

TOWN OF PIERCEFIELD
ST. LAWRENCE COUNTY,
NEW YORK

BUILDING CONSTRUCTION ORDINANCE

The Town Board of the Town of Piercefield, St. Lawrence County, New York, having duly adopted a resolution accepting the applicability of the State Building construction code, hereby enacts the following administrative ordinance pursuant to the provisions of the Section 383 of the Executive Law of the State of New York, and all other applicable laws:

BE IT RESOLVED AND ORDAINED, by the Town Board of the Town of Piercefield, as follows:

Section 1. Designation of Building Official as Public Official

There is hereby designated in the Town of Piercefield, St. Lawrence County, New York, a public official to be known as the building official, who shall be appointed by the Supervisor of said town with the approval of the Town Board at a compensation to be fixed by it.

Section 2. Acting Building Official

In the absence of the building official, 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 building official 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 building official and to exercise any portion of the powers and duties of the building officials as directed by him. The compensation of such building inspectors shall be fixed by the Town Board.

Section 4 Restrictions on Employees

A building official, building inspector or an officer 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 Piercefield, excepting 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 Building Official

(a) Except as otherwise specifically provided by law, ordinance, rule, or regulation, or except as herein otherwise provided, the building official shall administer and enforce all of the provisions of laws, ordinances, 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) He shall promulgate rules and regulations subject to the approval of the Town Board to secure the intent and purposes of the is ordinance and a proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alteration or repairs.

(c) He shall receive applications, approve plans and specifications, and issue permits for the erection and alteration of buildings or structure 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.

(d) 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 r 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 the buildings or from generally recognized and authoritative service and inspection bureaus or agencies, provided the same are certified by a responsible official thereof.

(e) 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.

(f) He shall issue a certificate of occupancy where appropriate for a building constructed or altered in accordance with the provisions of the state building construction code which such certificate shall certify that the building conforms to the requirements of the state building construction code.

Section 6. Department Records and Reports

(a) The building official shall keep permanent official records of all transactions and activities conducted by him including all applications received, plans approved, permits and certificates issues, 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 building official 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 7. Penalties for Violation

In accordance with Section 383 of Article 18 or 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.

Section 8. 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 business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.