

Local Law # 3 of the year 1966  
Section 24 repealed law # 3 of 1981  
Amended Law # 2 of the year 1985

DESIGNATING A LOCAL BUILDING OFFICIAL WITH GRANT OF NECESSARY  
POWERS

**1. Designation of Superintendent of Buildings as Public Official**

There is hereby designated in the Town of Hunter a public official to be known as the Superintendent of Buildings, who shall administer and enforce the provisions of all laws, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the Town of Hunter.

**2. Appointment and Qualification of Superintendent of Buildings**

- (a) The Superintendent of Buildings shall be appointed by the Town Board at a compensation to be fixed by it. He shall not be removed from office except for cause after a public hearing on specific charges before the Town Board.
- (b) The Superintendent of Buildings shall be a person who shall have had satisfactory experience or professional training, or both, in the field of building construction or design.

**3. Appointment and Qualifications of Building Inspectors**

- (a) The Town Board may appoint one or more building inspectors, as the need may appear to act under the supervision of the Superintendent of Buildings and to exercise any portion of his powers and duties. The compensation of such building inspectors shall be fixed by the Town Board.
- (b) The Building Inspector shall be a person who has had satisfactory experience or training, or both, to perform the duties assigned to him.

**4. Other Employees**

The Town Board may appoint such other employees as may be necessary from time to time to carry out the functions of the Superintendent of Buildings.

**5. Acting Superintendent of Buildings**

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

**6. Restrictions on Employees**

No officer or employee of the Building Department shall engage in any activity inconsistent with his duties or with the interests of the Building Department.

**7. Relief from Personal Responsibility**

No official or employee of the Building Department shall, while acting pursuant to the provisions of this ordinance be personally liable for any damage that may accrue to

persons or property as the result of any act required or permitted in the discharge of his official duties, providing that such acts are performed in good faith and without gross negligence.

## **8. Joint Building Officials**

The Town Board, in lieu of designating a building official for and behalf of the Town of Hunter may, for the purpose of administering and enforcing all laws, ordinances and regulations covering the construction, alteration, repair or demolition of buildings and structures,

- (a) contract with another municipality under such terms and conditions as may be provided in such contract for such administration and enforcement to be handled by the building official or officials or other appropriate official of such other municipality, or
- (b) designate a building official or officials jointly with one or more other cities, villages or towns for the administration and enforcement of such laws, ordinances or regulations, and such building official or officials shall operate, to administer and enforce such building laws, regulations and ordinances in the several cities, towns or villages covered by such joint agreement. Provision shall be made, by agreement, for the appropriation, custody, audit, approval and payment of funds sufficient to defray the expense of operation of such joint building official or officials, including salaries, and for the proportionate cost of the expense of operation to be borne by each municipality. The manner of employment of personnel and custody and payment of money shall be provided by agreement.

## **9. Duties and Powers of Superintendent of Buildings**

- (a) Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Superintendent of Buildings shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.
- (b) He shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.
- (c) He shall issue 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 or regulations. 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, provided the same are certified by a responsible official thereof.
- (d) Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, he may require the performance of tests in the field by experienced,

professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.

#### **10. Department Records and Reports**

- (a) The Superintendent of Buildings shall keep permanent official records of all transactions and activities conducted by him, including all applications received, 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 business hours.
- (b) The Superintendent of Buildings shall, annually, submit to the Town Board a written report and summary of all business conducted by the Superintendent of Buildings, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.

#### **11. Cooperation of Other Departments**

The Superintendent of Buildings may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Police, Fire and Health Departments or officers and of all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

#### **12. Application for Building Permit**

- (a) No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, 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 Superintendent of Buildings for each 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 a building permit shall be made to the Superintendent of Buildings on forms provided by him and shall contain the following information:
  - (1) A description of the land on which the proposed work is to be done;
  - (2) A statement of the use or occupancy of all parts of the land and of the building or structure;
  - (3) The valuation of the proposed work;
  - (4) 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;
  - (5) A brief description of the nature of the proposed work;
  - (6) A duplicate set of plans and specifications as set forth in subdivision (c) of this section; and
  - (7) Such other information as may reasonably be required by the Superintendent of Buildings to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations. Applications shall be made by the owner or lessee, or agent of either or by the 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 or applicant that the proposed work

is authorized by the owner and that the applicant is authorized to make such application.

- (c) 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, tile relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and where required by the Superintendent of Buildings, 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.

The Superintendent of Buildings may waive the requirement for filing plans.

- (d) Amendments to the application or to the plans and specifications accompanying the same may be tiled at any time prior to the completion of the work, subject to tile approval of the Superintendent of Buildings.

### **13. Issuance of Building Permit**

- (a) The Superintendent of Buildings 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 a reasonable time.

Upon approval of the application and upon receipt of the legal fees there for he shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed there to.

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

If the application together with plans, specifications and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable building regulations, the building official shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Superintendent of Buildings shall cause such refusal, together with the reasons therefore to be transmitted to the applicant in writing.

### **14. Performance of Work under Building Permit**

- (a) A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six months after the date of its issuance. For good cause, the Superintendent of Buildings may allow a maximum of two extensions for periods not exceeding three months each.
- (b) The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and

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

**15. Building Permit Fees** *See Local Law # 3 of 2002 new Fees*

Upon the filing of an application for a building permit, the following fees shall be payable:

**Where the Total Valuation of the Work is Fee**

Up to \$1,000	\$5.00
For each additional \$1,000 or fraction,	
Up to and including 15,000	\$3.00
For each additional 1,000 or fraction,	
Up to an including 50,000	\$2.00
For each additional 1,000 or fraction,	
Exceeding \$50,000	1.00

In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.

**16. Revocation of Building Permit**

The Superintendent of Buildings may revoke a building permit theretofore issued and approved in the following instances:

- (a) 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;
- (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; or
- (d) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Superintendent of Buildings.

**17. Stop Orders**

Whenever the Superintendent of Buildings 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 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, or the person performing the work, 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 under construction and sending a copy of the same by registered mail.

## **18. Right of Entry**

Any building official, upon the showing of proper credentials and in the discharge of his duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

## **19. Certificate of Occupancy**

- (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 Superintendent of Buildings.
- (b) No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Superintendent of Buildings.
- (c) No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy shall have been issued by the Superintendent of Buildings.

## **20. Inspection Prior to Issuance of Certificate**

Before issuing a certificate of occupancy, the Superintendent of Buildings 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, remove, demolish, or change the use or 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 Department a record of all such examinations and inspections together with a record of findings of violations of the law.

## **21. 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 and regulations; and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Superintendent of Buildings 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 Superintendent of Buildings shall refuse to 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 application there for is made. Failure to act upon such application within 30 days shall constitute approval of such application and the building or portion thereof may thereafter be occupied as though a certificate of occupancy had been issued.
- (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 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.

## **22. Temporary Certificate of Occupancy**

Upon request, the Superintendent of Buildings 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 portions as have been completed may be occupied safely without endangering life or the public welfare.

### 23. Tests

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform with the requirements of the applicable building laws, ordinances or regulations, the Superintendent of Buildings may require the same to be subjected to tests in order to furnish proof of such compliance.

### 24. **Unsafe Buildings** *Repealed Law # 3 1981 see unsafe building law*

- (a) All buildings or structures which are structurally unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are, severally, for the purpose of this Section, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this Section.
- (b) The Superintendent of Buildings shall examine or cause to be examined every building reported as unsafe or damaged, and shall make a written record of such examination.
- (c) Whenever the Superintendent of Buildings shall find any building, or structure, or portion thereof to be an unsafe building as defined in this Section, he shall, in the same manner as provided for the service of stop orders in section 17 of this Ordinance, give to the owner, agent, or person in control of such building or structure written notice stating the defects thereof, This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, or structure, or portion thereof.
- (d) If the Superintendent of Buildings finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected, and approved by the building official. The Superintendent of Buildings shall cause to be posted at each entrance to such building a notice: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING DEPARTMENT". Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents or other servants to remove such notice without written permission of the Superintendent of Buildings, or for any person to enter the building except for the purpose of making the required repairs, or of demolishing same.
- (e) In case the owner, agent, or person in control cannot be found within the stated time limit, or if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building, or structure, or portion thereof, the Town counsel shall be advised of all the facts in the case, and shall institute an appropriate action in the courts to compel compliance.
- (f) In cases of emergency which, in the opinion of the Superintendent of Buildings, involve imminent danger to human life or health, he shall promptly cause such building, structure, or portion thereof to be made safe or removed. For this purpose he may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way.

- (g) Costs incurred under paragraphs (e) and (I) of this section shall be paid out of the municipal treasury on certificate of the Superintendent of Buildings. Such costs shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

## **25. Penalties for Violation**

- (a) It shall be unlawful for any person, firm, or corporation to construct, alter, repair, move, re move, demolish, equip, use, occupy or maintain any buildings or structures or portion thereof in violation of any provision of this ordinance or to fail in any manner to comply with a notice, directive or order of the Superintendent of Buildings, or to construct, alter or use and occupy any buildings 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 Superintendent of Buildings 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 this Ordinance, or any lawful order, notice, directive, permit or certificate of the Superintendent of Buildings made there under shall be punish able by a fine of not more than five hundred dollars, or thirty days in jail, 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 there for 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 convicted thereof.
- (d) This section shall not apply to violations of the provisions of the State Building Construction Code punishable under Section 385 of the Executive Law of the State of New York; nor to violations of the provisions of the Multiple Residence Law punishable under Section 304 of the Multiple Residence Law of the State of New York.

## **26. Abatement of Violation**

Appropriate actions 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 premise or to prevent illegal acts, conduct or business in or about any premises; and these remedies shall be in addition to the penalties pre scribed in the preceding section.

## **27. Effective Date**

This local law shall take effect 10 days after the publication, posting and filing with the Secretary of State, State Comptroller and Town Clerk as required by the Municipal Home Rule Law.