

Minutes

To: Code Review Committee Members
Village Clerk

Date: 15 January, 2013

Re: meeting of 12/17/12

Village hall, 6 pm

Members present: Appleby, Bush, Donovan, Fox, Kristansen, CEO Zarnstorff, Trustee Hannan

Guest: Village Attorney Rob Leni

Approval of Minutes: Minutes of 10/22/12 – motion by member Fox, second by member Appleby – approved. Minutes of 11/26/12 – **motion by member Donovan**, second by member Fox – approved. Attorney Leni stated that our quorum should be four, not three because of having had six members during the past three years.

There was brief discussion about 36-6-G (fees), specifically about adding unpaid fees to the CofO cost pursuant to reinspection. We will get to this later.

Attorney Leni spoke about the committee's comments during its 11/26/12 meeting.

- Must include the phrase “code enforcement officer (or authorized inspectors)” as many times as necessary because the codes officer and his authorized inspectors are not considered legally the same.
- In section 36-5, attorney Leni says we must use the term “CofO” rather than “CofC” for a building since a CofC is not renewable, and a CofO is, at least for rentals. Combining them as CofO/CofC makes no sense. Discussion ensued over the fact that many homes get a CofO only once, in spite of numerous additions that required a building permit and a subsequent compliance inspection. This discussion resumed later, with regard to section 36-5-D-(6). Attorney Leni questioned why a CofO for an alteration that required a building permit doesn't apply to the whole building. CEO Zarnstorff explained that the CofO for a new addition or alteration is based on current building

code and not the code in effect when the house or building was originally constructed. This is done per the Uniform Code.

- 36-5-A is fine, with the removal of the term “CofC.”
- 36-5-B says that a transfer of Title for a rental property cannot take place until a CofO has been issued. Attorney Leni has removed mention of the need to issue the CofO before a title transfer or mortgage instrument when the property has been vacant. The property remains a rental while vacant so long as it is a permitted use.
- CEO Zarnstorff questioned the bottom line of 36-5-C, stating that there is currently no charge for copies of these forms to the interested parties. Attorney Leni stated that a FOIL request for those forms, if it occurred after the original forms were distributed, would have to be paid for by the requestor. He recommended leaving the line in.
- 36-5-E, concerning a temporary CofO, taken out because it is the same as a conditional CofO.
- A reminder for when this chapter is in final editing to renumber sections and remove references to temporary CofO.
- Section 36-6-A combines the old A and part of D.
- Section 36-6-B refers to unsafe structures, combining old section B, plus old C and part of D.
- Attorney Leni questioned where the term “unsafe” comes from. He stated that it should be included in our codes somewhere, even though it is rare for a building to be declared unsafe. Chapter 36 is the logical place for it.
- Section 36-6-C affirms that a building may be inspected as many times as necessary before issuance of a CofO.
- Section 36-6-D needs to be changed to indicate that fees for additional inspections, as determined by the Codes Enforcement Officer, need to be paid after inspections are completed and before issuance of a CofO.
- Section 36-7: Temporary and conditional CofOs are now combined. There was discussion regarding what happens when a conditional CofO expires before the work is done. Attorney Leni says the building cannot be occupied without a CofO, so tenants either have to leave or pay for a violation after the work is completed and a CofO is issued. In addition, committee decided that 6 months for a conditional CofO is OK. Attorney Leni will combine language from the section on temporary CofO here, in subsection A, calling them Conditional CofOs.
- Section 36-8-A: Remove Temporary CofO from A. Also, remove “if not in violation.” If all conditions are satisfied, then issuance in ten days or, if applicable, issuance of a conditional.

- In Section 36-9, responsible parties are defined. Sub-sections B,C, and D are deleted.
- Section 36-10 is now covered in section 36-6. The section is deleted.

Attorney Leni will continue to review chapter 36 for our next meeting.

The committee adjourned at 8:10 pm.

Next meeting on 1/28/13 at Village Hall Conference Room

Art Appleby