

TOWN OF MAYFIELD LOCAL LAW NO. 2 OF THE YEAR 1984

A local law FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE.

Be it enacted by the Town Board of the Town of Mayfield as follows:

SECTION 1: PURPOSE

This local law shall provide the basic method for administration and enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of Mayfield, Fulton County, New York and shall establish powers, duties and responsibilities in connection therewith.

SECTION 2: ADMINISTRATION

There is hereby designated the position of Building Inspector to administer and enforce the New York State Uniform Fire Prevention and Building Code in the Town of Mayfield. This person shall be appointed by the Town Board.

SECTION 3: RULES AND REGULATIONS

The Town Board may adopt any necessary rules and regulations for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code. Such rules and regulations shall not conflict with the New York State Uniform Fire Prevention and Building Code or the contents of the local law.

SECTION 4: POWERS AND DUTIES OF BUILDING INSPECTOR

1. Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code, as amended, applicable to plans, specifications, or permits for the construction, alteration, repair and use of buildings and structures, and the installation and use of materials and equipment therein and the occupancy thereof.
2. 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 ensure compliance during the entire course of construction with the requirements of the New York State Uniform Fire Prevention and Building Code, 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 other certified employees of the Town or from generally recognized and authoritative service and inspection bureaus or agencies, provided the same are certified by a responsible official thereof.
3. Whenever the same may be appropriate to determine compliance with the provisions of the New York State Uniform Fire Prevention and Building Code, the Building Inspector 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.
4. 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. Such certificate shall certify that the building conforms to the requirements of the Uniform Code.

SECTION 5: DEPARTMENT RECORDS AND REPORTS

1. 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, and notices and orders issued. All such records shall be public records open to public inspection during normal business hours.
2. The Building Inspector shall annually submit to the Town Board, a written report and summary of all business conducted by him.

SECTION 6: PENALTIES FOR VIOLATION

In accordance with Section 383 of Article 18, of the Executive Law of the State of New York:

1. 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 the New York State Uniform Fire Prevention and Building Code, as well as any regulation or rule promulgated by the Town Board, 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.
2. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, tenant, contractor, subcontractor, 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 provisions of the New York State Uniform Fire Prevention and Building Code, or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by fine not to exceed \$250.00 or imprisonment not to exceed 5 days, or both. Each day that a violation continues shall be deemed a separate offense.
3. 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.
4. An action or proceeding in the name of the Town of Mayfield may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the New York State Uniform Fire Prevention and Building Code, this local law, rules or regulations adopted pursuant to this local law, or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

SECTION 7: BUILDING PERMIT

1. Building Permits:
 - a) No person, firm, or corporation shall commence the erection, construction, enlargement, or structural alteration of any building or structure 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 or building alterations which are not structural in nature.
 - b) Application for a building permit shall be made to the Building Inspector on forms provided by him and shall contain the following information:
 - A description of the site on which the proposed work is to be done;
 - A statement of the use or occupancy of all parts of the land and the proposed building or structure;

- The estimated cost of the proposed work;
 - 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 agents, if any;
 - A brief description of the nature of the proposed work;
 - The required application fee;
 - A statement signed by the owner that the owner consents to permit the Building Inspector, after he produces the proper identification, to enter upon the premises without a search warrant;
 - 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 New York State Uniform Fire Prevention and Building Code.
- c) The application shall be signed by the owner or his authorized agent.
- d) 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 a statement of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

2. FEES

- a) The required application fees to be paid by applicants for a permit shall be established by resolution of the Town Board.
- b) In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50 percent of the fee paid, provided no work has been commenced. If work has been started and the application is not approved, the fees paid shall not be refunded.

3. Issuance of Building Permit or Disapproval of Application

- 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 60 days from the date of submission of the application.
- b) Upon approval of the application and upon receipt of the legal fees therefor, the Building Inspector shall issue a building permit to the applicant upon the form prescribed by the Town Board and shall affix his signature or cause his signature to be affixed thereto.
- c) If the application and documents filed therewith does not conform to all of the requirements of the New York State Uniform Fire Prevention and Building Code, the Building Inspector shall disapprove the application and shall return the documents to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

4. Performance of Work Under Building Permit

- a) A building permit shall be effective to authorize the commencing of work for a period of three years after the date of its issuance. For good cause, the Building Inspector may allow a maximum of two extensions for periods not exceeding three months each. All work shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
- b) Building permits shall be prominently displayed on the property or premises to which it pertains at all times during the progress of the work so as to be readily seen from adjacent thoroughfares.

5. Revocation of Building Permit

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

- a) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;
- b) 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; or
- c) 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.

6. Stop 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 New York State Uniform Fire Prevention and Building Code, or applicable laws, ordinances 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 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 such person by certified mail at the address set forth in the application.

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.

8. 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 completed, 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 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 New York State Uniform Fire Prevention and Building Code and other applicable ordinances, rules and regulations.

9. 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 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 months from its date of issuance. For good cause, the Building Inspector may allow a maximum of two extensions for periods not exceeding three months each.

SECTION 8: SEVERABILITY

If a term, part, provision, section, subdivision or paragraph of this local law shall be held unconstitutional, invalid or ineffective in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

SECTION 9: EFFECTIVE DATE

The effective date of this Local Law is November 1, 1984