

At a Special Meeting of the Town Board of the Town of New Scotland, Albany County, New York, held at the Town Hall, New Scotland, New York, on the 22nd day of December, 1966.

The following Ordinance was introduced by Councilman Patterson who moved its adoption, and the same was seconded by Justice Schultz.

**ADMINISTRATIVE ORDINANCE RELATING
TO THE STATE BUILDING CONSTRUCTION CODE
IN THE TOWN OF NEW SCOTLAND,
ALBANY COUNTY, NEW YORK**

WHEREAS, the Town of New Scotland has, by resolution duly filed, accepted the applicability of the State Building Construction Code within said Town,

NOW, THEREFORE, pursuant to the provisions of Section 383 of the Executive Law of the State of New York, and all other applicable laws, the following Ordinance is hereby enacted:

RESOLVED AND ORDAINED:

Section 1. The Town Board is hereby authorized to appoint or employ a building inspector.

Section 2 (a). The building inspector shall have all of the powers relating to the administration and enforcement of the State Building Construction Code set forth in Article 18 of the Executive Law of the State of New York and shall have the power to administer and enforce any and all other building regulations applicable to the Town under any other law or ordinance relating to building regulations now, and hereinafter, applicable to this Town.

Section 2 (b). Said building inspector is to have the power to adopt rules, with the consent of the Town Board, to secure the intent and purpose of said State Building Construction Code, this ordinance and other laws and ordinances relating to building regulation now, or hereinafter, applicable to this Town.

Section 3. The building inspector may be appointed or employed by the Town Board in conjunction with one or more municipalities.

The compensation of the building inspector shall, from time to time, be fixed by the Town Board.

Section 4. Applications for building permits shall be filed with the building inspector at the Town Hall and shall be accompanied by the fees required by Section 9.800 of the Zoning Ordinance of the Town of New Scotland.

This Ordinance shall take effect ten (10) days after posting and publishing thereof and immediately as against any person personally served with a certified copy thereof in accordance with Section 133 of the Town Law of the State of New York.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:
TOWN OF NEW SCOTLAND)

I, RAYMOND C. RAYNSFORD, Town Clerk of the Town of New Scotland, Albany County, New York, do hereby certify that I have compared the annexed Ordinance of the Town of New Scotland with the original thereof filed in my office at New Scotland, Albany County, New York, on the 22nd day of December, 1966, and that the same is a true and correct copy of said original and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 23 day of *December* Nineteen Hundred and Sixty-*six*

Elizabeth Feldman
Deputy Town Clerk of the Town of
New Scotland, Albany County,
New York.

ELIZABETH FELDMAN
DEPUTY TOWN CLERK
TOWN OF NEW SCOTLAND
R. D. SLINGERLANDS, N. Y. 12159

RULES AND REGULATIONS FOR
THE ADMINISTRATION OF THE
STATE BUILDING CODE IN THE TOWN OF NEW
SCOTLAND, ALBANY COUNTY, NEW YORK

The Building Inspector, pursuant to Article VIII of the Executive Law of the State of New York and the Ordinance adopted by the Town Board of the Town of New Scotland on the 27 day of December, 1966, does hereby prescribe, subject to the approval of said Town Board, the following regulations and rules for the administration of State Building Code in the Town of New Scotland:

Section I. Powers of the Building Inspector.

(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, 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 assistants 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.

Section II. Department Records and Reports.

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

Section III. 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 Building Department for each such 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 Building Inspector on forms provided by the Building Department 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 Building Inspector 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 applications.

(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, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and where required by the Building Inspector, details of structural, mechanical and electrical work, including corporations, stress diagrams and other essential technical data.

Plan and specifications shall bear the signature of the person responsible for the design and drawings.

The Building Inspector may waive the requirement for filing plans.

(d) Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector.

Section IV. Issuance of Building Permit.

(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.

Upon approval of the application and upon receipt of the legal fees therefor, 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 thereto.

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 Department 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 Building Inspector or his authorized representative at all reasonable times.

If the application together with plans, specifications and other documents filed therewith described 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 Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

Section V. 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 Building Inspector 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, except that no building permit shall be valid insofar as it authorizes the performance of work or the use of materials which are not in accordance with the requirements of the applicable building regulations.

Section VI. Building Permit Fees.

The Building Inspector shall charge and collect the fees provided by ordinance for the permits and certificates provided for herein.

Section VII. Revocation of Building Permit.

The Building Inspector 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 to or refuses to comply with a stop order issued by the Building Inspector.

Section VIII. 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 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 stop 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.

Section IX. Right of Entry.

The Building Inspector, his assistant, or any member of a fire department or fire company specially authorized by the Building Inspector to do so, 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.

X. 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 Building Inspector.

(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 for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the building inspector.

(c) No change shall be made in the use or type of occupancy of an existing building/a certificate of occupancy shall have been issued by the Building Inspector.

Section XI. Inspection Prior to Issuance of Certificate.

Before issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all building, structures and sties 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 laws.

Section XII. 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 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 refuse to issue a certificate of occupancy and shall order the work completed in conformity to the building permit and in conformity with the applicable building regulations.

(b) 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.

Section XIII. 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 total 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 welfare.

Section IV. 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 Building Inspector shall require the same to be subjected to tests in order to furnish proof of such compliance.