

**CHAPTER 15**

**BUILDING CONSTRUCTION**

**ARTICLE I**

**Building Code**

[Adopted 5-7-1963 by resolution]

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 [Adopted 5-7-1963 by resolution]  
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[Adopted 10-18-1977]

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[HISTORY: Adopted by the Common Council of the City of Dunkirk: Article I, 5-7-1963 by resolution; Article II, 10-18-1977. Amendments noted where applicable.]

**GENERAL REFERENCES**

- Billboard and advertising structures - See Ch. 11.
- Fumigation of buildings - See Ch. 17.
- Unsafe buildings and structures - See Ch. 18.
- Electrical installations - See Ch. 28.
- Fire prevention - See Ch. 32.
- Housing standards - See Ch. 41.
- Plumbing - See Ch. 55.
- Sewer use - See Ch. 63.
- Zoning - See Ch. 79.

**ARTICLE I**

**Building Code**

[Adopted 5-7-1963 by resolution]

§ 15-1. **Acceptance of State Building Construction Code. [Editor's Note: By resolution of 9-19-1974, the Common Council adopted the following statement as the City of Dunkirk's codes policy: "It is not the intent of the Building Construction Code applicable to plumbing to limit or exclude the use of any material or system of plumbing installation which has been produced or developed under nationally recognized standards and certified by a recognized standards or testing agency, providing the use of such material or system complies with such standards and is in accord with acceptable health and safety criteria."]**

The Common Council of the City of Dunkirk hereby accepts the applicability of the State Building Construction Code for City of Dunkirk in accordance with the provisions of § 374-a of the Executive Law.

§ 15-2. **Certified copies to be filed.**

The City Clerk be and hereby is instructed to file certified copy of this Article in the principal office of the State Building Code Council, Division of Housing and

Community Renewal, at 25 Beaver Street, New York, New York 10004, and in the office of the Secretary of State at Albany, New York.

**§ 15-3. Effective date.**

This Article shall become effective May 15, 1963.

**ARTICLE II**  
**Administration and Enforcement**  
**[Adopted 10-18-1977]**

**§ 15-4. Title. [Amended 3-20-1984; 2-6-1990]**

This Article shall be known and cited as the "New York State Uniform Fire Prevention and Building Code."

**§ 15-5. Scope. [Amended 3-20-1984; 2-6-1990]**

- A. **Territory.** The New York State Uniform Fire Prevention and Building Code shall be effective area of the City of Dunkirk as bounded by the City lines and shall automatically become effective in any area which may be incorporated within the City lines at any time.
- B. The New York State Uniform Fire Prevention and Building Code shall apply to the construction and use of all classes of building work which in any way affect the physical safety health and protection of the persons and property of the occupants of the buildings, adjacent property, the public or any other person rightfully occupying the premises and shall apply equally, except as otherwise provided by law to the construction and use of all classes of buildings owned or occupied by any state agency or municipality.

**§ 15-6. Definitions.**

The following words and phrases as used in this Article shall have the following meanings, unless a different meaning is plainly required by the context:

**BOARD OF REVIEW** - The New York State Uniform Fire Prevention and Building Code Board of Review created by Article 18 of the Executive Law of the State of New York. [Amended 3-20-1984]

**BUILDING** - A combination of any materials, whether portable or fixed, which has a roof and forms a structure affording shelter for persons, animals or property. The word "building" shall be construed when used herein as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

**CONSTRUCTION** - The construction, reconstruction, alteration, conversion, repair, equipment or use of buildings and requirements or standards relating to or affecting materials used in connection therewith, including provisions for safety and sanitary conditions.

**EQUIPMENT** - Plumbing, heating, electrical, ventilating, conditioning and refrigerating equipment and elevators, dumbwaiters, escalators and other mechanical additions or installations.

**MUNICIPALITY** - Any county, City, town, village, school district, cooperative educational services district, improvement district or public authority.

**NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE** - The New York State Uniform Fire Prevention and Building Code provided for in § 374 of Article 18 of the Executive Law of the State of New York or any portion thereof of limited application and any modification of any amendment thereof. **[Amended 3-20-1984; 2-6-1990]**

**OWNER** - The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.

**PERSON** - Any natural person, municipality, public benefit corporation, state agency, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representative of any kind. The masculine gender in referring to a person includes the feminine and neuter genders.

**STATE AGENCY** - Any state department, board, bureau, commission or agency of the State of New York.

**§ 15-7. Enforcing official. [Amended 3-20-1984; 2-6-1990]**

The administration and enforcement of this code and the New York State Uniform Fire Prevention and Building Code heretofore made applicable to the City of Dunkirk shall continue to be the responsibility of the Building Inspector; provided, however, that the portion of the New York State Uniform Fire Prevention and Building Code applicable to plumbing shall remain the responsibility of the Plumbing Inspector. In the absence of the Building Inspector or in the case of his

inability to act for any reason, the Building Inspector's assistant shall be empowered to assume all powers duties of the Building Inspector and shall act in his behalf with respect to the issuance of permits and notices, the making of inspections, the keeping of records and the exercise of all powers and duties conferred upon the Building Inspector.

**§ 15-8. Powers and duties of 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 the provisions of laws, ordinances and regulations applicable to the construction, enlargement, alteration, addition, repair, improvement, removal, extension, conversion 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 have the power to adopt rules and regulations subject to the approval of the Common Council to secure the intent and purposes of this Article and regulations governing building construction.
- C. He shall receive applications and issue permits for the construction enlargement, addition, improvement, extension, erection, repair, alteration, conversion, removal and demolition of buildings or structures, or parts thereof, and shall examine the premises for which such applications have been received or for which such permits have been issued for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction.
- D. He shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction or demolition and to ensure compliance during the entire course of construction or demolition 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.
- E. 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 testing laboratories or service bureaus or agencies.

**§ 15-9. 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, inspection reports and notices and orders issued.
- B. The Building Inspector shall annually submit to the Common Council a written report and summary of all business conducted by him, including permits and certificates issued, orders and notices promulgated and inspections made.

**§ 15-10. Cooperation of other departments.**

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

**§ 15-11. Building permits required; application.**

- A. No person 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 Inspector 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. Contents of application; by whom made.
  - (1) Application for a building permit shall be made to the Building Inspector on forms provided by him and shall contain the following information:
    - (a) A description of the land on which the proposed work is to be done.
    - (b) A statement of the use or occupancy of all parts of the land and of the building or structure.
    - (c) The valuation of the proposed work.
    - (d) 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.

- (e) A brief description of the nature of the proposed work.
  - (f) A duplicate set of plans and specifications as set forth in Subsection C of this section.
  - (g) A statement that the work will be performed in accordance with the New York State Uniform Fire Prevention and Building Code, this chapter and all ordinances, laws, rules and regulations that may apply. **[Amended 3-20-1984; 2-6-1990]**
  - (h) Such requirements and documentation thereof as the Building Inspector may deem necessary to ensure compliance with the New York State Energy Conservation Construction Code. **[Editor's Note: This legislation also provided for the renumbering of former Subsection B(1)(h) as Subsection B(1)(k).]**
  - (i) The fee to be charged and collected by the City Clerk.
  - (j) 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, zoning, plumbing and electrical law, ordinances and regulations, and such other information as may reasonably be required by the Fire Chief or Assistant Fire Chief he may designate to establish compliance of the proposed work with the requirements of the applicable fire prevention code. **[Amended 3-20-1984]**
  - (k) A statement signed by the applicant for the permit authorizing the Building Inspector or his aide to enter upon the premises without a search warrant at any reasonable time during construction and thereafter until a certificate of occupancy is issued, if such certificate is required by this chapter.
- (2) Application 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.

- 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; the distance from lot lines; the relationship of structures on adjoining property; the widths and grades of adjoining streets, walks and alleys; and, where required by the Building Inspector, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. An additional plot plan indicating all the above-mentioned features and drawn to a scale of one (1) inch equals sixty (60) feet shall be required for all major new construction or alterations involving change of outside building dimensions. Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by § 7202 or 7302, as amended, of Article 145 or 147 of the Education Law of the State of New York, the seal of a licensed professional engineer. The Building Inspector may waive the requirements for filing plans and specifications for minor alterations and issue a building permit so stating.
- D. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Building Inspector and approval shall be received from the Building Inspector prior to the commencement of such change of work.

**§ 15-12. Fees.**

Upon the filing of an application for a permit, the Building Inspector shall determine from the application the appropriate fee and shall enter the same on the application. Such fee is nonrefundable and shall be immediately due and payable in the office of the City Clerk. No permit shall be issued until the fee has been paid.

- A. Permit fees shall be based upon the following: [Amended 2-6-1990]
- (1) New buildings and additions.
- (a) For residences, garages and room additions: a fee of two cents (\$0.02) per square foot of floor area, outside measure, of all floors up to one thousand five hundred (1,500) square feet, plus one cent (\$0.01) per square foot in excess of one thousand five hundred (1,500) square feet. Floor space shall not include cellars, nonhabitable attic, crawl space or carport, but shall include an accessory garage, detached or

nondetached. The minimum fee shall be Ten Dollars (\$10.00).

- (b) For commercial, business, professional, institutional, educational, fraternal, religious, recreational, hotels, motels, nursing homes, hospitals, convalescent and rest home buildings and other uses and occupancies not within Subsection A(1)(a) and (c): a fee of two cents (\$0.02) per square foot of floor area, outside measure, of all floors up to ten thousand (10,000) square feet, plus five-tenths cent (\$0.005) per square foot in excess of ten thousand (10,000) square feet. Floor space shall include garage space, occupied basements and storage areas and heating equipment structures. The minimum fee shall be Fifty Dollars (\$50.00), and the maximum fee shall be One Thousand Dollars (\$1,000.00).
  - (c) Industrial buildings, including floors used for manufacturing, processing, storing, shipping, offices and restroom: a fee of two cents (\$0.02) per square foot of floor area, outside measure, of all floors up to twenty thousand (20,000) square feet, plus five-tenths cent (\$0.005) per square foot in excess of twenty thousand (20,000) square feet. The minimum fee shall be Fifty Dollars (\$50.00), and the maximum fee shall be One Thousand Dollars (\$1,000.00).
- (2) Alterations (other than additions).
- (a) Conversions of existing residence buildings to apartment uses: Fifteen Dollars (\$15.00) for each added housing occupancy.
  - (b) Conversions of existing residence buildings to office, business or commercial use: Twenty-Five Dollars (\$25.00).
  - (c) Fees for general remodeling shall be determined by the estimated cost of the proposed improvement. Such cost shall exclude the cost of any item where a specific fee is provided herein: up to Three Thousand Dollars (\$3,000.00), a fee of Ten Dollars (\$10.00), plus Two Dollars (\$2.00) per thousand dollars or fraction in excess of Three Thousand Dollars (\$3,000.00). The minimum fee shall be Ten Dollars (\$10.00) for residen-

tial, Fifty Dollars (\$50.00) commercial and Fifty Dollars (\$50.00) for industrial.

- (3) Miscellaneous.
  - (a) Used car sale lots: a fee of Twenty-Five Dollars (\$25.00), plus two cents (\$0.02) per square foot of floor area, outside measure, of all accessory buildings or structures.
  - (b) Open porches and patios, with or without roof, carports with two (2) sides only, swimming pools, tool sheds, play sheds: a fee of Ten Dollars (\$10.00).
  - (c) Demolition: a fee of Ten Dollars (\$10.00) per story for residential and a minimum fee of Fifty Dollars (\$50.00) for industrial for demolition of all buildings or structures.
- B. The permit fee for a building occupied in part for residential use and in part for nonresidential use shall be the sum of the two (2) occupancy fees calculated separately.
- C. In any case where construction has commenced prior to the submission of an application for a permit required by this code, the fee specified shall be double the amount otherwise payable, but the payment of such double fee shall not relieve any person from fully complying with this code, nor from any penalties prescribed herein.
- D. For the purpose of determining the fee to be charged, the use or occupancy classification of a building shall be determined in accordance with the use classification provided in the New York State Uniform Fire Prevention and Building Code. **[Amended 3-20-1984; 2-6-1990]**

**§ 15-13. Issuance of building permit or disapproval of application.**

- 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 forty-five (45) days from the date of submission of the application.
- B. If the fees have been paid and the application, plot plans, plans and specifications conform to all the requirements of the applicable laws, ordinances, rules and regulations, then the application and the plot plans, plans and specifications shall be approved by the Building Inspector, and both sets of plans and specifications shall be endorsed

with the word "approved." One (1) set of such approved plans shall be retained in the files of the office of the Building Inspector, and the other set shall be mailed or delivered to the applicant, together with the building permit, and shall be kept by the applicant at the building site open to inspection by the Building Inspector or his authorized representative at all reasonable times. The building permit shall be issued on a form prescribed by the Building Inspector, and he shall affix his signature thereto or cause it to be affixed thereto. With every permit there shall be issued to the applicant a card, not less than eight and one half by eleven (8 1/2 x 11) inches in size, properly filled out and bearing the permit number and signature of the Building Inspector. It shall be the duty of such applicant to display such card conspicuously on the premises where the work is being done so as to be easily seen and read from the ground.

- C. If the application, 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 laws and regulations, the Building Inspector 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.
- D. Nothing in this section or any provision of this Article shall be construed as authorizing the Building Inspector to issue a permit if such proposed construction or use or occupancy will be in violation of any provisions of Chapter 79 of the Code of the City of Dunkirk pertaining to zoning, and no proposed construction, use or occupancy shall commence and no building permit shall be issued unless and until the provisions of Chapter 79 shall have been complied with in every respect and the approval of the Zoning Board of Appeals, if required by Chapter 79, shall have been obtained. A refusal or denial of the Building Inspector to issue a building permit solely for lack of compliance with the provisions of Chapter 79, and any appeals from such a decision, shall be governed by the applicable provisions of Chapter 79. In the event that an application is denied solely for noncompliance with Chapter 79, the time limitation for approval or disapproval of an application specified in Subsection A of this section shall be extended, if necessary, by the length of time required to take an appeal to the Zoning Board of Appeals.
- E. Nothing in this chapter or any other chapter of the Code of the City of Dunkirk shall be construed as authorizing or empowering the Building Inspector to vary, alter or modify, in whole or in part, any provision or requirement of the New York State Uniform Fire Prevention and

Building Code or exempt any person from compliance with its provisions. **[Amended 3-20-1984; 2-6-1990]**

**§ 15-14. 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, the plans or the 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 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. Rescission of such stop order shall not be effective unless made in writing to the person to whom the order was directed.

**§ 15-15. Revocation of permit.**

The Building Inspector may revoke a building permit theretofore issued and approved in any of the following instances:

- A. When the application, plot plans, plans or specifications on which the permit is based contain a false statement or misrepresentation as to a material fact.
- B. When the permit was issued in error and should not have been issued in accordance with the applicable laws, ordinances, rules or regulations.
- C. When the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plot plans, plans or specifications, or laws, ordinances, rules or regulations that may apply thereto.
- D. When the person, firm or corporation to whom a permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector, his deputy or assistants.
- E. When the Building Inspector or his assistant has been denied right of entry to the premises for inspection. **[Amended 2-6-1990]**

**§ 15-16. Commencement and performance of work under 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 (6) months after the date of its issuance. For good cause, the Building Inspector may grant a maximum of two (2) extensions for periods not exceeding three (3) 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 application plus and specifications. All work shall conform to the approved application, plans and specifications and shall be in accordance with the applicable laws, ordinances, rules and regulations.

**§ 15-17. Inspections and tests.**

- A. The Building Inspector and his assistant, upon the showing of proper credentials and in the discharge of their duties, shall be permitted and may enter upon any building, structure or premises, without interference, at any reasonable hour. **[Amended 2-6-1990]**
- B. Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform with the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance. The cost of such tests shall not be at the expense of the City of Dunkirk.

**§ 15-18. 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 or used for more than thirty (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 unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.

- D. The owner or his agent shall make application for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plan, or of the registered architect or licensed professional engineer who supervised the construction of the work, or of the superintendent of construction who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, that the structure has been erected in accordance with approved plans and, as erected, complies with the law governing building construction except insofar as variations there from have been legally authorized. Such variations shall be specified in the affidavit.

**§ 15-19. Inspection prior to issuance of certificate; records.**

- A. Before issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites 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.
- B. There shall be maintained in the office of the Building Inspector a record of all such examinations and inspections, together with a record of findings of violations of the law.

**§ 15-20. Issuance and contents of certificate.**

- 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 a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

- B. A certificate of occupancy shall be issued, where appropriate, within thirty (30) days after application therefore is made. Failure to act upon such application within thirty (30) days shall constitute approval of such application, and the building or portion thereof may thereafter be occupied as though a certificate of occupancy had been issued.
- C. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy are 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. The fee shall be Thirty Dollars (\$30.00). [Amended 2-6-1990]

**§ 15-21. 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 or the public health or welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three (3) months from its date of issuance. For good cause, the building official may allow a maximum of two (2) extensions for periods not exceeding three (3) months each.

**§ 15-22. Abatement of violations; appearance tickets.**

- A. Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or plumbing work or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent an illegal act, conduct, business or use in or about any premises. These remedies shall be in addition to penalties otherwise prescribed by law, and the imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion or maintenance of use or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure or premises or to prevent an illegal act, conduct, business or use in or about any premises.
- B. Notwithstanding anything in Subsection A of this section, the Building Inspector shall have the power to issue an appearance ticket for legal proceedings in the City Court of Dunkirk, New York, upon failure of the responsible party to comply with a written order of the Building Inspector within the time fixed for compliance specified therein. The

Building Inspector shall request the chief legal officer of the municipality to appear on behalf of the City at such proceeding. **[Added 2-6-1979 by L.L. No. 3-1978]**

**§ 15-23. Penalties for offenses.**

In accordance with Article 18 of the Executive Law of the State of New York:

- A. It shall be unlawful for any person to construct, alter, repair, move, equip, use or occupy any building or structure, or portion thereof in violation of any provision of this chapter or any applicable law or ordinance, as well as any regulation or rule promulgated by the Building Inspector, 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 permit or certificate of occupancy.
- B. Any person who shall fail to comply with a written order of the Building Inspector, Fire Chief or Plumbing 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 violate any of the applicable provisions of law or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by fine not to exceed Two Hundred Fifty Dollars (\$250.00) or by imprisonment not to exceed thirty (30) days, or both. Each day that the 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.

**§ 15-24. Severability.**

If any term, part, provision, section, subdivision or paragraph of this Article shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs thereof.

**§ 15-25. When effective. [Amended 2-6-1990]**

This Article shall be in full force and effect immediately upon publication as provided by law, except that it shall take effect from the date of its service as against a person served personally with a certified copy thereof notwithstanding a lack of publication; to take effect January 1, 1990.