

INC. VILLAGE OF ISLAND PARK

LOCAL LAW 23 OF 2016

Local Law 23 of 2016 entitled Building Construction Administration.

Be it enacted by the Board of Trustees of the Inc. Village of Island Park as follows:

See attached document entitles Building Construction Administration.

INC. VILLAGE OF ISLAND PARK

LOCAL LAW 23 OF 2016

51-G

BUILDING CONSTRUCTION ADMINISTRATION

- Section 51-G-1. Designation of Building Inspector as a Public Official.**
- Section 51-G- 2. Acting Building Inspector.**
- Section 51-G- 3. Appointment of Plumbing Inspectors and Building Department Personnel.**
- Section 51-G- 4. Restrictions of Employees.**
- Section 51-G- 5. Duties and powers of Building Inspectors.**
- Section 51-G-6. Department records and reports.**
- Section 51-G-7. Cooperation of other departments.**
- Section 51-G-8. Applications for a permit.**
- Section 51-G-9. Application for Plumbing Permit.**
- Section 51-G-10. Action on application for permits.**
- Section 51-G-11. Performance of work under building permit or plumbing permit; conditions of permit**
- Section 51-G-12. Abandonment of project.**
- Section 51-G-13. Revocation of Permits**
- Section 51-G-14. Stop orders.**

INC. VILLAGE OF ISLAND PARK

LOCAL LAW 23 OF 2016

51-G

BUILDING CONSTRUCTION ADMINISTRATION

Section 51-G-15. Certificate of Occupancy.

Section 51-G-16. Certificate of completion.

Section 51-G-17. Certificate of approval of plumbing or drainage work.

Sections 51-G-18. Inspection prior to issuance of certificate of occupancy. Certificates of completion, or certificate of approval of plumbing or drainage work.

Section 51-G-19. Issuance of certificate of occupancy, certificate of completion or certificate of approval of plumbing or drainage work.

Section 51-G-20. Temporary certificate of occupancy.

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Section 51-G-30. Savings.

Section 51-G-31. Conflicts; severability.

Section 51-G-1. Designation of Building Inspector as a Public Official.

The head of the Building Department of the Village of Island Park shall be the Village Building Inspector appointed by the Mayor and Board of Trustees pursuant to § 3-301 of the New York Village Law, who shall have the title of **Chief Building Inspector** and receive such compensation as may be fixed by the Mayor and Board of Trustees. The Mayor and Board of Trustees may appoint such assistants and subordinates to **Chief Building Inspector** as may be deemed necessary for enforcing the provisions of this code.

Section 51-G- 2. Acting Building Inspector.

In the absence of the Building Inspector or in case of his inability to act for any reason, the Mayor and Board of Trustees shall have the power, to designate a person to act on behalf of the Building Inspector and to exercise all the powers conferred upon him by this chapter.

Section 51-G- 3. Appointment of Plumbing Inspectors and Building Department Personnel.

The Mayor and Board of Trustees may appoint a Plumbing Inspector or Inspectors and other Building Department personnel, as the need may appear, to act under the supervision of the Building Inspector and to exercise any portion of his powers and duties. The compensation of such Plumbing Inspectors and personnel shall be fixed by the Mayor and Board of Trustees.

Section 51-G- 4. Restrictions of 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; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the unincorporated area of the Town of Hempstead, excepting that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him or not constructed for sale.

Section 51-G- 5. Duties and powers of Building Inspectors.

A.

Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector 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, including plumbing and drainage work therein, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.

B.

He shall have the power to adopt rules, with the consent of the Village Board, to secure the intent and purposes of this chapter and a proper enforcement of the laws, ordinances and regulations governing building construction and plumbing and drainage work in any building or structure.

C.

He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications for 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.

D.

He shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications to install any new plumbing or drainage work in a building or structure, or to extend or alter any existing plumbing or drainage work

E.

He shall, on complaint or other information, examine existing and completed buildings and structures, as well as buildings and structures under construction, and shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during the construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances and 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 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.

F.

Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction, he may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative laboratories and/or service bureaus or agencies.

G.

The Chief Building Inspector is hereby authorized to adopt such administrative rules and regulations as shall be necessary or desirable for the enforcement and application of this chapter and all persons making application to the Building Department or subject to this chapter shall comply with such rules and regulations, copies of which shall remain on file in the office of the Chief Building Inspector of the Building Department at all times.

Section 51-G-6. Department records and reports.

A.

The Building Inspector 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.

B.

The Building Inspector shall annually submit to the Village Board a written report and summary of all business conducted by the Department of Buildings, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.

Section 51-G-7. Cooperation of other departments.

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

Section 51-G-8. Applications for a permit.

A.

No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, repair or conversion of any building or structure or part thereof, or change the nature of the occupancy of any building or structure, or cause same to be done, or to install in or in connection with a building or structure an elevator or heating or heat-producing appliance or equipment other than ordinary stoves or ranges, without first filing with the Building Inspector an application for such construction, alteration, moving or demolition, or installation of elevator, heating or heat-producing appliance or equipment other than ordinary stoves or ranges, and obtaining a permit.

(1)

It shall further be unlawful for any property to be maintained with any building, structure, or other improvement for which a building permit is required under the laws of the Village of Island Park, or any law duly enforceable by the Village of Island Park, unless and until a building permit and any required certificate of completion or occupancy, has been duly issued therefor.

(2)

It shall not be a defense to the above provisions of this chapter, on behalf of any owner, tenant, or other person or entity in control of the premises, that any such building, structure, or improvement was fully or partially in existence prior to the time that such owner, tenant, or other person or entity in control of the

premises acquired such status, and they or any of them shall be liable for such violation(s) to the extent provided by law.

B.

Such application shall be made to the Building Inspector 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 the proposed 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 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.

(7)

Such other information as may reasonably be required by the Building Inspector to establish the 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.

If the application contemplates the moving of an existing building or structure from one location to another, it shall be accompanied by a description of the method to be used and a statement of the route to be followed. Permits from the state, county, town and/or village authorities shall be submitted at the time of making application for permit.

The Building Inspector shall require a separate application to be filed for an elevator

installation, but in case such separate application is filed by the same applicant in connection with and relating to an application to construct or alter a building or structure, it shall not be necessary to duplicate the affidavit attached to, or information contained in, the application to construct or alter.

Nothing in this section shall prevent the Building Inspector from requiring such additional information as may be necessary to an intelligent understanding of any proposed work.

C.

Each application for a building permit shall be accompanied by duplicate plans and specifications, duplicate property surveys by a licensed land surveyor, and a recent tax bill for the subject property. The applicant shall type or print legibly all pertinent information on the applications. The plot plan shall be drawn to scale and shall show the location, size, shape and dimensions of the property, the setbacks from the property lines and the size of all existing and proposed buildings, additions and/or structures on the property and the front yard setbacks of all existing buildings within 200 feet on each side of the plot.

The plans shall be drawn to scale and shall show all necessary details of all structural, mechanical, electrical and plumbing work to be performed.

Plans and specifications shall bear the signature of the person responsible for the design and drawings, and where required by law, the seal of a licensed architect or a licensed professional engineer.

The Building Inspector, at his discretion, may accept a written description of work, in lieu of construction documents, signed and sealed by a licensed architect or a licensed professional engineer, for emergency repairs.

An application to demolish shall give the full name and addresses of the owner or owners, the applicant and of the person who is to do the work; the lot number or street number of the premises.

D.

Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Building Department and approval received from the Building Inspector prior to the commencement of such change of work.

Section 51-G-9. Application for Plumbing Permit.

The provisions of ordinance 51-E, notwithstanding;

A.

A person, firm or corporation shall not install or cause to be installed any new plumbing or drainage work in a building or structure, or extend or alter or cause to be extended or altered any existing plumbing, or install a new sewage disposal system, or alter, rehabilitate, reconstruct or replace an existing sewage disposal system without first obtaining a permit from the Department of Buildings for such work. All requirements pertaining to plumbing and drainage, as prescribed by this chapter, shall be applicable to sewage disposal systems, unless otherwise specified or as may be determined by the Chief Building Inspector.

(1)

It shall further be unlawful for any property to be maintained with any plumbing or drainage work in a building or structure, for which a plumbing permit is required under the laws of the Town of Hempstead, or any law duly enforceable by the Village of Island Park, unless and until a plumbing permit has been duly issued therefor.

(2)

It shall not be a defense to the above provisions of this chapter, on behalf of any owner, tenant, or other person or entity in control of the premises, that any such plumbing or drainage work in a building or structure was fully or partially in existence prior to the time that such owner, tenant or other person or entity in control of the premises acquired such status, and they or any of them shall be liable for such violation(s) to the extent provided by law.

B.

No person, firm or corporation shall supply or cause to be supplied or used water for any building, structure or real property within the building lines of any premises in the Village of Island Park until a permit shall be secured.

C.

Permit required for gas supply or meters.

(1)

No person, firm, corporation or purveyor of gas shall install or cause to be installed any pipe for the supply of gas from a meter or source of supply to a consumer's appliance in any building structure or real property within the building lines of any premises in the Village of Island Park until a permit shall be secured.

(2)

No person, firm, corporation or purveyor of gas shall install or cause to be installed a gas meter or meters for the supply of natural gas or such other device that is a necessary component for the supply of natural gas or such other device that is a necessary component for the supply of liquefied petroleum gas to a consumer's appliance in any building, structure or real property within the building lines of any premises in the Village of Island Park until a permit shall be secured and a test witnessed by Building Department shall have proven the integrity of the piping used for the supply of gas to a consumer's appliance.

D.

Applications for plumbing work, including connections from a house sewer to the public sewage disposal system shall be made by licensed plumbers on forms prescribed by the Chief Building Inspector.

E.

The Building Department may require said applications to be accompanied by plans when such are necessary for an intelligent understanding of the proposed work.

F.

No change shall be made in the specifications or plans for plumbing or drainage work after a permit has been issued unless an amendment showing such changes has been made to the application and they have been approved by the Chief Building Inspector.

Section 51-G-10. Action on application for permits.

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 a reasonable time.

B.

Upon approval of an application for a permit and upon receipt of the legal fees therefor, the Building Inspector shall issue a permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.

C.

Upon approval of an application for a building permit, both sets of plans and specifications shall be endorsed with the word "**Accepted**". One set of such approved plans and specifications shall be retained in the files of the Building Department 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 Building Inspector or his authorized representative at all reasonable times.

D.

If an application for a building or plumbing permit, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable building or plumbing and drainage laws, ordinances and regulations, the Building Inspector shall disapprove the same and the plans and specifications shall become part of the public record. Upon request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

E.

No permit for plumbing or drainage work shall be issued unless and until the application relating thereto has been approved by the **Building Inspector** or a Plumbing Inspector.

F.

Nothing in this section shall be construed to prevent the Building Inspector from authorizing a permit for the construction of part of a building or structure when plans and detailed statements of said building or structure have been submitted or approved, provided that the information required by of this chapter has been filed. The part of the construction to be permitted to be at the discretion of the Building Inspector, and any such work done under approval, in part, to be at the risk of the applicant.

Section 51-G-11. Performance of work under building permit or plumbing permit; conditions of permit.

A.

A building permit or a plumbing permit shall be considered authorization to commence work in accordance with the application, plans and specifications as approved by the Department of Buildings. Except for building or plumbing permits issued for demolition purposes, work shall commence within 90 days of the date of issuance. For permits issued for demolition purposes, work shall commence within 15 days of the date of issuance. A project shall be deemed abandoned if work is not commenced within the specified time limitation, or if the project is not completed prior to the permit expiration date.

B.

Whenever a project has been deemed abandoned, it shall be unlawful to continue work thereon except upon the issuance of a supplementary permit setting forth an extension of time. However, if a written application is filed simultaneously with the required fee, outlining the reasons necessitating an extension of time, the Chief Building Inspector may, for good cause, allow a reasonable extension of time and grant the issuance of a supplementary permit.

C.

Each supplementary permit issued for an extension of time shall be limited to a period of 90 days or less, except that each extension granted on a permit for demolition work shall be limited to a period of 15 days or less. If any project for which a building or plumbing permit has been issued, except for demolition work, has not been completed within one year from the date of issuance, it shall be deemed abandoned. Permits for demolition work shall be considered abandoned if such demolition is not completed within 30 days of the date of issuance of such permit. Where application is made to complete any project within a period of time beyond said one-year period, it will be necessary to obtain a supplementary permit for an additional period, but in no event shall this completion period be extended beyond two years from the original date of issuance.

D.

The fee required for each extension requested shall be 25% of the total fees charged for the issuance of such permit, but shall not be less than \$50 nor exceed \$120. The fee required upon filing the application for extension of a permit shall be payable at such time. Any fees paid for an extension shall be nonrefundable and shall not be applicable to nor deductible from any other fees associated with such permit.

E.

The location of a new building or structure or an extension of an existing building or structure shown on an accepted and approved plot diagram or an approved amendment thereof shall be strictly adhered to.

F.

It shall be unlawful to reduce or diminish the area of any lot or plot for which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in condition shall have been filed and approved; provided, however, that this shall not apply when the lot area is reduced by reason of a street opening or widening or other public improvement.

G.

Notice in writing shall be given to the **Chief Building Inspector** at least 24 hours before the commencement of any work requiring a permit.

H.

Where a permit is required for the construction or erection of walls, ceilings or partitions, or where such work is done in conjunction with other work requiring a permit, the **Chief Building Inspector** shall be notified, in writing, and permission shall be secured before installing any covering thereon.

I.

Permits, plans and surveys approved by the Department of Buildings shall be available on the job site at all times during the progress of construction. Permits issued by the Department of Buildings shall be displayed and affixed so as to be readily seen from adjacent thoroughfares during this period.

Section 51-G-12. Abandonment of project.

In the event of the abandonment of any building project, it shall be the duty of the holder of the permit or the owner of the premises, his agent or duly authorized representative, to backfill any open excavation up to the street or ground level; in case the construction of the building or structure has proceeded beyond the cellar excavation, all uncompleted structures or openings shall be completely boarded up so as to prevent access to the building or structure, in order to limit and prevent danger to persons or property and possible fire hazards.

Section 51-G-13. Revocation of Permits

The Building Inspector shall have authority to revoke permits theretofore issued 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 specification on which the building permit was based;

B.

Where he finds that the 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 permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

Section 51-G-14. Stop orders.

Whenever the Building Inspector has reasonable grounds to believe that work on or in any building or structure is being prosecuted in violation of the provisions of the applicable building or plumbing 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 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 same by registered or certified mail.

Section 51-G-15. Certificate of Occupancy.

A.

No building hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector certifying that such building conforms substantially to the permit and the requirements of law applying to buildings of its class and kind.

B.

No building hereafter enlarged or extended, or so altered, wholly or in part, as to change its classification as a residential, business, light manufacturing or industrial building, and no building hereafter altered for which a certificate of occupancy had not been issued heretofore, shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector certifying both that the work for which the permit was issued has been completed substantially in accordance with the permit and the provisions of law applying to such an alteration, and that the building is safe for occupancy insofar as can be determined by visual inspection; provided that if the occupancy or use of such building

was not discontinued during the work of alterations, the occupancy or use of the building shall not continue for more than 30 days after completion of the alteration unless such certificate shall have been issued.

Section 51-G-16. Certificate of completion.

In those instances where work is performed under a permit but no certificate of occupancy is required, the Building Inspector shall issue a certificate of completion if it is found that the proposed work has been completed substantially in accordance with the permit and the laws applicable thereto. The certificate shall also indicate the use or uses to which the structure or installation may thereafter be put and to what extent.

(1)

It shall be unlawful for any owner, tenant, or other person or entity in control of the premises to maintain any work performed under a building permit for a period of longer than one year from the issuance of said permit, without a certificate of completion, unless a supplementary building permit extending time for completion has been issued.

(2)

It shall not be a defense to the above provisions of of this chapter, on behalf of any owner, tenant, or other person or entity in control of the premises, that any such work performed under a building permit for a period of longer than one year from the issuance of said permit, without a certificate of completion, unless a supplementary building permit extending time for completion has been issued, was fully or partially in existence prior to the time that such owner, tenant, or other person or entity in control of the premises acquired such status, and they or any of them shall be liable for such violation(s) to the extent provided by law.

Section 51-G-17. Certificate of approval of plumbing or drainage work.

In those instances where plumbing or drainage work is to be performed under a permit, the Building Inspector shall issue a certificate of approval of the plumbing or drainage work if it is found that said work has been completed substantially in accordance with the permit and the laws applicable thereto.

A.

It shall be unlawful for any owner, tenant, or other person or entity in control of the premises to maintain any work performed under a plumbing permit for a period of longer than one year from the issuance of said permit, without a certificate of approval of the plumbing or drainage work, unless a supplementary plumbing permit extending time for completion has been issued.

B.

It shall not be a defense to the above provisions of this chapter, on behalf of any owner, tenant, or other person or entity in control of the premises, that any such work performed under a plumbing permit for a period of longer than one year from the issuance of said permit, without a certificate of approval, unless a supplementary plumbing permit extending time for completion has been issued, was fully or partially in existence prior to the time that such owner, tenant, or other person or entity in control of the premises acquired such status, and they or any of them shall be liable for such violation(s) to the extent provided by law.

Section 51-G-18. Inspection prior to issuance of certificate of occupancy. Certificate of completion, or certificate of approval of plumbing or drainage work.

A.

Before issuing a certificate of occupancy, a certificate of completion, or a certificate of approval of plumbing or drainage work, the Building Inspector shall examine or cause to be examined all buildings, structures, sites and work for which such application has been filed; and he may conduct such inspection as he deems appropriate from time to time during and upon completion of the work.

B.

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.

Section 51-G-19. Issuance of certificate of occupancy, certificate of completion or certificate of approval of plumbing or drainage work.

A.

A certificate of occupancy, a certificate of completion, or a certificate of approval of plumbing or drainage work shall be issued within a reasonable time after application therefor is made.

B.

The Building Inspector, at his discretion, may require a final survey to be submitted before a certificate of occupancy or a certificate of completion will be issued.

Section 51-G-20. 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 that such portion or portions as have been completed may be occupied safely without endangering life, health or the public welfare. A temporary certificate of occupancy may be issued for a period not exceeding three months from its date of issuance and shall be void thereafter, except that for good cause the Building Inspector may allow a maximum of two extensions for periods not exceeding three months each.

Section 51-G-21. Tests

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests by a testing agency designated by the Building Inspector at the applicant's own cost, in order to furnish proof of such compliance.

Section 51-G-22. Penalties for offences.

In accordance with § 382 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, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of law or rule promulgated by the Building Department 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 or plumbing permit or certificate of occupancy.

B.

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, 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 commit an offense against any of the applicable provisions of law or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder or any provision of this code shall be guilty of a violation punishable by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment. Each day that an offense continues shall be deemed a separate offense. For conviction of a second offense, both of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$250 and not more than \$1,000 or by imprisonment for a period not to exceed 15 days, or both.

C.

Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor 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.

Section 51-G-23. 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 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.

Section 51-G-24. Unsafe buildings.

The provisions of Ordinance no. 51-A; Local law 2 of 1984, notwithstanding;

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 Building Inspector 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 Building Inspector 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 of this chapter, 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 Building Inspector 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 re-occupied until the specified repairs and improvements are completed, inspected and approved by the Building Inspector. The Building Inspector shall cause to be posted at each entrance to such building a notice that the building is unsafe, forbidding anyone to enter it and directing the owner to get in touch with the Building Department immediately. 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 persons, to remove such notice without written permission of the Building Inspector, 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, or if such owner, agent or person in control fails, neglects or refuses to comply with notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the Village Attorney shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.

F.

In case of emergency which, in the opinion of the Building Inspector, involves imminent danger to human life or health, he shall promptly cause such building, structure or portion thereof to be vacated and to be made safe or to be 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 Subsections E and F of this section shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

Section 51-G-25. Zoning restrictions.

The restrictions of the Building Zone Ordinance, with respect to the location of trades and industries, the use and occupancy of buildings and the areas of yards and other open spaces, and the height of buildings and structures, shall not be deemed to be modified by any provision of this chapter; and those restrictions shall be controlling except insofar as this chapter imposes greater restrictions by reason of the type of construction used, in which case the provisions of this chapter shall control.

Section 51-G-26. No legalization due to delinquency.

No oversight or dereliction of duty on the part of the Building Inspector or on the part of any employee of the Building Department shall legalize the erection, construction, alteration, removal of, use or occupancy of a building or structure that does not conform to the applicable building or plumbing laws, ordinances or regulations, or that does not conform to the provisions of an application, plans or specifications on the basis of which a building permit or plumbing permit was issued, or that does not conform to the applicable provisions of the Building Zone Ordinance.

Section 51-G-27. Licensing of plumbers.

The licensing of plumbers shall be in accordance with ORDINANCE NO. 51-B

Section 51-G-28. Enforcement authority.

All employees of the Department of Buildings and, the Department of public works who are now or hereafter charged with the responsibility to perform inspection and/or enforcement duties with regard to the laws, codes, ordinances, rules and regulations within the general jurisdiction of their respective departments are hereby further empowered to enforce any statute, local law, ordinance, rule or regulation relating to parking, licensing of occupations or businesses, fire prevention and safety, health and sanitation (including maintenance of roads and sidewalks), building, zoning and planning, and to issue appearance tickets returnable in the Village Court for violation(s) thereof.

Section 51-G-29. Limitation.

Nothing herein shall be construed in such a manner as to authorize enforcement of any laws, codes, ordinances, rules and regulations, including the issuance of appearance tickets, by any person who has not fulfilled express requirements or achieved necessary qualifications therefor as may be provided under applicable state or federal laws.

Section 51-G-30. Savings.

Nothing herein shall be construed as curtailing the authority of any employee of the Department of Buildings or the Department of public works, heretofore existing under the laws, codes, ordinances, rules and regulations within the general jurisdiction of their respective departments.

Section 51-G-31. Conflicts; Severability.

This local law is intended to supplement and not repeal the provisions of the Village Code of the Village of Island Park. In the event of a conflict between the provisions of this local law and the provisions of the Code or Building Zone Ordinance of the Village of Island Park, the more stringent regulation shall control. Any existing procedural requirement or specific term set forth in the Code or Building Zone Ordinance of the Village of Island Park which is substantially analogous to any procedural requirement or specific term set forth in this local law may be continued and followed in the administration and enforcement of this local law, and same shall be considered in full compliance herewith. In the event that any part of this local law is held to be unenforceable by a court of competent jurisdiction, then only the part so held shall not be enforced, and the remainder shall continue in full force and effect.

This Local Law shall be effective upon filing with the Office of the Secretary of State.