

ARTICLE 26-200: ADMINISTERING THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Section 26-201. Purpose

The purpose of this local law shall be to provide a method for the administration and enforcement of the State Uniform Fire Prevention and Building Code in the Town of Busti, and to establish powers, duties, and responsibilities in connection therewith.

Section 26-205. Building Inspector

(a) A building inspector and deputy building inspector shall be appointed by the Town Board at compensation to be fixed by the Town Board. The term "building inspector" as used herein shall refer to the building inspector or deputy building inspector.

(b) (1) Except as otherwise specifically provided by law, or except as otherwise herein provided, the building inspector shall administer and enforce all of the provisions of all laws, ordinances, rules, and regulations applicable to the plan, 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.

(2) The building inspector 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 construction or alteration.

(c) The building inspector shall issue in writing all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction, and to assure compliance during the course of construction with the requirements of such laws, ordinances, rules, and regulations, and such notices or orders shall be served upon the property owner's agent personally, by certified mail, or by posting the same upon a conspicuous portion of the premises to which the notice applies.

(d) The building inspector, whenever he shall determine a violation of this local law exists, he may issue appearance tickets, cause information to be filed at the Town Justice Court or at any other judicial body which he deems appropriate, provided that the same has jurisdiction, and take whatever other action he deems appropriate to prosecute such violation and cause an abatement thereof, including seeking a restraining order or injunction to abate such legal activity.

(e) The building inspector shall issue a certificate of occupancy where appropriate for building constructed or altered in accordance with the provisions of the State Uniform Fire Prevention and Building Code and/or the State Uniform Construction Code which certificate shall certify that the building conforms to the requirements of such codes.

(f) The building inspector shall keep permanent official records of all transactions and activities conducted by the building inspector including all applications received, plans

approved, permits and certificates issued, inspection reports, and all notices and orders issued.

(g) The building inspector shall monthly submit a written report, a summary of all business conducted including approvals, permits, and certificates issued, orders and notices promulgated, inspections, and tests made and appeals or litigation pending or to be concluded. Such report shall be filed with the Town Board on or before the tenth (10th) of each month.

(h) The building inspector shall make inspections at least annually to insure compliance with Chapter C of the Uniform Fire Prevention and Building Code.

(i) The building inspector shall make inspections of new construction, as necessary, to insure compliance with Chapter C of the Uniform Fire Prevention and Building Code.

(j) Inspections shall be made as follows:

(1) Construction inspections where a building permit has been issued, at such times during the course of construction as will permit the observation of the foundation, structural elements, electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, fire protection and detection systems, and exit features;

(2) Inspections where a certificate of occupancy or a certificate of compliance is required, prior to its issuance;

(3) Fire safety inspections of areas of public assembly defined in Part 606 of Title 9 of the official Compilation of Codes, Rules, and Regulations, at least once per year;

(4) Fire safety inspections of all multiple dwellings and all nonresidential occupancies at intervals consistent with local conditions;

(5) Inspections in response to bona fide complaints regarding conditions or activities allegedly failing to comply with the Uniform Code.

Section 26-210. Permits

(a) No person, firm, or corporation shall commence the erection, construction, enlargement, alteration, improvement, conversion, or change in the occupancy of any building or structure, or cause the same to be done, without first having obtained a building permit from the building inspector for each such building or structure, provided that no building permit shall be required for the performance or ordinary repairs where the same are not structural in nature. Exceptions to the requirement for building permits may be allowed for:

(1) Necessary repairs which do not materially affect structural features;

(2) Alterations to existing buildings, provided that the alterations:

(i) Cost less than ten thousand dollars (\$10,000);

(ii) Do not materially affect structural features;

- (iii) Do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;
- (iv) Do not involve the installation or extension of electrical systems; and
- (v) Do not include the installation of solid fuel burning heating appliances and associated chimneys and flues; and

(3) Small noncommercial structures not intended for use by one or more persons as quarters for living, sleeping, eating, or cooking; for example, a small storage building. The application for a building permit shall request sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.

(b) Application for a building permit should be made on forms provided by the building inspector and shall contain the following information:

- (1) A description of the land on which the proposed work is to be done;
- (2) A statement as to the proposed use or occupancy of the proposed building or structure;
- (3) The evaluation of the proposed work;
- (4) Full name and address of the owner and the applicant and the names and addresses of their responsible officers, if any, when corporations, and the name and address of the owner's authorized agent, if any;
- (5) A brief description of the nature of the proposed work;
- (6) If the construction is to be in accordance with the provisions of the State Uniform Construction Code, a statement that the application is made for permission to construct in accordance with the provisions of such Code;
- (7) Such other information which may be reasonably required by the building inspector to establish compliance with the proposed work in accordance with the requirements of the applicable building laws, ordinances, rules, and regulations.

(c) The application shall be made by and signed by the owner, an officer of the owner if the owner is a corporation, or an agent of the owner where such agency has been proven by a writing filed with the building inspector.

(d) Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, 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, and where required by the building inspector, details of structural, mechanical, and electrical work, including computations, stress diagrams, and other technical data. The plans and specifications shall bear the signature of the person responsible for the design and drawings, and where required by Section 7202 or 7302 of the Education Law of the State of New York, the seal of a

licensed architect or engineer. The building inspector shall approve or disapprove all applications for permits within five (5) days of the date of submission.

(e) The building inspector shall retain one copy of the plans and specifications whether approved or disapproved. When disapproved, the enforcement officer shall state the reasons for such disapproval, and, if requested by the applicant, shall do so in writing.

(f) The specifications shall not be approved until the same have been approved by the Zoning Officer of the Town of Busti.

(g) Upon approval of the plans, and in conjunction with the zoning officer, the building inspector shall Issue a permit which shall classify:

- (1) activity or operation which the permit is issued;
- (2) address or location where the activity or operation is to be conducted;
- (3) name and address of permittee;
- (4) permit number and date of issuance; and
- (5) period of permit validity.

(h) A permit shall not be transferable and any change in activity, location, operation, plans, or ownership shall require the issuance of a new or amended permit.

Section 26-215. Period of Validity

A building permit shall be effective for a period of one year. Extensions may be allowed for one additional six-month period at the building inspector's discretion.

Section 26-220. Display of Permit

A building permit shall be prominently displayed on the job site at all times during progress of the work so as to be readily seen from adjacent streets.

Section 26-225. Revocation or Stop Order

(a) The building inspector may revoke a building permit theretofore issued in the following instances:

(1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans, or specifications on which the building permit was based.

(2) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.

(3) Where he finds that the work performed under the permit is not being pursued in accordance with the provisions of the application, plans, or specifications.

(4) 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.

(b) Whenever the building inspector has reasonable grounds to believe that work on any building or structure is being executed 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 notices 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.

Section 26-230. Certificate of Occupancy

(a) Applicability.

(1) 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.

(2) 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 officer.

(b) 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 (3) months from its date of issuance.

Section 26-235. Removal of Dangerous Buildings or Structures

(a) A building or structure or part thereof, which is an imminent danger to life and safety of the public as a result of a fire or explosion or other causes is hereby declared to be a public nuisance.

(b) Whenever the building officer finds a building or structure, or part thereof, to be an imminent danger to life and safety of the public as a result of a fire or explosion or other causes, the building officer may cause it to be demolished and removed or may cause work to be done in and about the building or structure as may be necessary to remove the danger, the expense of which shall be a charge upon the record owner of the real property on which such structure is located.

(c) The building inspector may require the occupants of any such building or structure, or part thereof, to vacate the premises forthwith. No person shall use or occupy such building or structure, or part thereof, until it is made safe, as determined by the building inspector.

Section 26-240. Variances

When practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this local law and/or the State Uniform Fire Prevention and Building Code, the Town Board, acting as an appeals board, shall have the power to pass upon appeals to vary or modify the application of the regulations or provisions relating to the use, construction, or alteration of buildings and structures so that the spirit of this local law and the State Uniform Fire Prevention and Building Code shall be observed and public safety and welfare secured and substantial justice done.

No variance shall be granted by the Town Board acting in its capacity as an appeals board unless it finds as follows:

(a) There are special circumstances or conditions fully described in the findings of the Town Board applying to the buildings in question such that the strict obligation of the provisions of this local law and/or the State Uniform Fire Prevention and Building Code would deprive the applicant of the reasonable use of such building; and

(b) That for reasons set forth fully in the findings of the Town Board the granting of the variance is necessary and required for the reasonable use of the building and that such variance is the minimum variance that will accomplish such purpose; and

(c) Granting of the variance would be in harmony with the general purposes of this local law and the State Uniform Fire Prevention and Building Code and is not likely to be injurious to the public welfare, health, and safety. In granting the variance, the Town Board may prescribe any conditions that it deems necessary or desirable.

Section 26-245. Partial Invalidity

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 26-250. Penalties

Failure to comply with any provision of this local law or the Uniform State Fire Prevention and Building Code shall be deemed a violation, and the violator shall be liable for a fine of not less than two hundred fifty dollars (\$250.00) or imprisonment not to exceed fifteen (15) days, or both, and each day such violation continues shall constitute a separate violation.

Adopted 7/1/85