN OR DECISIONS RENDERED.

110.4 DUTIES OF THE BOARD OF APPEALS, METHOD TO FILE APPEAL:

THE BOARD OF APPEALS SHALL CONSIDER APPEALS FROM THE DECISION OF THE OFFICIAL OR OFFICIALS CHARGED WITH THE ENFORCEMENT OF THIS CODE IN ORDER THAT THE PROVISIONS

OF THE CODE MAY BE REASONABLE APPLIED AND SUBSTANTIAL JUSTICE DONE WHERE PRACTICAL DIFFICULTIES ARE APPARENT OR UNNECESSARY HARDSHIP WOULD RESULT IN CARRYING OUT THE STRICT LETTER OF THIS CODE. THE VILLAGE BOARD OF APPEALS MAY REVERSE OR AFFIRM, WHOLLY OR IN PART, OR MAY MODIFY THE ORDER, REQUIREMENT, DECISION OR DETERMINATION FROM THE BUILDING INSPECTOR AND SHALL MAKE SUCH DETERMINATION AS IN ITS OPINION OUGHT TO BE MADE IN THE PREMISES, IF THE CASE INVOLVED IS, IN THEIR JUDGMENT, NOT IN VIOLATION OF THE INTENT OF THE CODE AND IF THE PUBLIC HEALTH AND SAFETY WILL NOT BE JEOPARDIZED.

APPEALS FROM THE DECISIONS OF THE OFFICIAL OR OFFICIALS CHARGED WITH THE ENFORCEMENT OF THIS CODE MAY BE MADE TO THE VILLAGE BOARD OF APPEALS. THE APPELLANT SHALL FILE WITH THE SECRETARY OF THE BOARD OF APPEALS A NOTICE OF APPEAL SPECIFYING THE GROUNDS THEREOF. THE VILLAGE BUILDING INSPECTOR SHALL FORTHWITH TRANSMIT TO THE VILLAGE BOARD OF APPEALS ALL OF THE PAPERS CONSTITUTING THE RECORD UPON WHICH THE ACTIONS APPEALED FROM WERE TAKEN. APPEALS WILL BE HEARD AT THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD OF APPEALS. IN THE EVENT THE NOTICE OF VIOLATION WAS ISSUED AS THE RESULT OF A CONDITION CONSTITUTING AN IMMEDIATE DANGER TO LIFE, HEALTH OR SAFETY OF THE OCCUPANT OR THE PUBLIC, THE SECRETARY OF THE BOARD OF APPEALS SHALL, WITHIN FORTY-EIGHT HOURS OF THE FILING OF A NOTICE OF APPEAL, NOTIFY THE BOARD OF APPEALS OF THE RECEIPT OF THE NOTICE OF APPEAL AND ASCERTAIN THE EARLIEST DATE A QUORUM CAN BE OBTAINED AND A SPECIAL MEETING HELD. THE SECRETARY SHALL NOTIFY THE AGGRIEVED PARTY IN WRITING OF THE TIME AND PLACE OF THE MEETING. THE BOARD OF APPEALS SHALL RENDER A DECISION WITH FIVE (5) DAYS AFTER SAID MEETING. THE DECISION OF THE BOARD OF APPEALS SHALL BE FINAL.

111.0 DEMOLITION

111.1 DEMOLITION OF BUILDINGS:

WHENEVER THE VILLAGE BUILDING INSPECTOR FINDS THAT A STRUCTURE QUALIFIES FOR DEMOLITION BY REASON OF THE FACT THAT IT HAS BEEN DAMAGED BY FIRE, COLLAPSE, OR AN ACT OF GOD TO SUCH AN EXTENT THAT THE COST OF REPAIR OR REHABILITATION EXCEEDS THREE-QUARTERS (3/4) OF THE ASSESSED VALUATION OF THE STRUCTURE AT THE TIME THE DAMAGE OCCURRED. OR THAT THE STRUCTURE IS DAMAGED BY WEAR AND TEAR, DETERIORATION AND DEPRECIATION TO SUCH AN EXTENT THAT THE COST OF REPAIR AND REHABILITATION TO PLACE IT IN A SAFE SOUND AND SANITARY CONDITION EXCEEDS ONE HUNDRED PERCENT (100) OF THE ASSESSED VALUATION AT THE TIME WHEN THE REPAIRS AND REHABILITATION ARE TO BE MADE, AND THE INTERESTED PARTY OR PARTIES HAVE FAILED TO COMPLY WITH THE NOTICE OF VIOLATION DIRECTING REMEDIAL ACTION, THE ENFORCING OFFICER MAY REQUEST THAT THE VILLAGE BOARD OF APPEALS ISSUE ITS FINDINGS THAT THE STRUCTURE SO QUALIFIES.

UPON RECEIPT OF THE ENFORCING OFFICER'S REQUEST, THE BOARD OF APPEALS SHALL SET A TIME AND PLACE FOR A HEARING AND A WRITTEN NOTICE THEREOF SHALL BE GIVEN NO LESS

THAN FIFTEEN (15) DAYS IN ADVANCE TO ALL INTERESTED PARTIES. SAID NOTICE SHALL BE IN A FORM APPROVED BY THE VILLAGE ATTORNEY, AND SERVED PERSONALLY IF THE PARTY CAN BE FOUND. IF AFTER DILIGENT EFFORT, A PARTY CANNOT BE FOUND WITHIN THE VILLAGE OF OTISVILLE, THE NOTICE MAY BE SERVED BY REGISTERED OR CERTIFIED MAIL, POSTAGE PREPAID. IN THE EVENT THAT A PARTY CANNOT BE FOUND WITHIN THE VILLAGE AND NO ADDRESS IS KNOWN OR CAN BE FOUND FOR HIM, UPON APPROVAL OF THE VILLAGE ATTORNEY THE NOTICE MAY BE SERVED BY PUBLICATION AT LEAST TEN (10) DAYS PRIOR TO THE DATE SET FOR THE HEARING, IN A NEWSPAPER OF GENERAL CIRCULATION IN THE VILLAGE OF OTISVILLE. IN EVERY CASE A COPY OF THE NOTICE SHALL BE POSTED IN A PROMINENT PLACE ON THE DWELLING OR STRUCTURE AT LEAST FIFTEEN (15) DAYS PRIOR TO THE HEARING.

FOR THE PURPOSE OF THIS SECTION, AN INTERESTED PARTY SHALL BE ANY PERSON OR ENTITY LISTED ON THE ASSESSMENT ROLL, FOUND UPON THE PREMISES, OR REVEALED BY A STANDARD SEARCH OF THE TITLE THEREOF. PROOF OF SERVICE OF THE NOTICE UPON ALL INTERESTED PARTIES SHALL BE FILLED WITH THE BOARD OF APPEALS ON OR BEFORE THE DATE OF THE HEARING.

AT THE HEARING THE BOARD OF APPEALS SHALL RECEIVE TESTIMONY EVIDENCE UNDER OATH INTO THE QUESTION. AN INTERESTED PARTY SHALL HAVE THE RIGHT TO COUNSEL OF HIS OWN CHOICE, TO INTRODUCE RELEVANT EVIDENCE, TO CROSS EXAMINE WITNESSES, AND BE FULLY HEARD. THE ENFORCING OFFICER MAY BE REPRESENTED BY COUNSEL ASSIGNED BY THE VILLAGE ATTORNEY. THE BOARD OF APPEALS SHALL DEFINE BY RULE THE CONDUCT BOARD OF APPEALS SHALL REQUIRE THAT PHOTOGRAPHS SUFFICIENT AND ADEQUATE TO PORTRAY THE EXTERIOR CONDITION OF THE STRUCTURE, AND WHERE POSSIBLE THE INTERIOR OF THE STRUCTURE, BE SUBMITTED TO IT AND ENTERED INTO ITS FILES.

THE BOARD OF APPEALS SHALL DETERMINE ITS FINDINGS BY A PREPONDERANCE OF ALL THE EVIDENCE AND ENTER THE SAME IN WRITING. IF THE BOARD OF APPEALS SHALL FIND THAT THE STRUCTURE QUALIFIES FOR DEMOLITION AS AFORESAID, THE WRITTEN FINDINGS SHALL RECITE THE BASIS THEREOF IN SUFFICIENT DETAIL TO IDENTIFY THE EVIDENCE RELIED UPON TO REACH THE FINDING. CERTIFIED COPIES OF THE FINDING SHALL BE DISTRIBUTED TO THE ENFORCING OFFICER AND EACH INTERESTED PARTY.

112.0 REGISTRATION AND INSPECTION

112.1 REGISTRY OF AGENT'S NAME:

EVERY OWNER, AGENT OR LESSEE OF A LEASED/OR RENTED MULTIPLE DWELLING OR COMMERCIAL STRUCTURE SHALL FILE WITH THE VILLAGE OF OTISVILLE A NOTICE CONTAINING THE NAME AND ADDRESS OF THE AGENT OF SUCH PROPERTY FOR THE PURPOSE OF RECEIVING PROCESS AND/OR GRANTING PERMISSION FOR THE ENTRY ON AND INTO THE SAID PREMISES. THE NAME OF THE OWNER OR LESSEE MAY BE FILED AS AGENT FOR THIS PURPOSE OR RECEIVING PROCESS. THE NAME OF THE OWNER OR LESSEE MAY BE FILED AS AGENT FOR THIS PURPOSE AND SUCH NOTICE AS REQUIRED HEREIN MAY BE FILED BY MAIL.

112.2 INSPECTIONS:

EVERY OWNER, LESSEE OR AGENT OR LEASED, RENTAL, MULTIPLE DWELLING, OR COMMERCIAL STRUCTURE SHALL ON OR BEFORE THE FIRST DAY OF JULY OF EACH YEAR, FILE WITH THE VILLAGE OF OTISVILLE A "REGISTRATION AND APPLICATION FOR INSPECTION" OF SUCH PROPERTY. THE REQUEST SHALL CONTAIN THE AGENT'S NAME AND ADDRESS, THE LOCATION OF THE PROPERTY STREET AND NUMBER AND LEGAL DESCRIPTION, THE NUMBER OF ROOMS, IF A ROOMING HOUSE OR HOTEL; THE NUMBER OF APARTMENTS; THE NUMBER OF ROOMS IN EACH APARTMENT AND THE NUMBER OF FAMILIES OCCUPYING THE APARTMENTS.

AN INSPECTION SHALL BE CONDUCTED IN THE MANNER BEST CALCULATED TO SECURE COMPLIANCE WITH THIS ORDINANCE AND APPROPRIATE TO THE NEEDS OF THE VILLAGE.

INSPECTIONS MAY BE MADE ON ONE OF THE FOLLOWING BASES:

1. AN AREA BASIS, SUCH THAT ALL REGULATED PREMISES IN A PRE-DETERMINED GEOGRAPHICAL AREA WILL BE INSPECTED SIMULTANEOUSLY, OR WITHIN A SHORT PERIOD OF TIME,
2. OR A COMPLAINT BASIS, SUCH THAT THOSE PREMISES WHICH ARE FOUND TO HAVE A HIGH INCIDENCE OF RECURRENT OR UNCORRECTED VIOLATIONS WILL BE INSPECTED MORE FREQUENTLY,
3. OR A RECURRENT VIOLATION BASIS, SUCH THAT THOSE PREMISES WHICH ARE FOUND TO HAVE A HIGH INCIDENCE OF RECURRENT OR UNCORRECTED VIOLATIONS WILL BE INSPECTED MORE FREQUENTLY.

AN INSPECTOR, OR TEAM OF INSPECTORS, MAY REQUEST PERMISSION TO ENTER ALL REGULATED PREMISES AT REASONABLE HOURS TO UNDERTAKE AN INSPECTION. UPON AN EMERGENCY AS DEFINED UNDER THE RULES PROMULGATED BY THE VILLAGE COUNCIL, THE INSPECTOR OR TEAM OF INSPECTORS SHALL HAVE THE RIGHT TO ENTER AT ANY TIME.

AN INSPECTION SHALL BE CARRIED OUT BY THE ENFORCING OFFICER AND HE ALSO MAY INCLUDE SUCH REPRESENTATIVES OR OTHER VILLAGE AGENCIES AS MAY FORM A TEAM TO UNDERTAKE THE INSPECTION UNDER THIS AND OTHER APPLICABLE ORDINANCES.

THE FEES FOR INSPECTION UNDER THIS PROVISION SHALL BE SPECIFIED, BY THE VILLAGE COUNCIL. ANY NOTICE OR APPLICATION REQUIRED TO BE FILED AND ANY FEE REQUIRED TO BE PAID PURSUANT TO THIS SECTION MAY BE PAID OR FILED BY MAIL.

112.3 Non-EMERGENCY, WARRANT, CONTENTS:

IN A NONEMERGENCY SITUATION WHERE THE OWNER OR OCCUPANT DEMANDS A WARRANT FOR INSPECTION OF THE PREMISES, THE ENFORCING OFFICER SHALL OBTAIN A WARRANT FROM A COURT OF COMPETENT JURISDICTION. SAID OFFICER SHALL PREPARE THE WARRANT, STATING THE ADDRESS OF THE BUILDING TO BE INSPECTED, THE NATURE OF THE INSPECTION, AS DEFINED IN THIS OR OTHER APPLICABLE ORDINANCE, AND THE REASONS FOR THE INSPECTION. IT SHALL BE APPROPRIATE AND SUFFICIENT TO SET FORTH THE BASIS FOR INSPECTION (E.G.,

COMPLAINT, AREA OR RECURRENT VIOLATION BASIS) ESTABLISHED IN THIS ORDINANCE, IN OTHER APPLICABLE ORDINANCES OR IN RULES AND REGULATIONS. THE WARRANT SHALL ALSO STATE THAT IT IS FOR THE PURPOSE SET FORTH IN THIS AND OTHER ORDINANCES WHICH REQUIRE THAT INSPECTIONS BE CONDUCTED.

IF THE COURT FINDS THAT THE WARRANT IS IN PROPER FORM AND IN ACCORD WITH THIS SECTION, IT SHALL BE ISSUED FORTHWITH.

112.4 INSPECTION IN PUBLIC INTEREST; RECORD OF INSPECTION; CHECKLIST OF VIOLATIONS:
IT IS THE POLICY OF THE VILLAGE OF OTISVILLE THAT THE INSPECTION PROCEDURE SET FORTH IN THIS ORDINANCE IS ESTABLISHED IN THE PUBLIC INTEREST, TO SECURE THE HEALTH AND SAFETY OF THE OCCUPANTS OF THE BUILDING AND OF THE GENERAL PUBLIC.

THE VILLAGE BUILDING INSPECTOR SHALL MAKE AVAILABLE TO THE GENERAL PUBLIC A CHECKLIST OF COMMONLY RECURRING VIOLATIONS FOR USE IN EXAMINING PREMISES OFFERED FOR OCCUPANCY.

112.5 ISSUANCE OF CERTIFICATE OF COMPLIANCE; VIOLATIONS NOT TO PREVENT ISSUANCE; HEALTH OR SAFETY HAZARDS, NON-ISSUANCE:

NO LEASED, RENTED, COMMERCIAL OR INDUSTRIAL STRUCTURE SHALL BE OCCUPIED UNLESS A CERTIFICATE OF COMPLIANCE HAS BEEN ISSUED BY THE ENFORCING OFFICER. THE CERTIFICATE SHALL BE ISSUED ONLY UPON AN INSPECTION OF THE PREMISES BY THE ENFORCEMENT OFFICER.

A VIOLATION OF THIS ORDINANCE SHALL NOT PREVENT THE ISSUANCE OF A CERTIFICATE; BUT THE ENFORCING OFFICER SHALL NOT ISSUE A CERTIFICATE WHEN THE EXISTING CONDITIONS CONSTITUTE A HAZARD TO THE HEALTH OR SAFETY OF THOSE WHO OCCUPY THE PREMISES.

INSPECTIONS SHALL BE MADE PRIOR TO THE FIRST OCCUPANCY OF STRUCTURES IF THE CONSTRUCTION OR ALTERATION IS COMPLETED AND THE FIRST OCCUPANCY WILL OCCUR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE. WHERE FIRST OCCUPANCY WILL OCCUR BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE, INSPECTION SHALL BE MADE WITHIN ONE (1) YEAR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE. UPON FINDING THAT THERE IS NO CONDITION THAT WOULD CONSTITUTE A HAZARD TO THE HEALTH AND SAFETY OF THE OCCUPANTS AND THAT THE PREMISES ARE OTHERWISE FIT FOR OCCUPANCY, THE CERTIFICATE SHALL BE ISSUED. IF THE FINDING IS A CONDITION THAT WOULD CONSTITUTE A HAZARD TO HEALTH OR SAFETY, NO CERTIFICATE SHALL BE ISSUED AND AN ORDER TO COMPLY WITH THE ORDINANCE SHALL BE ISSUED. IF THE FINDING IS A CONDITION THAT WOULD CONSTITUTE A HAZARD TO HEALTH OR SAFETY, NO CERTIFICATE SHALL BE ISSUED AND AN ORDER TO COMPLY WITH THE ORDINANCE SHALL BE ISSUED IMMEDIATELY AND SERVED UPON THE OWNER IN ACCORDANCE WITH SECTION 112.2. ON REINSPECTION AND PROOF OF COMPLIANCE, THE ORDER SHALL BE RESCINDED AND THE CERTIFICATE ISSUED.

NO LEASED, RENTED, COMMERCIAL OR INDUSTRIAL BUILDING SHALL BE SOLD OR LEASED TO ANOTHER WITHOUT THE TRANSFER OF A VALID CERTIFICATE OF THE COMPLIANCE TO THE NEW OWNER OR LESSEE UNLESS THE SELLER SHALL TRANSFER TO THE BUYER A VALID CERTIFICATE OF COMPLIANCE. THE CERTIFICATE OF COMPLIANCE HEREIN PROVIDED FOR SHALL HAVE BEEN OBTAINED BY THE SELLER DURING THE CURRENT REGISTRATION YEAR. IN THE EVENT THE SELLER DOES NOT HAVE A VALID CERTIFICATE OF COMPLIANCE, HE SHALL SO INFORM THE BUYER. THE TRANSFER OF A VALID CERTIFICATE OF COMPLIANCE HEREIN PROVIDED FOR MAY BE WAIVED BY MUTUAL AGREEMENT BETWEEN THE PARTIES PROVIDED THAT SUCH WAIVER IS ACCOMPANIED BY A LIST OF EXISTING VIOLATIONS PREPARED AND SIGNED BY THE BUILDING INSPECTOR OF THE VILLAGE OF OTISVILLE AND SHALL BE DATED NOT MORE THAN TWELVE (12) MONTHS PRIOR TO THE DATE OF THE SALE AND/OR SHALL BE THE MOST CURRENT DURING THE PRESENT REGISTRATION YEAR. THE LIST OF VIOLATIONS SHALL BE ATTACHED TO AND MADE A PART OF THE WAIVER OF CERTIFICATE OF COMPLIANCE PROVIDED FOR HEREIN DESCRIBED IN THE FOLLOWING PARAGRAPHS.

WAIVER OF CERTIFICATE OF COMPLIANCE

NOTICE: DO NOT SIGN IN BLANK; DO NOT SIGN WITHOUT READING

_____ (NAME OF SELLER) PROPOSES TO SELL CERTAIN REAL ESTATE LOCATED AT _____ (STREET) AND DESCRIBED MORE PARTICULARLY AS FOLLOWS: (INSERT LEGAL DESCRIPTION) AND _____ (NAME OF SELLER) IS UNABLE TO TRANSFER TO _____ (BUYER) A VALID CERTIFICATE OF COMPLIANCE AS REQUIRED BY SECTION 112.5 OF THE PROPERTY MAINTENANCE CODE OF THE VILLAGE OF OTISVILLE.

THEREFORE, IT IS UNDERSTOOD THAT THE SELLER'S INABILITY TO SO TRANSFER A VALID CERTIFICATE OF COMPLIANCE MEANS THAT THE PROPERTY TO BE SOLD IS NOT IN COMPLIANCE WITH THE PROPERTY MAINTENANCE CODE OF THE VILLAGE OF OTISVILLE AND CONTAINS DEFECTS WHICH MUST BE CORRECTED, SUCH DEFECTS BEING LISTED ON THE NOTICE OF VIOLATION ATTACHED HERETO.

IT IS FURTHER UNDERSTOOD THE BUYER SIGNING THIS WAIVER ACKNOWLEDGES THE FACT THAT THE PROPERTY TO BE PURCHASED BY HIM/HER IS IN VIOLATION OF THE PROPERTY MAINTENANCE CODE OF THE VILLAGE OF OTISVILLE AND CONTAINS CERTAIN DEFECTS WHICH MUST BE CORRECT AND THAT IN THE EVENT A SALE IS CONSUMMATED, THE BUYER WILL BE REQUIRED TO CORRECT SAID DEFECTS AND WILL BE SUBJECT TO THE FINES AND PENALTIES PROVIDED IN THE PROPERTY MAINTENANCE CODE OF THE VILLAGE OF OTISVILLE FOR FAILURE TO DO SO UNLESS A VARIANCE IS OBTAINED FROM THE VILLAGE BOARD OF APPEALS. IT IS ALSO UNDERSTOOD THAT THE OCCUPANCY OF THE BUYER WITHOUT CORRECTION OF THE DEFECTS OR OBTAINING THE NECESSARY VARIANCE IS A VIOLATION OF THE PROPERTY MAINTENANCE CODE OF THE VILLAGE OF OTISVILLE AND SUBJECTS THE BUY TO THE FINES AND PENALTIES THEREIN PROVIDED.

IT IS FINALLY UNDERSTOOD AND AGREED THAT THE PARTIES DO HEREBY WAIVE THE TRANSFER OF A VALID CERTIFICATE OF COMPLIANCE BY THE SELLER TO THE BUYER AS REQUIRED BY THE PROPERTY MAINTENANCE CODE OF THE VILLAGE OF OTISVILLE.

IN THE PRESENCE OF:

(NAME OF SELLER)

(NAME OF BUYER)

(ADDRESS OF BUYER)

THE FORM HEREIN SET FORTH SHALL BE SECURED FROM THE VILLAGE BUILDING INSPECTOR AND A COPY THEREOF, FULLY EXECUTED BY ALL PARTIES, SHALL BE RETURNED TO SAID INSPECTOR FOR FILING FOLLOWING CONSUMMATION OF THE SALE.

IN THE EVENT THE BUYER WISHES TO PURCHASE A BUILDING FOR A PURPOSE OTHER THAN OCCUPYING SAID PREMISES, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY, PROVIDED SAID BUYER OBTAINS A DEMOLITION PERMIT FOR DEMOLITION OF SAID STRUCTURE WITHIN SIX (6) MONTHS FROM THE DATE OF SALE. IN NO EVENT SHALL SUCH PREMISES BE OCCUPIED.

112.6 WITHHOLDING CERTIFICATES PENDING COMPLIANCE; CONTINUED VACANCY OF UNOCCUPIED PREMISES:

VACATION OF OCCUPIED PREMISES UNTIL COMPLIANCE; CONDITIONS OF ISSUANCE; SUSPENSION OF CERTIFICATE AND VACATION; SUSPEND RENTALS; CONDITIONS; REVIVAL OF RENTAL OBLIGATION; DISPOSITION OF RENTALS DURING PERIOD OF SUSPENSION; TERMINATION PRIOR TO REPAIRS; ACTIONS FOR RENT AND POSSESSION UNDER CERTAIN CONDITIONS.

WHEN A CERTIFICATE OF COMPLIANCE IS WITHHELD PENDING COMPLIANCE, NO PREMISES WHICH HAVE NOT BEEN OCCUPIED SHALL BE SO OCCUPIED, AND THOSE PREMISES WHICH HAVE BEEN OR ARE OCCUPIED MAY BE ORDERED VACATED UNTIL REINSPECTION AND PROOF OF COMPLIANCE AT THE DISCRETION OF THE BUILDING INSPECTOR.

A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED ON CONDITION THAT THE PREMISES REMAIN IN SAFE, HEALTHFUL AND FIT CONDITION FOR OCCUPANCY. IF UPON REINSPECTION THE ENFORCING AGENCY DETERMINES THAT CONDITIONS EXIST WHICH CONSTITUTE A HAZARD TO HEALTH OR SAFETY, THE CERTIFICATE SHALL BE IMMEDIATELY SUSPENDED AS TO AFFECTED AREAS, AND THE AREAS MAY BE VACATED AS PROVIDED IN THE PRECEDING PARAGRAPH HEREOF.

THE DUTY TO PAY RENT IN ACCORDANCE WITH ANY LEASE OR AGREEMENT OR UNDER THE PROVISION OF ANY STATUTE SHALL BE SUSPENDED AND THE SUSPENDED RENTALS SHALL BE PAID INTO AN ESCROW ACCOUNT DURING THAT PERIOD WHEN THE PREMISES HAVE NOT BEEN ISSUED A CERTIFICATE OF COMPLIANCE, OR WHEN SUCH CERTIFICATE, ONCE ISSUED, HAS BEEN SUSPENDED. THIS SUBSECTION DOES NOT APPLY UNTIL THE OWNER HAS HAD A REASONABLE TIME AFTER THE EFFECTIVE DATE OF THIS ORDINANCE OR AFTER NOTICE OF VIOLATION TO MAKE APPLICATION FOR A TEMPORARY CERTIFICATE, AS PROVIDED IN SECTION 112.7 NOR DOES THIS SUBSECTION APPLY WHERE THE OWNER ESTABLISHES THAT THE CONDITIONS WHICH CONSTITUTE A HAZARD TO HEALTH OR SAFETY WERE CAUSED BY THE OCCUPANT OR OCCUPANTS. THE RENT, ONCE SUSPENDED, SHALL AGAIN BECOME DUE IN ACCORDANCE WITH THE TERMS OF THE LEASE OR AGREEMENT OR STATUTE FROM AND AFTER THE TIME OF REINSTATEMENT OF THE CERTIFICATE, OR WHERE A TEMPORARY CERTIFICATE HAS BEEN ISSUED.

RENT DUE FOR THE PERIOD DURING WHICH RENT IS SUSPENDED SHALL BE PAID INTO AN ESCROW ACCOUNT, TO BE PAID THEREAFTER TO THE LANDLORD OR ANY OTHER PARTY AUTHORIZED TO MAKE REPAIRS OR TO DEFRAY THE COST OF CORRECTING THE VIOLATIONS.

WHEN A CERTIFICATE OF COMPLIANCE HAS BEEN SUSPENDED, OR HAS NOT BEEN ISSUED, AND RENTS THEREAFTER ARE NOT PAID INTO THE ESCROW ACCOUNT, ACTIONS FOR RENT AND FOR POSSESSION OF THE PREMISES FOR NONPAYMENT OF RENT MAY BE MAINTAINED, SUBJECT TO SUCH DEFENSE AS THE TENANT OR OCCUPANT MAY HAVE UPON THE LEASE OR CONTRACT.

112.7 APPLICATION FOR CERTIFICATE OF COMPLIANCE; INSPECTIONS AND ISSUANCE PROCEDURES; CONDITIONS FOR ISSUANCE OF TEMPORARY CERTIFICATES; TIME FOR APPLICATION; APPLICATION BY OCCUPANT IN DEFAULT OF OWNER; FEE.

AN OWNER SHALL APPLY FOR A CERTIFICATE OF COMPLIANCE. INSPECTION AND ISSUANCE OF CERTIFICATE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ORDINANCE AND WITH PROCEDURES ESTABLISHED BY THE ENFORCING AGENCY. THE ENFORCING AGENCY MAY AUTHORIZE THE ISSUANCE OF TEMPORARY CERTIFICATES WITHOUT INSPECTION FOR THOSE PREMISES IN WHICH THERE ARE NOT VIOLATIONS OF RECORD AS OF THE EFFECTIVE DATE OF THIS ORDINANCE, AND SHALL ISSUE SUCH TEMPORARY CERTIFICATES UPON APPLICATION IN CASES WHERE INSPECTIONS ARE NOT CONDUCTED WITHIN A REASONABLE TIME. TEMPORARY CERTIFICATES SHALL ALSO BE ISSUED FOR PREMISES WITH VIOLATIONS OF RECORD, WHETHER EXISTING BEFORE OR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, WHEN THE OWNER CAN SHOW PROOF OF HAVING UNDERTAKEN TO CORRECT SUCH CONDITIONS, OR WHEN A RECEIVER HAS BEEN APPOINTED, OR WHEN AN OWNER REHABILITATION PLAN HAS BEEN ACCEPTED BY THE BOARD OF APPEALS.

AN APPLICATION FOR CERTIFICATE SHALL BE MADE WHEN THE OWNERS, OR ANY OF THEM, ENROLL IN THE REGISTRY OF OWNERS AND PREMISES. IF THE OWNER FAILS TO REGISTER, ANY OCCUPANT OF UNREGISTERED OR UNCERTIFIED PREMISES MAY MAKE APPLICATION.

ALL INSPECTION FEES SHALL BE PAID BY THE OWNERS AT THE TIME OF REGISTRATION OR INSPECTION IN ACCORDANCE WITH THE SCHEDULE OF FEES.

112.8 WAIVER OF ANNUAL INSPECTION; REFUND OF INSPECTION FEES.

THE ENFORCING AGENCY MAY WAIVE THE ANNUAL INSPECTION ON ANY BUILDING PROVIDING THAT THE BUILDING WOULD QUALIFY FOR A "TEMPORARY CERTIFICATE" WHEREBY THERE ARE NO VIOLATIONS OF RECORD AND WHEREBY THE PROPERTY IS PROPERLY MAINTAINED TO AVOID ANY HEALTH OR SAFETY VIOLATIONS. THE ENFORCING AGENCY MAY WAIVE THIS ANNUAL INSPECTION FOR UP TO TWO (2) YEARS. THIS WAIVER SHALL BECOME INVALID, UPON A COMPLAINT INSPECTION WHICH RESULTS IN A VIOLATION NOTICE BEING ISSUED FOR HEALTH OR SAFETY VIOLATIONS. IN ALL CASES EVERY LEASED OR RENTED MULTIPLE DWELLING OR COMMERCIAL STRUCTURE SHALL BE INSPECTED ONCE EVERY THREE (3) YEARS. IN THE EVENT THAT THE INSPECTION IS WAIVED, THE FEE FOR SUCH INSPECTION SHALL ALSO BE WAIVED.

THE ENFORCING AGENCY SHALL CAUSE A NOTICE TO BE PUBLISHED WHICH SHALL INDICATE THE, DATES, PLACE AND PURPOSE FOR A PUBLIC HEARING ON ANNUAL INSPECTIONS. THESE HEARINGS SHALL BE HELD ON THE REGULAR BOARD OF APPEALS MEETING IN SEPTEMBER AT EIGHT O'CLOCK IN THE EVENING (8 P.M.) EACH AND EVERY YEAR TO ALLOW THE OWNER AND/OR AGENT OF A MULTIPLE DWELLING, LEASED, OR RENTED, OR COMMERCIAL STRUCTURE TO REQUEST THAT HIS PROPERTY NOT BE SUBJECTED TO ANNUAL INSPECTION AND THAT THE INSPECTION FEE BE WAIVED FOR THE UPCOMING REGISTRATION YEAR. THE APPLICANT SHALL PERSONALLY APPEAR AT THE HEARING PLACE AND SUBMIT TO REVIEW OF THE INSPECTION HISTORY FILE ON THEIR PROPERTY. WAIVERS WILL NOT BE GRANTED IF THE INSPECTION RECORD REVEALS AN OUTSTANDING HEALTH AND/OR SAFETY VIOLATION, OR IF THE RECORD INDICATES ANY ONGOING MAINTENANCE VIOLATIONS. DENIAL OF A WAIVER REQUEST ON MAINTENANCE ITEMS WILL BE MADE ON THE JUDGEMENT OF THE VILLAGE BOARD OF APPEALS. IN ALL CASES THE VILLAGE BUILDING INSPECTOR WILL MAKE A WRITTEN RECOMMENDATION ON THE APPEAL. THIS RECOMMENDATION WILL BE SUBMITTED TO THE VILLAGE BOARD OF APPEALS FOR A FINAL DECISION WITHIN TWENTY-ONE (21) DAYS AFTER THE CLOSING OF THE HEARING. IF THE RECOMMENDATION IS NOT IN FAVOR OF THE APPLICANT, THEY WILL BE INFORMED AT THE HEARING THAT ANY FURTHER INFORMATION OR CONCERNS MUST BE SUBMITTED IN WRITING WITHIN TWENTY-ONE (21) DAY TO THE VILLAGE BOARD OF APPEALS.

112.9 RECORDING OF VIOLATION IN REGISTRY; NOTICE; CONTENTS; CORRECTIONS OF VIOLATIONS; INSPECTION.

IF, UPON INSPECTION, THE PREMISES OR ANY PART THEREOF ARE FOUND IN VIOLATION OF ANY PROVISION OF THIS ORDINANCE, THE VIOLATION SHALL BE PLACED IN THE REGISTRY OF OWNERS AND PREMISES.

THE OWNER, THE OCCUPANT, SHALL BE NOTIFIED IN WRITING OF THE EXISTENCE OF THE VIOLATION. THE NOTICE SHALL STATE THE DATE OF INSPECTION, THE NAME OF THE INSPECTOR, THE NATURE OF THE VIOLATION AND THE TIME WITHIN WHICH THE CORRECTION SHALL BE COMPLETED.

A VIOLATION WHICH IS DETERMINED BY THE INSPECTOR TO CONSTITUTE A HAZARD TO THE HEALTH OR SAFETY OF THE OCCUPANTS, UNDER CIRCUMSTANCES WHERE THE PREMISES CANNOT BE VACATED, SHALL BE ORDERED CORRECTED WITH THE SHORTEST REASONABLE TIME AND NOTICE OF HAVING BEGUN COMPLIANCE SHALL BE GIVEN THE VILLAGE BUILDING INSPECTOR BY THE OWNER WITHIN THREE (3) DAYS. ALL OTHER VIOLATIONS SHALL BE CORRECTED WITHIN A REASONABLE TIME.

THE VILLAGE BUILDING INSPECTOR SHALL REINSPECT AFTER SUCH REASONABLE TIME FOR THE PURPOSE OF ASCERTAINING WHETHER THE VIOLATIONS HAVE BEEN CORRECTED.

ARTICLE 2 DEFINITIONS

200.1 SCOPE:

UNLESS OTHERWISE EXPRESSLY STATED, THE FOLLOWING TERMS SHALL, FOR THE PURPOSE OF THIS CODE, HAVE THE MEANINGS INDICATED IN THIS ARTICLE.

200.2 INTERCHANGEABILITY:

WORDS USED IN THE PRESENT TENSE INCLUDE FUTURE; WORDS IN THE MASCULINE GENDER INCLUDE THE FEMININE AND NEUTER; THE SINGULAR NUMBER INCLUDES THE PLURAL AND THE PLURAL THE SINGULAR.

200.3 TERMS DEFINED IN OTHER CODES:

WHERE TERMS ARE NOT DEFINED IN THIS CODE AND ARE DEFINED IN THE BUILDING, PLUMBING AND/OR MECHANICAL CODES, THEY SHALL HAVE THE SAME MEANING ASCRIBED TO THEM AS IN THOSE CODES.

200.4 TERMS NOT DEFINED:

WHERE TERMS ARE NOT DEFINED UNDER THE PROVISION OF THIS CODE OR UNDER THE PROVISION OF THE BUILDING, PLUMBING, AND/OR MECHANICAL CODES, THEY SHALL HAVE ASCRIBED TO THEM THEIR ORDINARILY ACCEPTED MEANINGS OR SUCH AS THE CONTEXT HEREIN MAY IMPLY.

201.0

APPROVED:

APPROVED AS APPLIED TO A MATERIAL, DEVICE OR METHOD OF CONSTRUCTION SHALL MEAN APPROVED BY THE CODE OFFICIAL UNDER THE PROVISIONS OF THIS CODE, OR APPROVED BY OTHER AUTHORITY DESIGNATED BY LAW TO GIVE APPROVAL IN THE MATTER IN QUESTION.

BASEMENT:

THAT PORTION OF A BUILDING WHICH IS PARTLY BELOW AND PARTLY ABOVE GRADE, AND HAVING AT LEAST ONE-HALF ITS HEIGHT ABOVE GRADE (SEE CELLAR).

BUILDING CODE:

THE BUILDING CODE OFFICIALLY ADOPTED BY LEGISLATIVE BODY OF THIS JURISDICTION, OR SUCH OTHER CODE AS MAY BE OFFICIALLY DESIGNATED BY LEGISLATIVE BODY OF THE JURISDICTION FOR THE REGULATION OF CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REMOVAL, DEMOLITION, USE, LOCATION, OCCUPANCY AND MAINTENANCE OF BUILDING AND STRUCTURES.

BUILDING OFFICIAL:

THE OFFICIAL DESIGNATED BY THE JURISDICTION TO ENFORCE THE BUILDING, ZONING OR SIMILAR LAWS, OR HIS DULY AUTHORIZED REPRESENTATIVE.

CELLAR:

THAT PORTION OF A BUILDING WHICH IS PARTLY OR COMPLETELY BELOW GRADE AND HAVING AT LEAST ONE-HALF (1/2) ITS HEIGHT BELOW GRADE (SEE BASEMENT).

CENTRAL HEATING:

THE HEATING SYSTEM PERMANENTLY INSTALLED AND ADJUSTED SO AS TO PROVIDE THE DISTRIBUTION OF HEAT TO ALL HABITABLE ROOMS, BATHROOMS AND WATER CLOSET COMPARTMENTS FROM A SOURCE OUTSIDE OF THESE ROOMS.

CODE OFFICIAL:

THE OFFICIAL WHO IS CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF THIS CODE, OR ANY DULY AUTHORIZED REPRESENTATIVE.

CONDEMN:

TO ADJUDGE UNFIT FOR USE OR OCCUPANCY.

CONDEMNATION:

TO ACT OF JUDICIALLY CONDEMNING.

DWELLING:

ONE-FAMILY DWELLING: A BUILDING CONTAINING ONE DWELLING UNIT WITH NO MORE THAN FIVE (5) LODGERS OR BOARDERS.

TWO-FAMILY DWELLING: A BUILDING CONTAINING TWO (2) DWELLING UNITS WITH NOT MORE THAN FIVE (5) LODGERS OR BOARDERS PER FAMILY, BUT NOT MORE THAN TWENTY (20) INDIVIDUALS.

MULTI-FAMILY: A BUILDING OR PORTION THEREOF CONTAINING MORE THAN TWO (2) DWELLING UNITS AND NOT CLASSIFIED AS A ONE OR TWO-FAMILY DWELLING.

BOARDING HOUSE, TOURIST HOUSE: A BUILDING ARRANGED OR USED FOR THE LODGING WITH OR WITHOUT MEALS, FOR COMPENSATION, BY MORE THAN FIVE (5) AND NOT MORE THAN TWENTY (20) INDIVIDUALS.

LODGING HOUSE:

ANY BUILDING OR PORTION THEREOF CONTAINING NOT MORE THAN FIVE (5) GUEST ROOMS, WHICH ARE USED BY NOT MORE THAN FIVE (5) GUESTS WHERE RENT IS PAID IN MONEY, GOODS, LABOR OR OTHERWISE. A LODGING HOUSE SHALL COMPLY WITH ALL REQUIREMENTS FOR DWELLINGS.

DORMITORY: A SPACE IN A BUILDING WHERE GROUP SLEEPING ACCOMMODATIONS ARE PROVIDED FOR PERSONS NOT MEMBERS OF THE SAME FAMILY GROUP, IN ONE (1) ROOM, OR IN A SERIES OF CLOSELY ASSOCIATED ROOMS.

HOTEL: ANY BUILDING CONTAINING SIX (6) OR MORE GUEST ROOMS INTENDED OR DESIGNED TO BE USED, OR WHICH ARE USED, RENTED OR HIRED OUT TO BE OCCUPIED, OR WHICH ARE OCCUPIED FOR SLEEPING PURPOSES BY GUESTS.

DWELLING UNIT: A SINGLE UNIT PROVIDING COMPLETE, INDEPENDENT LIVING FACILITIES FOR ONE (1) OR MORE PERSONS INCLUDING PERMANENT PROVISION FOR SLEEPING, EATING, COOKING AND SANITATION.

ENFORCEMENT OFFICER:

THE OFFICIAL DESIGNATED HEREIN OR OTHERWISE CHARGED WITH THE RESPONSIBILITIES OF ADMINISTERING THIS CODE, OR HIS AUTHORIZED REPRESENTATIVE.

EXTERIOR PROPERTY AREAS:

THE OPEN SPACE ON THE PREMISES AND AN ADJOINING PROPERTY UNDER THE CONTROL OF OWNERS OR OPERATORS OF SUCH PREMISES.

EXTERMINATION:

THE CONTROL AND ELIMINATION OF INSECTS, RODENTS OR OTHER PESTS BY ELIMINATING THEIR HARBORAGE PLACES; BY REMOVING OR MAKING INACCESSIBLE MATERIALS THAT MAY SERVE AS

THEIR FOOD; BY POISON SPRAYING, FUMIGATING, TRAPPING, OR BY ANY OTHER APPROVED PEST ELIMINATION METHODS.

FAMILY:

AN INDIVIDUAL OR MARRIED COUPLE AND THE CHILDREN THEREOF WITH NOT MORE THAN TWO (2) OTHER PERSONS RELATED DIRECTLY TO THE INDIVIDUAL OR MARRIED COUPLE BY BLOOD OR MARRIAGE; OR A GROUP OF NOT MORE THAN FIVE (5) UNRELATED (EXCLUDING SERVANT) PERSONS LIVING TOGETHER AS A SINGLE HOUSEKEEPING UNIT IN A DWELLING UNIT.

GARBAGE:

THE ANIMAL AND VEGETABLE WASTE RESULTING FROM THE HANDLING, PREPARATION, COOKING AND CONSUMPTION OF FOOD.

HABITABLE SPACE:

SPACE IN A STRUCTURE FOR LIVING, SLEEPING, EATING OR COOKING. BATHROOMS, TOILET COMPARTMENTS, CLOSETS, HALLS, STORAGE OR UTILITY SPACE, AND SIMILAR AREAS ARE NOT CONSIDERED HABITABLE SPACE.

HOTEL:

SEE "DWELLING".

INFESTATION:

THE PRESENCE, WITHIN OR CONTIGUOUS TO, A STRUCTURE OR PREMISES OF INSECTS, RODENTS, VERMIN OR OTHER PESTS.

JUNK VEHICLE:

ANY VEHICLE WHICH IS WITHOUT A CURRENTLY VALID LICENSE PLATE OR PLATES AND IS IN EITHER A RUSTED, WRECKED, DISCHARGED, DISMANTLED, PARTLY DISMANTLED, INOPERATIVE OR ABANDONED CONDITION. A JUNKED VEHICLE SHALL BE CLASSIFIED AS TO CONDITION IN ONE (1) OR TWO (2) FOLLOWING CATEGORIES.

1. RESTORABLE: A JUNKED VEHICLE THAT IS IN A CONDITION WHERE BY REPAIRS TO SAME COULD BE MADE TO PLACE IT IN OPERATING CONDITION WITHOUT EXCEEDING THE ESTIMATED VALUE WHEN REPAIRED.
2. WRECK: A JUNKED VEHICLE IN SUCH CONDITION THAT IT IS ECONOMICALLY UNSOUND TO RESTORE SAME TO OPERATING CONDITION CONSIDERING THE REPAIRS TO BE MADE, AGE OF VEHICLE, MARKET VALUE OF THE VEHICLE IF IT WERE RESTORED OR IN SUCH CONDITION THAT THE PUBLIC OFFICER, IN HIS OPINION DETERMINES THAT IT WARRANTS SUCH CLASSIFICATION.

THE CODE OFFICIAL SHALL MAKE THE FINAL DETERMINATION AS TO THE CLASSIFICATION TO BE ASSIGNED TO ANY ONE (1) PARTICULAR VEHICLE.

LET FOR OCCUPANCY OR LET: TO PERMIT POSSESSION OR OCCUPANCY OF A DWELLING, DWELLING UNIT, ROOMING UNIT, BUILDING OR STRUCTURE BY A PERSON WHO SHALL BE LEGAL OWNER OR NOT BE THE LEGAL OWNER OF RECORD THEREOF, PURSUANT TO A WRITTEN OR UNWRITTEN LEASE, AGREEMENT OR LICENSEE, OR PURSUANT TO A RECORDED OR UNRECORDED AGREEMENT OF CONTRACT FOR THE SALE OF THE LAND.

MAINTENANCE:
CONFORMANCE OF A BUILDING AND ITS FACILITIES TO THE CODE UNDER WHICH THE BUILDING WAS CONSTRUCTED.

MOTEL:
A HOTEL AS DEFINED IN THIS CODE.

MULTIFAMILY (MULTIPLE) DWELLING:
SEE "DWELLING".

OCCUPANT:
ANY PERSON OVER ONE (1) YEAR OF AGE (INCLUDING OWNER OR OPERATOR) LIVING AND SLEEPING IN A DWELLING UNIT OR HAVING ACTUAL POSSESSION OF SAID DWELLING OR ROOMING UNIT.

OPENABLE AREA:
THAT PART OF A WINDOW OR DOOR WHICH IS AVAILABLE FOR UNOBSTRUCTED VENTILATION AND WHICH OPENS DIRECTLY TO THE OUTDOORS.

OPERATOR:
ANY PERSON WHO HAS CHARGE, CARE OR CONTROL OF A STRUCTURE OR PREMISES WHICH ARE LET OR OFFERED FOR OCCUPANCY.

OWNER:
ANY PERSON, AGENT, FIRM, OR CORPORATION HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY.

PERSON:
INCLUDES A CORPORATION OR CO-PARTNERSHIP AS WELL AS AN INDIVIDUAL.

PLUMBING:

THE PRACTICE, MATERIALS, AND FIXTURES USED IN THE INSTALLATION, MAINTENANCE, EXTENSION, AND ALTERATION OF ALL PIPING, FIXTURES, APPLIANCES, AND APPURTENANCES WITHIN THE SCOPE OF PLUMBING CODE.

PLUMBING FIXTURES:

A RECEPTACLE OR DEVICE WHICH IS EITHER PERMANENTLY OR TEMPORARILY CONNECTED TO THE WATER DISTRIBUTION SYSTEM OF THE PREMISES, AND DEMANDS A SUPPLY OF WATER THEREFROM; OR DISCHARGES USED WATER, LIQUID-BORNE WASTE MATERIALS, OR SEWAGE EITHER DIRECTLY OR INDIRECTLY TO THE DRAINAGE SYSTEM OF THE PREMISES.

PREMISES:

A LOT, PARCEL OF LAND INCLUDING THE BUILDING OR STRUCTURES THEREON.

PUBLIC NUISANCE:

1. THE PHYSICAL CONDITION, OR USE OF ANY PREMISES REGARDED AS A PUBLIC NUISANCE AT COMMON LAW; OR
2. ANY PHYSICAL CONDITION, USE OR OCCUPANCY OF ANY PREMISES OR ITS APPURTENANCES CONSIDERED AN ATTRACTIVE NUISANCE TO CHILDREN, INCLUDING BUT NOT LIMITED TO, ABANDONED WELLS, SHAFTS, BASEMENTS, EXCAVATIONS AND UNSAFE FENCES OR STRUCTURES; OR
3. ANY PREMISES WHICH HAVE UNSANITARY SEWERAGE OR PLUMBING FACILITIES; OR
4. ANY PREMISES DESIGNATED AS UNSAFE FOR HUMAN HABITATION OR USE; OR
5. ANY PREMISES WHICH ARE MANIFESTLY CAPABLE OF BEING A FIRE HAZARD, OR ARE MANIFESTLY UNSAFE OR UNSECURE AS TO ENDANGER LIFE, LIMB OR PROPERTY; OR
6. ANY PREMISES FROM WHICH THE PLUMBING, HEATING AND/OR FACILITIES REQUIRED BY THIS CODE HAVE BEEN REMOVED, OR FROM WHICH THE UTILITIES HAVE BEEN DISCONNECTED, DESTROYED, REMOVED OR RENDERED INEFFECTIVE, OR THE REQUIRED PRECAUTIONS AGAINST TRESPASSER HAVE NOT BEEN PROVIDED; OR
7. ANY PREMISES WHICH ARE UNSANITARY, OR WHICH ARE LITTERED WITH RUBBISH OR GARBAGE, OR WHICH HAVE UNCONTROLLED GROWTH OF WEEDS; OR
8. ANY STRUCTURE OR BUILDING THAT IS IN A STATE OF DILAPIDATION, DETERIORATION OR DECAY; FAULTY CONSTRUCTION; OVERCROWDED; OPEN, VACANT OR ABANDONED; DAMAGED BY FIRE TO THE EXTENT AS NOT TO PROVIDE SHELTER, IN DANGER OF COLLAPSE OR FAILURE AND IS DANGEROUS TO ANYONE ON OR NEAR THE PREMISES.

RENOVATION:

A BUILDING AND ITS FACILITIES MADE TO CONFORM TO PRESENT DAY MINIMUM STANDARDS OF SANITATION, FIRE AND LIFE SAFETY.

RESIDENCE BUILDING: A BUILDING IN WHICH SLEEPING ACCOMMODATIONS OR SLEEPING ACCOMMODATIONS AND COOKING FACILITIES AS A UNIT ARE PROVIDED; EXCEPT WHEN CLASSIFIED AS AN INSTITUTION UNDER THE BUILDING CODE.

ROOMING HOUSE:

ANY RESIDENCE BUILDING, OR PART THEREOF, CONTAINING ONE (1) OR MORE ROOMING UNITS, IN WHICH SPACE IS LET BY THE OWNER OR OPERATOR TO MORE THAN FIVE (5) PERSONS WHO ARE NOT MEMBERS OF THE FAMILY (SEE DWELLINGS, BOARDING HOUSE).

ROOMING UNIT:

ANY ROOM OR GROUP OF ROOMS FORMING A SINGLE HABITABLE UNIT USED OR INTENDED TO BE USED FOR LIVING AND SLEEPING, BUT NOT FOR COOKING OR EATING PURPOSES.

RUBBISH:

COMBUSTIBLE AND NON-COMBUSTIBLE WASTE MATERIALS, EXCEPT GARBAGE, AND THE TERM SHALL INCLUDE THE RESIDUE FROM BURNING OF WOOD, COAL, COKE, AND OTHER COMBUSTIBLE MATERIALS, PAPER RAGS, CARTONS, BOXES, EXCELSIOR, RUBBER, LEATHER, TREE BRANCHES, YARD TRIMMINGS, TIN CANS, METALS, MINERAL MATTER, GLASS, CROCKERY AND DUST AND OTHER SIMILAR MATERIALS.

STRUCTURE:

THAT WHICH IS BUILT OR CONSTRUCTED, INCLUDING WITHOUT LIMITATION BECAUSE OF ENUMERATION, BUILDING FOR ANY OCCUPANCY OR USE WHATSOEVER, FENCES, SIGNS, BILLBOARDS, FIRE ESCAPES, STAIRWAY, CHUTE ESCAPES, RAILINGS, WATER TANKS, TOWERS, OPEN GRADE STEPS, SIDEWALKS OR STAIRWAYS, TENTS, OR ANYTHING ERECTED AND FRAMED OF COMPONENT PARTS WHICH IS FASTENED, ANCHORED OR RESTS ON A PERMANENT FOUNDATION OR ON THE GROUND.

SUPPLIED:

INSTALLED, FURNISHED OR PROVIDED BY THE OWNER OR OPERATOR.

VENTILATION:

THE PROCESS OF SUPPLYING AND REMOVING AIR BY NATURAL OR MECHANICAL MEANS TO OR FROM ANY SPACE.

MECHANICAL: VENTILATION BY POWER-DRIVEN DEVICES.

NATURAL: VENTILATION BY OPENING TO OUTER AIR THROUGH WINDOWS, SKYLIGHTS, DOORS, LOUVERS, OR STACKS WITHOUT WIND DRIVEN DEVICES.

WORKMANLIKE:

WHENEVER THE WORDS "WORKMANLIKE - STATE OF MAINTENANCE AND REPAIR" ARE USED IN THIS CODE, IT SHALL MEAN THAT SUCH MAINTENANCE AND REPAIR SHALL BE MADE IN A REASONABLE SKILLFUL MANNER.

YARD:

AN OPEN UNOCCUPIED SPACE ON THE SAME LOT WITH A BUILDING EXTENDING ALONG THE ENTIRE LENGTH OF A STREET, OR REAR OR INTERIOR LOT LINE.

ARTICLE 3 ENVIRONMENTAL REQUIREMENTS

300.1 Scope:

The provisions of this article shall govern the minimum conditions for maintenance of exterior property, premises and structures and premises shall comply with the conditions herein prescribed insofar as they are applicable.

300.2 Responsibility:

The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let another for occupancy or use premises which do not comply with the following requirement of this article.

300.3 Vacant land and structures:

All vacant structures and premises or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

301.0 PREMISES CONDITION

301.1 Sanitation:

All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

301.1.1 Containers:

The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide and at all times cause to be used, leakproof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

301.2 Grading and drainage:

All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

301.3 Insect and Rodent Control:

An owner of a structure or property shall be responsible for the extermination of rodents, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-

family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

301.4 Storage Areas:

All open salvage yards shall be completely obscured from surrounding property by a solid screen not less than six (6) feet in height.

301.5 Accessory Structures:

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance of Sections 302.0 and 303.0 of this code.

301.6 Motor Vehicles:

Motors vehicles shall be subject to the following requirements of Section 301.6.1

306.6.1 Non-Residential areas:

Except as provided in other regulations and approved by the code official, not more than two (2) currently unregistered and/or uninspected motor vehicles shall be permitted on any property in a non-residential district, subject to Section 110.0.

302.0 EXTERIOR STRUCTURE

302.1 General:

The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of occupants and so as to protect the occupants from the environment.

302.2 Structural Members:

All support structural members of all structures shall be kept sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

302.3 Exterior Surfaces: (Foundations, Walls, and Roof)

Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike manor state of maintenance and repair and shall be kept in such condition to exclude rodents.

302.3.1 Foundation Walls:

All foundation walls shall be maintained so as to carry the safe design and operating dead and live leads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

302.3.2 Exterior Walls:

Every Exterior wall shall be free of holes, boraks, lose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface material including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

302.3.3 ROOFS:

The roof shall be structurally sound tight, and have no defects which might permit rain, the roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building. The rainwater of every structure and all parts thereof shall be drained and conveyed therefrom through proper methods.

302.3.4 Decorative Features:

All cornices, entablatures, belt courses, corbels terracotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.

302.3.5 Signs, Marquees, and Awnings:

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhand extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

302.3.6 Chimneys:

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound and in good repair, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating material such as paint or similar surface treatment.

302.3.7 Stairs and Porches:

Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.

302.4 Window and Door Frames:

Every window, door and frame shall be constructed and maintained in such relating to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

302.4.1 Door Hardware:

Every exterior door, door hinge, and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

302.4.2 Basement Hatchways:

Every basement or cellar hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.

303.0 Interior Structure

303.1 General

The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to health and safety of the occupants and to protect the occupants from the environment.

303.2 Structural Members:

The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

303.3 Interior Surfaces:

Floors, walls including windows and doors, ceilings and other interior surfaces shall be maintained in good clean and sanitary condition.

303.4 Garbage:

Garbage or refuse shall not be allowed to accumulate or stored in public halls or stairways.

304. thru 600. **MISSING**

601.0 Heating Facilities

601.1 Residential Buildings:

Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of sixty-five (65) degrees F., at a point three (3) feet above the floor and three (3) feet from an exterior wall in all habitable rooms, bathrooms, and toilet rooms.

601.2 Other Structures:

In all other structures where heating facilities are supplied or available for use, they shall be capable of adequately and safely heating areas of the structure to a reasonable temperature for working conditions.

601.3 Indoor Cooking and Heating Equipment:

All indoor cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks, and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or salvers which are heated by candle or alcohol lamp.

601.4 Installation:

All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.

601.4.1 Flue:

All fuel-burning equipment shall be connected to an approved chimney, flue or vent.

601.4.2 Clearances:

All required clearances to combustible materials shall be maintained.

601.4.3 Safety Controls:

All safety controls for fuel-burning equipment shall be maintained in effective operation.

601.4.4 Combustion Air:

A supply of air for complete combustion for fuel-burning equipment shall be maintained in effective operation.

601.5 Fireplaces:

Fireplaces and other construction and devices intended for similar use to a fireplace, shall be stable and structurally safe and connected to an approved chimney or flue.

602.0 Electrical Facilities

602.1 Installation:

All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

602.2 Defective System:

Where it is found, in the opinion of the code official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

602.2.1 Defect Correction Criteria:

The minimum size shall be 60 amperes with three (3) wires. The service shall be properly installed, in good condition, and have properly protected branch and feeder circuits. All unapproved and hazardous wiring, fixtures and equipment shall be removed and replaced or corrected with wiring, fixtures and equipment conforming to the current electrical code. Examples include, but are not limited to:

- Electrical Overload (over fusing)

- Accessible knob and tube or unprotected surface wiring

- Extension cords – Extensive and improper use

- Deteriorated or damaged insulation

- Lack of general illumination, Lighting in basement

- Missing switch, outlets, or equipment covers.

- Open splices and other illegal wiring extensions

- Ungrounded metal light fixtures and box covers less than four feet from a grounded surface.

- Heating motors over ¼ H.P. without individual branch circuit protection laundry circuits that are inadequate or hazardous.

- Lack of bonding jumper at the water meter, if other than a brass meter

Required Outlets (of which one may be a light fixture) are as follows:

- Laundry area, furnace room, hall or stairway 1 (light)

- Public halls and stairways in multiple dwelling – Sufficient light fixtures to provide a lighting level of five (5) foot candles

603.0 Elevators, Escalators, and Dumbwaiters

603.1

General Elevators, dumbwaiters and escalators shall be maintained to safely sustain the loads to which they are subject, to operate properly, and to be free of physical and fire hazards.

603.1.1

Said premises equipped with an elevator, escalator or dumbwaiter shall display a current license from the State of Michigan.

ARTICLE 7: FIRE SAFETY REQUIREMENTS

700.0 General

700.1 Scope

The provisions of this article shall govern the minimum fire safety facilities and equipment to be provided. All structures shall be constructed and maintained to prevent

and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

700.2 Responsibility:

The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and fire prevention code. A person shall not occupy as owner-occupant or use any premises which do not comply with the following requirements of this article.

701.0 Means of Egress:

701.1 General:

A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court or passageway leading to a public open area at grade.

701.2 Direct Exit:

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

701.3 Locked Doors:

All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units, hotel units, lodging units, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

701.4 Fire Escapes:

All required fire escapes shall be maintained in working condition and structurally sound.

702.0 Accumulations and Storage:

702.1 Accumulations:

Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

702.2 Flammable Matter:

Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

702.3 Residential Unit:

A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees F. or lower except as provided for in the building code.

702.4 Non-Residential Structures:

Non-Residential structures shall be permitted to store combustible or flammable materials provided they are confined to approved storage areas and comply with applicable requirements of the building and fire codes for the appropriate use group classification.

703.0 Fire Resistance Ratings:

703.1 General:

Floors, walls, ceilings and other elements and components required to develop a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.

704.0 Fire Protection Systems:

704.1 General:

All fire protection systems and equipment shall be maintained in proper operating condition at all times.

704.1.1 Fire Alarms:

Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

704.2 Fire Suppression System:

Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free from corrosion and paint, and not bent or damaged.

704.3 Standpipe Systems:

Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry and free from deterioration.

704.4 Fire Extinguishers:

All portable fire extinguishers shall be visible and accessible, maintained in an efficient and safe operating condition.

704.5 Required Smoke Detectors:

Each dwelling unit or sleeping room area of every leased or rented single, two-family or multiple dwelling building that does not comply with the requirements of Section 1216.0 – Automatic Fire Alarm Systems of the current BOCA Basic Building Code as adopted and amended, shall be provided with a minimum of one smoke detector capable of sensing visible or invisible products of combustion. The required detector must have an indicator testing laboratory and when actuated and shall provide an alarm suitable to warn the occupants within the individual dwelling unit. A minimum of one such indicator shall be located in the immediate area of all sleeping quarters.

704.6 Installation Requirements:

The installation of such units shall be in compliance with the requirements of the BOCA Basic Building Code and the State Electrical Code. All units that are not battery operated or provided with an electrical plug wire, must be installed properly. The periodic maintenance and testing of all required detection units shall be the responsibility of the owner and/or agent of the structure.

704.7 Time for Compliance:

All occupied structures shall comply with this section within on (1) year from the effective date of this ordinance or at the time of major alterations, additions, sale or re-occupancy, whichever occurs first.

ARTICLE 8: Responsibilities of Persons:

800.0 General:

800.1 Scope:

The provisions of this article shall govern the responsibilities of persons for the maintenance of structures, and equipment and premises thereof.

801.0 Sanitary Condition:

801.1 Rubbish Storage Facilities:

Every dwelling unit shall be supplied with secure containers for the storage and rubbish and the owner, operator or agent in control of such dwelling shall be responsible for the removal of such rubbish.

ARTICLE 9: Adoption:

900.1 Date of Effect:

This ordinance shall take effect on July 10, 1981.

900.2 Approval and Publications:

This ordinance was approved by a vote of the Village Council, a quorum being present on June 15, 1981 and ordered published in three public places in the Village of Otisville with ten (10) days after the date of its adoption.

(Signed) Robert Price, President
Christine Templeton, Village Clerk