

BLDG. CONSTR. & FIRE PREV.

LOCAL LAW 3-1992

BUILDING CONSTRUCTION AND FIRE PREVENTION

ARTICLE I

ADMINISTRATION AND ENFORCEMENT OF UNIFORM CODE

Sec. 100.0 Designation of Building Inspector

Sec 100.1 Acting Building Inspector.

Sec. 100.2 Conflicts of interest.

Sec. 100.3 Powers and duties of Building Inspector.

Sec. 100.4 Records and reports.

Sec. 100.5 Compliance required; penalties for offenses.

Sec. 100.6 Abatement of violations.

ARTICLE II

RULES AND REGULATIONS

Sec. 200.0 Building permit required; application for permit.

Sec. 200.1 Fees.

Sec. 200.2 Approval or disapproval of application; issuance of permit; inspections

Sec. 200.3 Duration and display of permit; conformance a required.

Sec. 200.4 Revocation of permit.

Sec. 200.5 Stop-work orders.

Sec. 200.6 Compliance required; violation orders.

Sec. 200.7 Right of entry.

Sec. 200.8 Certificate of occupancy required

Sec. 200.9 prior to issuance of certificate of occupancy,

Sec. 200.10 Issuance of certificate of occupancy*

Sec. 200.11 Temporary certificate of occupancy*

ARTICLE I Administration and Enforcement of Uniform Code

Sec. 100.0 Designation of Building Inspector

A. There is hereby designated in the Village of Bath a public official to be known as the "Building Inspector," who shall be appointed by the Mayor with the approval of the Village Trustees at compensation to be fixed by the Trustees.

Sec. 100.1 Acting Building Inspector.

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

Sec. 100.2 Conflicts of interest.

A Building Inspector shall not engage in any activity inconsistent with his duties or with the interests of his office; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials, supplies or appliances for or the supervision of the construction, alteration, demolition or maintenance of a building or the preparation of plans or specifications thereof with the Village of Addison, except that this provision shall not prohibit any employee from engaging in any such activities in connection with the construction of a building or structure owned by him for his own personal use and occupancy or for the use and occupancy of members of his immediate family and not constructed for sale or rent.

Sec. 100.3 Powers and duties of Building Inspector.

A. Except as otherwise specifically provided by law, ordinance, rule or regulation or except as herein otherwise provided, the Building Inspector shall administer and enforce the New York State Uniform Fire Prevention and Building Code and rules and regulations applicable to the plans, specifications or permits for the construction, alteration and repair of buildings and structures and the installation and use of materials and equipment therein and the location, use and occupancy thereof.

B. The Building Inspector shall also have the following powers and duties:

- (1) He shall promulgate rules and regulations subject to the approval of the Village of Addison Trustees to secure the intent and purposes of this chapter and a proper enforcement of the New York State Uniform Fire Prevention and Building Code and rules and regulations governing building plans, specifications, construction, alteration or repairs.
- (2) He shall receive applications, approve plans and specifications and issue permits when approved by the Board of Trustees for the erection and alteration of buildings or structures or parts thereof and shall examine the premises for which such applications have been received, plans approved or such permit have been issued for the purpose of ensuring compliance with the New York State Uniform Fire Prevention and Building Code Rules and Regulations governing building construction and alterations.
- (3) He shall issue in writing all appropriate notices or orders to remove illegal or unsafe conditions to require the necessary safeguards during the entire course of construction to ensure compliance with the requirements of the New York State Uniform Fire Prevention and Building Code Rules and Regulations. Such notices or orders may be served upon the property owner or his agent personally or by sending by certified mail a copy of such order to

the owner or his agent at the address set forth in the application for permission for the construction or alteration of such building and by posting the same upon a conspicuous portion of the premises to which the notice applies. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from other employees of the Building inspector or from generally recognized and authoritative service and inspection bureaus or agencies, provided that the same are certified by a responsible official thereof.

(4) Whenever the same may be appropriate to determine compliance with the provisions of applicable laws, ordinances, rules and regulations governing building construction or alteration, he may, in his discretion, adopt and rely upon written reports of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service and inspection bureaus or agencies.

(5) He shall issue a certificate of occupancy where appropriate for building construction or alteration in accordance with the provision of the New York State Uniform Fire Prevention and Building Code, which such certificate shall certify that the building conforms to the requirements of the New York State Uniform Fire Prevention and Building Code.

Sec. 100.4 Records and reports.

A. The Building Inspector shall keep permanent official records of all transactions and activities, conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him, with the consent of the Village of Addison Trustees, and notices and orders issued. All such records shall be public records open to the public inspection during normal business hour.

B. The Building inspector shall, annually, submit to the Village of Addison Trustees a written report and summary of all business conducted by him, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

Sec. 100.5 Compliance required; penalties for offenses.

In accordance with Article 18-A of the Executive Law of the State of New York:

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, or use or occupy any building or structure or portion thereof in violation of any provisions of law or ordinance or regulation, as well as any regulation or rule promulgated by the Building Inspector in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the Building Inspector or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

B. It shall be a violation of the New York State Uniform Fire Prevention and Building Code for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on property in the Village of Addison until an application for inspection has been filed with the Building Inspector or for any person, firm or corporation to connect or cause to be connected electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance.

C. Any person who shall fail to comply with a written order of the Building inspector within the time fixed for compliance therewith, which time shall be at least thirty (30) days, 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 law or any lawful order, notice, directive, permit or certificate of the Building Inspector made there-under shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than thirty (30) days, or both.

D. A violation of the New York State Uniform Fire Prevention and Building Code or of this chapter shall be deemed to be a violation within the meaning of the Penal Law. Each day such violation continues shall constitute a separate violation.

Sec. 100.6. Abatement of violations.

A. Appropriate action 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 penalties otherwise prescribed by law.

B. The Building Inspector is hereby empowered to commence prosecution for a violation of the New York State Uniform Fire Prevention and Building Code and of this chapter in the Village Court. Should the Building Inspector determine the enforcement of the New York State Uniform Fire Prevention and Building Code and this chapter will be more effective by injunction than by prosecution, the Building Inspector shall make a request for such action to the Board of Trustees.

ARTICLE II RULES AND REGULATIONS

Sec. 200.0 Building permit required- application for permit.

A. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, conversion or change in the nature of the occupancy of any building or structure or cause the same to be done without first obtaining a separate building permit from the Building Inspector for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

B. Application for permit.

(1) Application for a building permit shall be made to the Building Inspector on forms provided by him and shall contain the following information:

(a) A description of the land on which the proposed work is to be done.

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

(c) The valuation of the proposed work.

(d) 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, and the name and address of the owner's authorized agent, if any.

(e) A brief description of the nature of the proposed work.

(f) If the construction is to be in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code, a statement that the application is made for permission to construct in accordance with such code.

(g) A statement that the applicant consents to permit the Building inspector or any officer or employee of the Building Department to enter upon the premises without a search warrant in the manner prescribed in Sec. 200.7.

(h) 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, rules and regulations.

(2) The application shall be signed by the owner or his authorized agent.

(3) The application shall be made by the owner or by the agent, 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 that the applicant is authorized to make such application, and the affidavit shall contain a statement that the owner authorized the applicant to consent to permit the Building Inspector and any officer or employee of the Building Department to enter upon the premises without a search warrant in the manner prescribed in Sec. 200.7.

(4) Each application for a building permit shall be accompanied by duplicate 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 relationship of structures on the adjoining property, widths and grades if adjoining streets, walks and alleys, 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 and, where required by S 7202 or 5 7302, as amended, of Article 145 or Article 147, respectively, of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer.

(5) Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Building Inspector and approval received from the Building Inspector prior to the commencement of such change of work.

Sec. 200.1 Fees.

A. Upon the filing of an application for a building permit; fees shall be payable as per the following;

(1) Building permits.

A. One-family house (all work), thirty-five dollars (\$35).

B. Two-family house and multiple dwelling: twenty-five dollars (\$25.) per dwelling unit.

C. Nonresidential building: thirty- five dollars (\$35.) per one thousand (1,000) square feet of floor area.

D. Certificates of occupancy (all structures): five (5) dollars.

Sec. 200.2 Approval or disapproval of application; issuance of permit; inspections.

A. The Building Inspector shall examine, or cause to be examined, all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty (60) days from the date of submission of the application.

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

C. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved." One (1) set of such approved plans and specifications shall be retained in the files of the Building Inspector, and the other set shall be returned to the applicant, together with the building permit, and shall be kept by the applicant at the building site open to inspection by the Building Inspector or his authorized representative at all 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.

Sec. 200.3 Duration and display of permit; conformance required.

A. A building permit shall be effective to authorize the commencement of work for a period of three (3) months after the date of its issuance. For good cause, the Building Inspector may allow a maximum of one (1) extension period for a period for up to three (3) months. The permit shall expire at the end of two (2) years from the date of commencement of construction, and extensions of up to six (6) months may be granted.

B. All work shall conform to the approved application, plans and specifications and shall be in accordance with applicable building laws, ordinances, rules and regulations.

C. Building permits shall be prominently displayed on the job site at all times during the progress of the work so as to be readily seen from adjacent thoroughfares.

Sec. 200.4 Revocation of permit.

The Building Inspector may revoke a building permit theretofore issued in any of the following instances:

A. Where he finds that there has been 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 and should not have been issued in accordance with the applicable law.

C. Where he finds that the work performed under the permit is not being prosecuted 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.

Sec. 200.5 Stop-work orders.

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances, rules 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, he shall notify the owner of the property or the owner's agent 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 where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for permission for the construction of such building.

Sec. 200.6 Compliance required; violation orders.

A. Any person owning, operating, occupying or maintaining property or premises within the scope of the New York State Uniform Fire Prevention and Building Code or this chapter shall comply with all the provisions of the State Fire Prevention Code, this chapter and all orders, notices, rules, regulations or determinations issued in connection therewith.

B. Violation orders shall be in writing, shall identify the property or premises, shall specify the violation and remedial actions to be taken and shall provide a reasonable time limit for compliance.

C. Violation order shall be served either by personal service or by mailing by certified mail and posting a copy thereof in a conspicuous place on the subject premises.

D. In the event that the violation has not been remedied upon the date when time for appeal has expired, the Building Inspector shall commence enforcement proceedings as hereinafter provided.

Sec. 200.7 Right of entry.

The Building Inspector, upon the showing of proper credentials and in the discharge of his duties, shall be permitted to enter upon any building, structure or premises without interference during reasonable working hours.

Sec. 200.8 Certificate of occupancy required.

A. 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.

B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than thirty (30) days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector.

C. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.

D. The owner or his agent shall make application for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plans or of the registered architect or licensed professional engineer who supervised the construction of the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, that the structure has been erected in accordance with the approved plans and the cost thereof and, as erected, complies with the law governing building construction or as varied by a variance which has been legally authorized. Such variances and qualifying conditions imposed therewith, if any, shall be specified in the affidavit.

Sec. 200.9 Inspections prior to issuance of certificate of occupancy.

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 or change the use or nature of occupancy, and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained in the Building Inspector's office a record of all such examinations and inspections, together with a record of findings of violations of the law.

Sec. 200.10 issuance of certificate of occupancy.

A. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances, rules 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. If it is found that the proposed work has not been properly complete, the Building Inspector shall not 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. A certificate of occupancy shall be issued, where appropriate, within thirty (30) days after written application therefore is made.

C. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances, rules 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.

Sec. 200.11 Temporary certificate of occupancy

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 health or welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three (3) months from the date of issuance. For good cause, the Building Inspector may allow a maximum of two (2) extensions for periods not exceeding three (3) months each.