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The Roefaro Administration: Tying another loose end

December 23, 2008 (Utica, NY) - In 2005, the New York State Legislature proposed and enacted new legislation amending the New York State Building and Fire Prevention Code. The 2005 legislation required each municipality to ensure that its local code of ordinances set forth appropriate procedures and policies to enforce minimum standards pertaining to any class of buildings used for commercial purposes, public assembly, multiple dwellings (both residential and non-residential) and dormitories.

While the State of New York enacted the law, the City of Utica has never set in place a plan to address it. Throughout 2005, 2006 and 2007, this was still the case, until Mayor Roefaro came into office in January of 2008.

As part of his, and city Codes Commissioner, Goran Smiljic's comprehensive initiative to modernize the codes department, Mayor Roefaro and his staff began looking into the New York State mandate as part of their overall study.

In January 2008, Mayor Roefaro realized that in order for the city to comply with the state mandate, the City of Utica charter would need to change. However, before this change could be sponsored in terms of a charter revision, city codes needed the resources to actually comply with the mandate, resources they did not have when Roefaro first took office.

Roefaro recalls, "It took us between 6 and 8 months just to lay the foundation to follow this new law." City Codes Commissioner Goran Smiljic added, "The department was in trouble. If we didn't start these inspections soon, the city would have faced substantial fines and litigation." It was at this point that Roefaro orchestrated a complete overhaul of city codes.

To comply with the mandate alone, the city needed to embrace technology and train those inspectors who would be entering the field on behalf of the new law.

While Roefaro and Smiljic worked to bring codes up to par, they also had to change the city's charter to reflect the new state law. The council subsequently approved legislation, and now, city code accurately reflects the New York State mandate.

Today, with only 11 months on the job, Mayor Roefaro has successfully complied with **Part 1203 of Title 19** in the New York State Building and Fire Prevention Code.

“It wasn’t just about complying though. It was about putting in place the specific capabilities that actually allow us to comply. We had to do three years worth of work in only 11 months, or we would have incurred some serious fines, fines paid for with tax dollars” Roefaro said. **“There’s no telling how much this saved taxpayers,”** he added.

“I knew we couldn’t just sit here and let these deadlines pass. We put a lot of time and effort into doing this the right way,” Commissioner Smiljic said.

What exactly is the right way?

“A check-list,” Smiljic said. “Technology was first- the tablets, new computers, and software, these things came first. We couldn’t make this happen utilizing the ‘basement method’ anymore. It would have never worked,” he said. “Second was training. We had to make sure that before we passed the law locally, our inspectors would know what to look for,” he said. “Then, the council approved the law, which was really the last part of the process,” he said.

Roefaro pointed out, the most important part of the **1203 compliance** is that he’s informing the public. “We don’t want this to catch residents by surprise like it caught us when we came into office,” the Mayor said.

Roefaro, Smiljic, and City Codes Attorney Joan Harris mailed out letters to those dwellings in need of an inspection. The letter explains the law, its history, and what Utica’s responsibilities are to New York State.

The letter explains, *“If your property is one used by either a **place of public assembly with a maximum of occupancy in excess of 100 persons or dormitory, there shall be an inspection performed by the city once every twelve months (i.e., annually)** By contrast, if the property is used for purposes **generally accepted and understood to be of a commercial nature (i.e., retail, manufacturing, hotel/motel, hospital, nursing facility, etc) or a place of public assembly with a maximum occupancy load less than 100 persons, the inspections shall be performed once every three (3) years.** Furthermore, if the usage at the premises includes the manufacturing, storage or handling of certain quantities of hazardous materials (defined within the NYS fire code) or the conducting of certain hazardous processes and activities, then an Operating Permit must also be obtained from the city as part of the inspection process.”*

It’s important to note, there is a fee associated with the new law. For buildings and structures containing one or more areas of public assembly with an occupied load of 100 persons or more, the fee is \$100.00 per year.

“We mailed out all this information to every owner who owns an apartment, a commercial dwelling, anything we need to check based on the new 1203 law,” City Attorney Joan Harris said.

When asked about the future of the 1203 program in the city, Mayor Roefaro said, “We set out to do this precise and transparent. That being said, this program should be stress free for those who will become involved with it, and despite coming up from behind, the City of Utica may actually become an example for the rest of the states’ cities and their 1203 programs,” the Mayor said.

In case the average homeowner is wondering what they have to do in order to comply with the new state law, the answer is nothing at all. Single family homes are exempt from this particular mandate.

Citizens who know their dwellings fall under the new law- they can cooperate by calling city codes and scheduling an inspection convenient for them.

“This is going to be painless. This is a good thing for the city. It all goes back to public safety,” Smiljic said. “The best part, the codes department will be sharing all this information with the Utica Fire and Police Departments through the new software made available to codes when the Mayor revamped our department,” Smiljic added.

“At the end of the day this is about public safety. This is about keeping our residents safe. This is another promise made, and a promise kept,” the Mayor said.

*** The 1203 information and application are also available online via cityofutica.com**