

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2017**

**A LOCAL LAW AMENDING CHAPTER 23 OF THE TOWN CODE
ENTITLED "GOVERNMENTAL DEPARTMENTS"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 23 of the Town Code entitled "Governmental Departments" in order to modify the organizational structure of the Department of Building and Safety Inspection and Enforcement by authorizing the Commissioner to appoint a second exempt deputy, who may act generally for the Commissioner in the absence of the Commissioner.

Section 2.

Chapter 23, Article VI, of the Town Code is hereby amended as follows:

Article X. Department of Building and Safety Inspection and Enforcement

[Added 3-3-1981 by L.L. No. 3-1981]

§ 23-10 (Reserved)

§ 23-10.1 Definitions.

- A. Whenever used in this Article, words used in the singular include the plural and vice versa.
- B. As used in this Article, the following terms shall have the meanings indicated:

ASSISTANT TO THE COMMISSIONER

A designated officer of the Department appointed by the Commissioner to aid and advise the Commissioner in planning and coordinating projects and policies of the Department.

COMMISSIONER

The duly qualified and appointed Commissioner of the Department.

DEPARTMENT

The Town of North Hempstead Department of Building and Safety Inspection and Enforcement, performing a vital Town function.

DEPUTY COMMISSIONERS

The Deputy Commissioners of the Department, who shall generally act for and in place of the Commissioner.

§ 23-10.2 Department established.

There is hereby established in the Town of North Hempstead a Department of Building and Safety Inspection and Enforcement.

§ 23-10.3 Departmental organization.

- A. The chief executive officer and administrative head of such Department shall be the Commissioner, who shall be appointed by the Town Board for the term fixed by law and at such salary as may be fixed by the Town Board. The Commissioner shall be appointed on the basis of his/her administrative and practical experience and education, as well as such additional standards as may be required by law or the Town Board. **The Commissioner shall be the head of the Department, with the power and authority to appoint and remove officers and employees under his/her jurisdiction in accordance with Civil Service Law and other applicable laws. The Commissioner may appoint two exempt Deputies, who may act generally for the Commissioner in the absence of the Commissioner.**
- B. Before entering upon the duties of office, the Commissioner shall execute and file with the Town Clerk an official undertaking, if the same is required by the Town Board, in such sum as prescribed by the Town Board and in such form as approved by the Town Attorney.
- C. The Department shall be divided into the following Divisions: [Amended 9-21-1993 by L.L. No. 12-1993; 2-10-1998 by L.L. No. 4-1998]
- (1) Division of Plans Examination and Permits.
 - (2) Division of Building Inspection:
 - (a) Multiple residence.
 - (b) Commercial.
 - (c) Residential.
 - (3) Division of Licensing:
 - (a) Plumbers.
 - (b) Electricians.
- D. Each division of the Department shall be under the administration, direction and control of the Commissioner. The Commissioner may, subject to applicable law, designate employees within each division to be the Manager and Assistant Manager of such division, and such persons shall thereafter be responsible for the supervision of such division. The Commissioner may delegate to a Manager or Assistant Manager any of the Commissioner's duties and powers; and in the event of the Commissioner's absence or inability to act, each Manager or Assistant Manager shall have all the powers of the Commissioner as relate to his/her division, including but not limited to the power to issue permits, notices or orders. [Amended 9-21-1993 by L.L. No. 12-1993; 2-10-1998 by L.L. No. 4-1998; 6-17-2008 by

L.L. No. 6-2008]

- E. The Commissioner may, with the consent of the Town Board, establish, consolidate or abolish any divisions or bureaus within such divisions now existing or hereafter created.

§ 23-10.4 Powers and duties.

- A. Except as otherwise provided by law, ordinance or regulation, the Department shall be responsible for the administration and enforcement of all laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures within the jurisdiction of the Town, and to the location, use, occupancy and maintenance of such buildings and structures, and, except as otherwise provided by law, ordinance or regulation, shall be responsible for the administration and enforcement of all other Town laws, ordinances and regulations. [Amended 9-21-1993 by L.L. No. 12-1993]
- B. The Commissioner shall have all powers necessary for the proper administration of the Department consistent with applicable provisions of law. The responsibility of the Department being the preservation of the public health, safety and welfare, the enumeration of powers set forth herein is not intended to be all-inclusive, and any powers granted to the Department or the Commissioner by other laws, ordinances or regulations are to be deemed granted as if fully set forth herein.
- C. The Commissioner shall have the power and authority to appoint and remove officers and employees of the Department, subject to the Civil Service Law and other applicable laws.
- D. The Commissioner shall have the power to adopt rules and regulations, with the consent of the Town Board, to secure the intent and purposes of this Code and the proper enforcement of the laws, ordinances and regulations applicable to the functions of the Department. All persons making application to the Department, or subject to its jurisdiction, shall comply with such rules and regulations, copies of which shall remain on file in the offices of the Department.
- E. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations, the Commissioner may require the performance of tests in the field by experienced, professional persons or by accredited, authoritative laboratories and/or service bureaus or agencies.
- F. The Commissioner shall keep permanent official records of all transactions and activities of the Department, including all applications received, permits and certificates issued, fees charged and collected and inspection reports, notices and orders issued. All such records shall be public records.
- G. The Commissioner shall annually submit to the Town Board a written report and summary of all business conducted by the Department in such form and detail as the Town Board may require.
- H. The powers and duties of the divisions shall be as follows:
 - (1) Division of Plans Examination and Permits.

(a) The division shall receive, examine and approve or disapprove, within a reasonable time after receipt thereof, applications for permits for construction, alteration, removal or demolition of buildings or structures, or parts thereof, and shall itself, or through the Division of Building Inspection, examine the premises for which such applications have been received or such permits have been issued to ensure compliance with applicable laws, ordinances and regulations.

(b) The division shall receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications for permits to install any new plumbing or drainage work in a building or structure or to extend or alter any existing plumbing or drainage work, whether or not such work is to be connected with a sewer.

(2) Division of Building Inspection.

(a) The division shall, on complaint or other information, examine existing and completed buildings, as well as buildings and structures under construction, and shall issue all appropriate notices to remove or remedy illegal or unsafe conditions.

(b) It shall require necessary safeguards for the public during construction and during the entire course of construction shall ensure compliance with all applicable laws, ordinances and regulations.

(c) It shall make all inspections necessary and proper to carry out its duties, except that it may accept written reports from other divisions of the Department, other Departments of the Town or authoritative service and inspection bureaus, provided that the same are certified by a responsible official thereof.

(d) The division shall be responsible for all types of buildings and structures, including residential (single-family, two-family and multiple-residence) and commercial, and the Commissioner may establish bureaus to reflect the various types of buildings and structures within the Division's jurisdiction.

(3) Division of Licensing. The division shall be comprised of the Examining Board of Plumbers, as established by Article II of Chapter 2 of the Code of the Town of North Hempstead, and the Examining Board of Electricians, as established by Article IV of Chapter 2 of the Code of the Town of North Hempstead. The Division shall have all those powers and duties as are specified in this Code and all other applicable laws, ordinances and regulations for the operation of those Boards.

I. Complaint procedures. [Added 8-29-2000 by L.L. No. 11-2000]

(1) The Town Board, by resolution, shall adopt procedures for the handling of complaints from the public concerning possible violations of the Town Code. Prior to the adoption of those complaint procedures, the Town Board must solicit the input of the Commissioner.

(2) After the initial adoption of the complaint procedures by the Town Board, the Commissioner may propose to the Town Board, in writing, recommended changes to those procedures, and the Town Board, on its own, or based upon the recommendations of the

Commissioner, may amend, revise, correct or change the complaint procedures as circumstances or evidence may warrant, but all procedural changes must include consultation with the Commissioner.

§ 23-10.5 Special costs and expenses.

All costs and expenses incurred by the Department or its officers or employees on behalf of a special improvement district or special Town project shall be charged against such district or project and paid from the funds duly appropriated for the purpose of such district or project.

§ 23-10.6 Powers of Supervisor.

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in §§ 29, 52 and 125 of the Town Law of the State of New York or any other powers which may be lawfully exercised by said Supervisor.

§ 23-10.7 Fees.

The Commissioner may establish, subject to Town Board approval, a schedule of fees to be collected by him/her for services rendered in connection with the work of his/her Department and for which he deems it necessary to charge and collect a fee therefor.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.