

TOWN OF DUANESBURG ORDINANCE

For the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

WHEREAS a new Uniform Fire Prevention and Building Code was adopted by the State of New York applicable to the Town of Duanesburg as of January 1, 1984, and

WHEREAS the Town of Duanesburg desires to enforce such Code within the Town except the Village of Delanson

NOW/THEREFORE be it resolved, ordained and enacted as follows:

Section 1. Designation of Uniform Code Enforcement Officer as Public Official

There is hereby designated in the Town of Duanesburg a public official to be known as the Uniform Code Enforcement Officer, who shall be appointed by the Town Supervisor, with the approval of the Town Board at a compensation to be fixed by it.

Section 2. Acting Uniform Code Enforcement Officer

In the absence of the Uniform Code Enforcement Officer or in the case of his inability to act for any reason, the Town Supervisor shall have the power, with the consent of the Town Board to designate a person to act in behalf of the Uniform Code Enforcement Officer and to exercise all the powers conferred upon him by this ordinance.

Section 3. Appointment of Building Inspectors

The Town Supervisor with the approval of the Town Board may appoint one building inspector or more, as the need may appear, to act under the supervision and direction of the Uniform Code Enforcement Officer and to exercise any portion of the powers and duties of the said official as directed by him. The compensation of such building inspectors shall be fixed by the Town Board.

Section 4. Restrictions on Employees

A Uniform Code Enforcement Officer, building inspector or employee of the building department, shall not engage in any activity inconsistent with his duties, or with the interests of the building department; 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 within the Town of Duanesburg, except the Village of Delanson and 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.

Section 5. Duties and powers of Uniform Code Enforcement Officer

(a) Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Uniform Code Enforcement Officer shall administer and enforce all of the provisions of laws, ordinances, rules and regulations including the New York State Uniform Fire Prevention and Building Code and the Duanesburg Zoning Ordinance 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 there and the location, use and occupancy thereof.

(b) He shall have all the duties and powers provided by the Town Law for a building inspector and by the Duanesburg Zoning Ordinance, and by the New York State Uniform Fire Prevention and Building Code.

(c) He shall promulgate rules and regulations subject to the approval of the Town Board to secure the intent and purposes of this ordinance and a proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alteration or repairs.

(d) He shall receive applications, approve plans and specifications, and issue permits 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 permits have been issued for the purpose of insuring compliance with laws, ordinances, rules and regulations governing building construction or alterations.

(e) He shall issue in writing all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances, rules and regulations, and 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 building inspectors or other employees of the department of buildings or from generally recognized and authoritative service and inspection bureaus or agencies, provided the same are certified by a responsible official thereof.

(f) Whenever the same may be appropriate to determine compliance with the provisions of applicable laws, ordinances, rules and regulations covering building construction or alteration, he may, in his discretion, accept 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.

(g) He shall issue a certificate of occupancy where appropriate for a building constructed or altered in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code and the Duanesburg Zoning Ordinance, which such certificate shall certify that the building conforms to the requirements of such Code and Ordinance.

Section 6. Building Permits

(a) No person, firm, corporation, association, or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal, or demolition of any building or structure, or the installation of heating equipment without having applied for, and obtained a building permit from the Uniform Code Enforcement Officer. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature and which are done in conformance with applicable laws, ordinances, rules and regulations.

(b) A completed application must include:

1. The full name and address of the owner and of the applicant, and if either be a corporation, the names and addresses of their responsible officers;
2. A description of the site on which the proposed work is to be done;
3. A statement of the use or occupancy of all parts of the land and of the proposed building or structure;
4. A brief description of the proposed work;
5. The estimated cost of the proposed work, with appropriate substantiation;
6. Such other information as may reasonably be required by the building official to establish compliance of the proposed work with the requirements of the applicable building laws, rules and regulations;
7. The signature of the owner or his authorized agent;
8. Each application for a building permit shall be accompanied by three sets 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 adjoining property, widths and grades of adjoining streets, walks and alleys, and, where required by the Uniform Code Enforcement Officer, 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 Section 7202 and 7302, as amended, of Articles 145 or 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer. The Uniform Code Enforcement Officer may waive the requirements for filing plans and specifications for minor alterations and issue a building permit so stating.
9. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer and approval shall be received from the Code Enforcement Officer prior to the commencement of such change of work.

(c) Display. The building permit must be prominently displayed on the property or premises to which it pertains.

(d) Expiration. A building permit issued pursuant to this Ordinance shall expire one year from the date of issuance. The permit may, on written request be renewed for successive one-year periods.

Section 7. Certificate of Occupancy.

No use or occupancy of a building or structure may be commenced unless a Certificate of Occupancy has been issued for that building or structure. A temporary Certificate of Occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended. A temporary Certificate of Occupancy shall expire in six months, but it may be renewed an indefinite number of times.

Section 8. Inspections.

(a) Work for which a building permit has been issued shall be inspected for approval prior to enclosing or covering each state of construction, which may include building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the applicant to inform the Code Enforcement Officer that the work is ready for inspection.

1. Excavation is complete, forms for footings, with rod, in place, but before concrete is poured. Also before cellar floor is poured.

2. Footings and cellar walls are complete before backfilled perimeter drain is in place.

3. Rough framing is complete and rough plumbing is installed, but before interior walls are covered.

4. Insulation is in place.

5. When septic system is installed and pipes for drain field are in place but not covered.

6. Rough wiring is inspected by NYS Underwriters.

7. Final inspection and issuance of certificate of occupancy when house is complete and ready for occupancy. No occupancy allowed without certificate.

(b) Existing buildings not subject to inspection under subsection (a) of this section shall be subject to periodic inspections for compliance with applicable laws, ordinances, rules and regulations. Notwithstanding any requirement of this section to the contrary, no regular, periodic inspections of occupied dwelling units shall be required, provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare.

Section 9. Fees

Fees to cover the cost of inspections and the issuance of permits and certificates shall be as provided by the schedule of fees set forth in Section 13.2.1 of the Duanesburg Zoning Ordinance or as otherwise established by the Town Board.

Section 10. Department Records and Reports

(a) The Uniform Code Enforcement Officer 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 Town Board and notices and orders issued. All such records shall be public records open to public inspection during normal business hours.

(b) The Uniform Code Enforcement Officer shall, annually, submit to the Town Board a written report and summary of all business conducted by the department of buildings, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

Section 11. Penalties for Violations

In accordance with Section 383 of Article 18 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, use or occupy any building or structure or portion thereof in violation of any provision of law or ordinance, as well as any regulation or rule promulgated by the building official in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the building official, 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) Any person who shall fail to comply with a written order of the building official within the time fixed for compliance therewith, 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 official made thereunder shall be punishable by fine or imprisonment or both. Each day that a violation continues shall be deemed a separate offense.

(c) Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefore shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person found guilty of such an offense.

(d) A violation of this Ordinance or the provisions of the New York State Uniform Fire Prevention and Building Code shall be punishable by a fine or imprisonment as set forth in Section 13.6.3 of the Town of Duanesburg Zoning Ordinance as amended from time to time.

Section 12. Abatement of Violation

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 do business in or above any premises and these remedies shall be in addition to penalties otherwise prescribed by law or herein set forth.

Section 13. Applicability

If any clause, sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section or part of this Ordinance.

Section 14. Savings Clause

The adoption of this Ordinance shall not affect or impair any act done, offense committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect.

Section 15. When Effective

This Ordinance shall take effect immediately.

Adopted 10/11/84 Res. # 162-84