



CITY OF UTICA

Department of Codes Enforcement
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MAYOR

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NEW YORK STATE MANDATES

As you may be aware, on October 11, 2005, the New York State Legislature enacted legislation to amend the New York State Building and Fire Prevention Code. These changes found within the New York State Regulations at Part 1203 of Title 19, require that each municipality ensure that its local code of ordinances sets forth appropriate procedures and policies to enforce minimum standards as established by the State. As such, the City of Utica enacted new legislation in May of 2008 to amend its building code to comply with the State's mandate. The class of buildings/structures impacted by these new requirements are primarily those used for commercial purposes and include those used as places of public assembly, multiple dwellings (both residential and non-residential), dormitories and various commercial activities deemed "hazardous" due to types of materials handled, manufactured or stored on the premises.

Most important for you to know as the owner or operator of an eligible commercial property within the City of Utica, is that the newly amended Chapter 2-6 of the Utica City Code includes a "Fire Safety and Property Maintenance" program to ensure compliance with the State requirements. This program provides for inspections whose frequency is based upon the type of commercial property, as well as the issuance of "operating permits" for those properties wherein activities defined as "hazardous" occur. Please be further advised as below.

If your property is one used as either a place of public assembly with a maximum occupancy in excess of 100 persons or dormitory, there shall be an inspection performed by the City once every twelve (12) months (i.e., annually). By contrast, if the property is used for purposes generally accepted and understood to be of a commercial nature (e.g., 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.

Please be advised that there is a fee associated with the inspections, and this fee must be paid prior to the performance of the inspection. If there is a failure to pay the fee, the City can assess the delinquent fee against the property with all other property taxes, or even seek a court judgment. Furthermore, if there is a request for any "extra" inspections, then the fee schedule shall apply for any and all inspections occurring outside the frequency required by law. The fee schedule is as follows:

- (1) Buildings and structures up to 10,000 square feet:
 - (1) a. buildings/structures containing one or more areas of public assembly with an occupant load of 100 persons or more...\$100.00 per year;
 - b. buildings/structures containing any other commercial activities...\$180.00 per three (3) year

period.

- (2) Buildings and structures in excess of 10,000 square feet, an additional fee of \$0.05 per square foot for area in excess of 10,000 square feet.

You should know that these inspections and associated procedures and standards are required and any failure to comply will be addressed with the same enforcement tools available to the City as a matter of law. Such action can include commencement of criminal or civil proceedings in the appropriate court of law, which can result in fines, imprisonment or civil penalties. Therefore, we expect and hope for your complete cooperation in this process.

Please complete the enclosed application and return it to the Codes Enforcement Department. You may also obtain an application by visiting the forms section of our website at www.cityofutica.com. After receiving the completed application, the Codes Enforcement and/or Fire Department shall be contacting those individuals/entities as owners and/or operators of eligible commercial properties regarding arrangements for the necessary inspection(s) based upon the information found in the completed application. Therefore, we request that you please make certain that the correct, current and complete information is included on the application to ensure there is no difficulty in contacting the appropriate person, office, etc., regarding these matters.

If you should have any questions, you may contact either the Codes Enforcement Department at (315) 792-0163 or the Office of Fire Administration at (315) 724-5153. Your anticipated attention and cooperation are greatly appreciated by the City as we continue to fulfill our obligation to protect the health and safety of our citizens.

Thank you.

Sincerely,

Goran Smiljic

Commissioner of Codes Enforcement