

**INCORPORATED VILLAGE OF PLANDOME MANOR  
PROPOSED LOCAL LAW NO. 6 OF 2020  
CHAPTER 39. BUILDING DEPARTMENT  
ESTABLISH PROVISIONS RELATING TO THE BUILDING DEPARTMENT  
AND BUILDING SUPERINTENDENT**

SECTION 1. Add new Chapter **39**, “Building Department of the Incorporated Village of Plandome Manor,” to read as follows:

**CHAPTER 39 BUILDING DEPARTMENT**

§ 39-1. Establishment.

There is hereby established a department to be known as the “Building Department of the Incorporated Village of Plandome Manor” for the administration and enforcement of the provisions of all laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures; the installation and use of materials and equipment therein; the location, design, use, occupancy and maintenance thereof; the removal of shrubs and trees from vacant land; the excavation or stripping of land; and the removal of soil, sand or gravel from vacant land.

§ 39-2. Appointment of Building Superintendent.

A. There is hereby designated, as the head of the Building Department, a public official to be known as the “Building Superintendent of the Incorporated Village of Plandome Manor,” who may be appointed by the Mayor and subject to the approval of the Board of Trustees. The Building Superintendent shall serve at the pleasure of the Board of Trustees, at a compensation to be fixed by said Board.

B. In the absence of the Building Superintendent or failure of his/ her appointment, or in the case of his/ her inability to act for any reason, the Mayor shall have the power, with the consent of the Board of Trustees, to designate an Acting Building Superintendent to act in the place and stead of the Building Superintendent and to exercise all of the powers conferred upon him/ her by this chapter.

C. The Mayor shall have the power, with the consent of the Board of Trustees, to appoint and designate one or more Assistant Building Superintendents. Each Assistant Building Superintendent shall have authority, as and when and in such manner as may be directed by the Building Superintendent or the Mayor, to exercise all of the powers conferred upon the Building Superintendent by this chapter, relating to enforcement but not administration.

§ 39-3. Powers and duties of Building Superintendent.

A. Except as otherwise specifically provided by any law, ordinance or regulation, the Building Superintendent 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; the installation and use of materials and equipment therein; the location, design, use, occupancy and maintenance thereof; the removal of shrubs and trees from vacant land; the excavation or stripping of land; and the removal of soil, sand or gravel from vacant land.

B. The Building Superintendent shall review applications and cause permits to be issued for the erection, alteration, removal and demolition of buildings or structures or parts thereof and for any other operation or activity for which a permit is required under the provisions of this chapter. He/ she shall examine the premises for which such applications have been received or such permits have been issued for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction.

C. The Building Superintendent shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of applicable laws, ordinances or regulations.

D. The Building Superintendent shall make all inspections which are necessary or proper for the carrying out of his duties, except that he/ she may accept written reports of inspection from other Building Superintendents or employees of the Building Department or from generally recognized and authoritative service and inspection bureaus, provided that the same are properly authorized by the Board of Trustees to act in said capacity.

E. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, he/ she 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.

F. The Building Superintendent shall have the power and duty to enforce all provisions of this chapter and all other provisions of this Code.

#### § 39-4. Right of entry.

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

#### § 39-5. Relief from personal liability.

No officer or employee of the Building Department shall, while acting within the scope of his authority, pursuant to the provisions of this chapter, 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, provided that such acts are performed in good faith and without gross negligence.

#### § 39-6. Records and reports.

A. The Building Superintendent shall keep permanent official records of all transactions and activities conducted by him/ her, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him/ her with the consent of the Board of Trustees and notices and orders issued. All such records shall be public records open to public inspection during normal business hours, subject to New York State Public Officers Law.

B. The Building Superintendent shall, annually, submit to the Board of Trustees a written report and summary of all business conducted by the Building Department, including approvals, permits and certificates issued, fees charged and collected, orders and notices promulgated, inspection and tests made and appeals or litigation pending or concluded.

§ 39-7. Conflicts of interest.

No Building Superintendent shall engage in any activity inconsistent with his/ her duties or with the interests of the Village, nor shall he/ she, during the term of his/ her employment or appointment, 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 in the preparation of plans or specifications thereof within the Village, except that this provision shall not prohibit the Building Superintendent from such activities in connection with the construction of a building or structure owned by him/ her or in which he has a proprietary interest.

SECTION 2. This local law shall take effect upon filing with the Department of State.