

## CHAPTER 153 (PLUMBING)

### ARTICLE I GENERAL PROVISIONS

#### §153-1. Legislative Intent.

- A. It is the intention of the Town Board to establish regulations to provide minimum requirements to safeguard life and property and promote the public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance and use of plumbing equipment and systems.
- B. The Town Board intends to regulate the licensing, and standardize the operations and activities of the plumbing industry operating within the Town of Huntington to provide the public, to the best extent possible, with competent, licensed plumbing contractors familiar with the safe and lawful installation of plumbing components, plumbing systems, and mechanical appliances in accordance with applicable laws, rules and regulations.
- C. The Town Board intends to enforce the provisions of the Plumbing Code of New York State, The Fuel Gas Code of New York State, and the Mechanical Code of New York State, and all applicable and successor laws for applications within its jurisdictional borders, which shall be enforced in accordance with the enforcement provisions of this chapter to the fullest extent permitted by law.
- D. The Huntington Town Board, pursuant to Town Law §137 and §138 and other applicable law, is exercising its right to issue plumbing licenses through the Director of Engineering Services and to revoke and/or reinstate such licenses in accordance with the provisions of this Chapter.

#### §153-2. Applicability of provisions; exemptions.

- A. The provisions of this chapter shall be applicable to the erection, installation, alteration, repair, relocation, replacement, addition to, use and/or maintenance of plumbing systems including but not limited to fuel gas distribution piping and equipment; fuel gas-fired water heaters and water heater venting systems; non-flammable medical gas, inhalation anesthetic, vacuum piping, non-medical oxygen systems and sanitary and condensate vacuum collection systems.
- B. Municipal facilities exempted. Piping systems for both potable and non-potable water in public water supply and treatment facilities and public waste water treatment plants shall be excluded from this Chapter since these installations are reviewed and approved all or in part by the Suffolk County Department of Health Services, The New York State Department of Health, or the United States Department of Environmental Protection.

§153-3. Conflicting provisions.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

§153-4. Definitions.

For the purpose of this chapter the following terms shall have the meanings indicated. Where terms are not defined in this chapter and are defined in the Plumbing Code of New York State, the Fuel Gas Code of New York State, the Mechanical Code of New York State, the Fire Code of New York State, the Building Code of New York State, the Residential Code of New York State, or the Property Maintenance Code of New York State, such terms shall have the meanings ascribed therein. Where terms are not defined through the methods authorized by this chapter, such terms shall have their ordinary accepted meaning.

**ACCEPTED ENGINEERING PRACTICE.** That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

**APPLIANCE.** A device or piece of equipment designed to perform a specific task.

**APPROVED.** Acceptable to the code enforcement official.

**APPROVED AGENCY.** An established and recognized agency approved by the code official and that is regularly engaged in conducting tests or furnishing inspection services.

**BUILDING.** Any structure occupied or intended for supporting or sheltering any occupancy.

**CODE ENFORCEMENT OFFICIAL.** The officer or other designated Town employee charged with the administration and enforcement of this Chapter.

**CONSTRUCTION DOCUMENTS.** All of the written, graphic and pictorial documents prepared or assembled to describe the design, specifications, location and physical characteristics of the project or work for which a plumbing permit is sought. Construction drawings shall be drawn to the scale approved by the Department of Engineering Services.

**CONTAMINATION.** An impairment of the quality of the potable water that creates an actual or anticipated hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste or other means.

**DRAIN.** Any pipe that carries wastewater or water-borne wastes through a drainage system.

**DRAINAGE SYSTEM.** Piping that conveys sewage, rainwater or other liquid wastes to a point of disposal. A drainage system does not include the mains of a public sewer system or a private or public sewage treatment or disposal plant.

**EXISTING INSTALLATIONS.** Any plumbing system regulated by this Chapter that was legally installed prior to March 10, 2015, or for which a permit to install has been issued.

**LICENSE, LIMITED.** A limited license is issued to an individual to proceed with work involving services specified on the license only. Limited licenses are issued for:

- (a) Building sewers,
- (b) Irrigation Systems,
- (c) Liquefied Petroleum Gas (LPG) installations. Work is limited to exterior activities involving the installation of tanks and associated system piping.

**LICENSE, MASTER PLUMBER.** A Master Plumber License including a Reciprocal Master Plumber License is issued to an individual to proceed with work involving the repair and installation of plumbing systems.

**LICENSED PLUMBER.** An individual that possesses a Master or Limited License to engage in the practice of plumbing.

**MEDICAL GAS SYSTEM.** The complete system to convey medical gases for direct patient application from central supply systems (bulk tanks, manifolds and medical air compressors), with pressure and operating controls, alarm warning systems, related components and piping networks extending to station outlet valves at patient use points.

**MEDICAL VACUUM SYSTEMS.** A system consisting of central-vacuum-producing equipment with pressure and operating controls, shutoff valves, alarm-warning systems, gauges and a network of piping extending to and terminating with suitable station inlets at locations where patient suction may be required.

**NON-POTABLE WATER.** Water not safe for drinking, or for personal or culinary utilization.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**PERSON.** An individual or business entity.

**PLUMBING.** The installation, maintenance, extension, modification and/or alteration of plumbing fixtures, appliances and appurtenances in connection with sanitary drainage or roof drainage facilities; venting systems; or water supply systems.

**PLUMBING APPLIANCE.** Any one of a special class of plumbing fixtures intended to perform a special function. Included are fixtures having the operation or control

dependent on one or more energized components, such as motors, controls, heating elements, or pressure or temperature-sensing elements. Such fixtures may be manually adjusted or controlled, or are operated automatically through time cycle, a temperature range, a pressure range, or by measured volume or weight.

**PLUMBING FIXTURE.** A receptacle or device that is either permanently or temporarily connected to the water distribution system of a premises and demands a supply of water therefrom; or discharges wastewater, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

**PLUMBING SYSTEM.** Includes the water supply and distribution pipes; plumbing fixtures and traps; water-treating or water-using equipment; soil, waste and vent pipes; and includes sanitary and storm sewers and building drains, together with their respective connections, devices and appurtenances.

**POTABLE WATER.** Water free from impurities to such a degree to be determined suitable for drinking and conforms to the bacteriological and chemical quality requirements of the New York State Department of Health.

**PREMISES OR PREMISE.** A lot, plot or parcel of land, including any structure thereon.

**REGISTERED DESIGN PROFESSIONAL.** An individual who is a registered architect (RA) in accordance with Article 147 of the New York State Education Law or a licensed professional engineer (PE) in accordance with Article 145 of the New York State Education Law.

**ROUGH-IN.** Parts of the plumbing system that are installed prior to the installation of fixtures. This includes drainage, water supply, vent piping with the necessary fixture supports, and any fixtures that are built into the structure.

**SEWAGE.** Any liquid waste containing human, animal or vegetable matter in suspension or solution, including liquids containing chemicals in solution.

**SEWAGE EJECTORS.** A device for lifting sewage by entraining the sewage in a high-velocity jet of steam, air or water.

**SEWER, PUBLIC.** A common sewer operated and controlled by a governmental entity.

**SEWER, SANITARY.** A sewer that carries sewage and excludes storm, surface and ground water.

**SEWER, STORM.** A sewer that carries rainwater, surface water, condensate, cooling water, RPZ drainage, or similar non-sanitary liquid wastes.

**STRUCTURE.** That which is built or constructed or a portion thereof.

VENT SYSTEM. A pipe or pipes installed to provide a flow of air to or from a drainage system, or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure, or other reason.

WASTE. The discharge from any fixture, appliance, area or appurtenance that does not contain fecal matter.

WASTE PIPE. A pipe that conveys only waste.

WATER HEATER. Any heating appliance or equipment that heats potable water and supplies such water to the potable hot water distribution system.

WATER MAIN. A water supply pipe or system of pipes, installed and maintained by a city, town, county, public utility company or other public entity, on public property, in the street or in an approved dedicated easement for public or community use.

WATER SUPPLY SYSTEM. The water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premises.

§153-5. through § 153-10. (Reserved).

## ARTICLE II PLUMBING ADVISORY BOARD

§153-11. Authority. The Plumbing Advisory Board of the Town of Huntington shall have the following authority:

- A. Review the qualifications of all applicants for a license, and make recommendations to the Director of Engineering Services prior to the issuance, modification, suspension, or revocation of plumbing licenses upon which the Board passes judgment. Licenses shall be issued or denied by the Director after receipt of written recommendations from the Board, except in the case of an emergency as determined by the Director, and
- B. Develop, administer, and grade written and practical examinations for the Master Plumber License, and develop, administer, and grade written examinations for Limited Licenses, and
- C. Submit written recommendations to the Town Board relating to amendments or modifications to the Plumbing Code of the Town of Huntington, and such other matters as the Town Board may refer to the Board.

§153-12. Composition of the Board; Terms of office.

A. The Plumbing Advisory Board shall consist of eight (8) voting members appointed by the Town Board, one of whom shall be designated by the Town Board as Chairman, and one ex-officio member as designated below:

- (1) A representative of the Department of Engineering Services.
- (2) A representative of the Suffolk County Department of Health Services.
- (3) A Sanitary Engineer.
- (4) Three (3) licensed master plumbers.
- (5) A Civil Engineer.
- (6) A Deputy or Assistant Town Attorney as designated by the Town Attorney (ex-officio member).
- (7) A heating technician.

B. If any category of membership is unable to be filled by qualified individuals the Town Board may vary the composition of the Board as long as no more than three (3) of the nine (9) members are of the same category.

C. Board Members from the master plumber, sanitary engineer, and heating technician category shall be residents of the Town of Huntington.

D. Of the Members first appointed by the Town Board, three (3) shall be appointed for a term of one (1) year, three (3) for a term of two (2) years, and three (3) for a term of three (3) years, except that appointees whose term have expired shall be held over until replaced by the Town Board.

§153-13. Vacancies; compensation.

A. Appointments to fill vacancies shall be made by the Town Board and shall be for the unexpired term of the vacancy in question.

B. Members whose terms of appointment have expired shall be held over until replaced by the Town Board.

C. Members of the Plumbing Advisory Board shall serve without compensation with the exception of those Members who proctor the licensing examination shall be compensated for their services at a rate fixed by the Town Board from time to time.

§153-14. Quorum; voting; meetings.

A. A quorum shall consist of five (5) members and shall be necessary for the transaction of business of the Board.

B. A majority of the Members present at a meeting shall be necessary prior to the Board making a recommendation on the issuance, modification, suspension, or revocation of a plumbing license; or for making recommendations to modify provisions of the Town Plumbing Code.

C. Meetings of the Board shall be conducted quarterly or as often as deemed necessary in the opinion of the Chairman or a majority of the Board for effective discharge of the business of the Board.

§153-15. through §153-20. (Reserved).

### ARTICLE III PLUMBING LICENSES

§153-21. License Required; restrictions.

A. It shall be unlawful for any person, to install, repair, or modify any plumbing or heating system or fixture without benefit of a valid master or limited plumbing license issued by the Director of Engineering Services. With the exception of gas piping, ~~that~~ an owner of a one and two family dwelling may conduct plumbing alteration, repair, maintenance or installation activities within said premises without benefit of a license as long as the work is performed by the owner and not by the owner's contractor or other person.

B. It shall be unlawful to directly or indirectly allow a license to be used in connection with work not actually conducted or completed by the licensee or under the direct supervision of said licensee. The person using the license and the license holder shall be deemed in violation of this chapter.

C. Conditions and restrictions. The Director may restrict or condition a license as he or she deems necessary or appropriate, any said condition or restriction shall be set forth on the face of the license or any renewal thereof at the time of issuance.

§153-22. Qualifications of applicants for a plumbing license. The Plumbing Advisory Board shall determine an applicant's qualifications for a Master or Limited License based on the following criteria:

A. Applicants shall be a minimum of 21 years of age and shall apply in writing to the Huntington Plumbing Licensing Board on application forms supplied by the Department of Engineering Services together with payment of the requisite application fee.

B. Work Experience. Every applicant shall have at least seven (7) years of continuous work experience in the installation, repair and/or maintenance of plumbing systems or equipment; or have completed a plumbing union apprenticeship program, or an approved course of study at a certified technical school, or any combination thereof.

C. Written examination. Upon the Board's approval of an applicant's work experience, the applicant shall sit for a written examination where the minimum passing score is 70%. Applicants that fail the written exam may schedule a second exam at no additional cost. Failure to obtain a passing grade on the second exam shall require an

applicant to remit the requisite fee before the exam may be retaken. Failure to obtain a passing grade on the third exam shall void the application.

D. Practical examination. Applicants seeking to obtain a Master Plumbing License must successfully complete a practical examination and demonstrate sufficient knowledge and technical ability to perform and supervise the installation, alteration, modification, or repair of plumbing and heating systems.

E. Failure to receive a license shall not prevent the applicant from filing a new application at any time.

§153-23. License application and fees.

A. Application for a license. Applications for initial and renewal licenses shall be made in person and shall include the following:

(1) A completed and signed application on a form provided by the Department of Engineering Services accompanied by the requisite fee. The applicant shall disclose the D/B/A he or she proposes to use on the application; and

(2) Insurance certificates evidencing the existence of general liability coverage in the minimum amount of \$1,000,000 for any one accident and \$500,000 for any one person, and for damage to property a minimum coverage of \$250,000; and

(3) Such other and further documentation as deemed necessary by the Plumbing Advisory Board or the Director of Engineering Services.

B. Fees. The following fees are established for processing the application and issuance of a Limited License or Master Plumber License:

(1) Initial application fee. A non-refundable application fee of \$95.00 shall be remitted for each license type applied for prior to an applicant taking the respective examinations.

(2) License fee. Upon successful completion of the requisite examination(s) the applicant shall remit a license fee of \$150.00 prior to the issuance of a Limited or Master Plumber License.

(3) Re-examination fee. If an applicant fails the written examination twice a non-refundable \$50.00 re-examination fee shall be payable before the test may be taken for a third time.

(4) Renewals. An individual who possesses a single or multiple Limited License(s), or a Master Plumber License may renew the license(s) upon timely application for the renewal of such license(s) and payment of a non-refundable



license renewal fee of \$150.00 prior to the expiration of the license(s) sought to be renewed. Within 90 days after the expiration of the current license, renewals may be permitted upon the payment of the license renewal fee and an additional penalty of \$75.00 without written reexamination. Applicants who fail to renew their licenses within such 90 day period shall be required to apply for a new license with the Plumbing Advisory Board and pay all requisite fees.

§153-24. Issuance of license and photo ID card. Licenses shall be issued to those meeting the requirements of this chapter. A photo ID card identifying the licensee's name, type of license, license number, and the date the license expires shall be issued by the Town to all licensees. Photo ID cards shall be available at all times during the performance of work, and shall be produced upon request of the code enforcement official or customer. Any licensee who fails to produce the ID card upon request shall be in violation of this chapter.

§153-25. Term of license. Initial and renewal licenses issued for limited activities or for master plumbers are valid for a period of three (3) years from the date of issuance.

§153-26. Reciprocal Agreements for Master Plumber Licenses.

A. The Town Board may, from time to time, determine that another municipality maintains a standard for licensing master plumbers equivalent to that maintained in the Town of Huntington, and authorize the execution of a written Reciprocal Agreement with the other municipality waiving, upon the presentation of proper documentation, the written and practical examination of licensed master plumbers seeking a Reciprocal Master Plumber License in the Town of Huntington pursuant to the Agreement. The license fee established in this Chapter in the amount of \$150.00 shall be paid by those requesting a Reciprocal Master Plumber License before such licenses will be issued.

B. Application requirements.

(1) An applicant filing under this section shall furnish a copy of his Master Plumber License establishing that he has been certified as competent and duly licensed for at least one year by the licensing municipality; and

(2) A Letter of Good Standing issued by the licensing municipality evidencing that the license is current and valid, and has not been suspended, modified or revoked.

C. Issuance of reciprocal license.

(1) An applicant who qualifies under this section shall be issued a Master Plumber License only. No certificate of competency shall be issued to any applicant unless the applicant has been examined and recommended for approval by the Plumbing Advisory Board of the Town of Huntington.

(2) Such Reciprocal Master Plumber License shall be valid for a period of three (3) years, subject to payment of licensing and renewal fees, and only during that

period of time in which the issuing municipality and the Town of Huntington maintain their Reciprocal Agreement. Suspension or termination of said Agreement shall require a licensee under this section to return their license to the Plumbing Advisory Board within 10 days of receipt of notification by the Town. Failure to do so shall constitute a violation of this Chapter.

§153-27. Liability of Town. The provisions of this chapter shall not relieve any person owning, operating maintaining or installing any plumbing systems or equipment from liability for loss of life or damages to persons or property caused by any defect in the work or hazardous condition therein, nor shall the Town be deemed to have assumed such liability by reason of any license issued pursuant to this Chapter.

§153-28. Suspension or revocation of license. A license may be suspended or revoked by the Director of Engineering Services when it is found by inspection or otherwise that there has been an unlawful act in connection with the license, including but not limited to any of the following:

- A. A condition or restriction set forth in the license has been violated, neglected or ignored; or
- B. There has been a false statement, an error, mistake or misrepresentation as to a material fact in the application or documents submitted for a license or license renewal; or
- C. The license is used by a person other than the person to which the license was issued; or
- D. The license holder failed, refused or neglected to comply with a lawful order of the Director or a code enforcement officer pertaining to the license within the time provided therein; or
- E. The license was issued in error or in violation of state, county, or local law, rule or regulation; or
- F. Such other basis as deemed proper or necessary by the Director.

§153-29. Notice of Suspension or Revocation of License.

A. Prior to the suspension or revocation of a license, the code enforcement official shall prepare a report outlining the reason(s) for the proposed suspension or revocation of the license. A copy of the report shall be mailed to the licensee together with a Notice of Hearing which shall contain the date, time and place of an administrative hearing before an Administrative Hearing Officer to determine whether the license should be suspended or revoked.

B. Amendment, modification or withdrawal. The code enforcement official may amend, modify or withdraw any Notice issued if, in his judgment, the circumstances warrant such action provided the amended or modified Notice is served as provided in (C) herein within five (5) business days of service of the original Notice, and a hearing has not occurred.

C. Service of Notice. The Notice of Hearing and Report shall be served either personally in accordance with the CPLR, or by registered or certified mail, return receipt requested and by regular mail, addressed to the licensee at the address shown on the application.

§153-30. Administrative Hearing. An administrative hearing shall be held before a duly appointed Administrative Hearing Officer. Hearings may be adjourned only upon good cause shown.

A. Conduct of hearings. At the administrative hearing the licensee shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. He may present the testimony of witnesses, experts and such other evidence in his own behalf as he deems necessary and relevant to the subject matter of the hearing. All hearings shall be recorded.

B. The Hearing Officer shall consider the evidence and shall submit his or her findings and recommendations to the Director of Engineering Services for ultimate determination. A copy of the Hearing Officer's report shall be filed with the Town Clerk and served upon the licensee in the same manner as the Notice of Hearing. Such mailing shall include a statement that the recipient has five (5) days from receipt of the report to submit to the Director his written objections to the Hearing Officer's findings and recommendations. The Director shall consider the written objections and the Hearing Officer's report, and may adopt or reject, in whole or in part any portion thereof as he or she deems advisable or necessary under the circumstances. The Director's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the licensee by regular mail and by registered or certified mail, return receipt requested.

C. Action upon non-appearance. Upon the failure, neglect or refusal of the licensee to appear at the administrative hearing or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the Notice was properly addressed, at the election of the Director the license may be suspended for a period of time or revoked for the reasons set forth in the code enforcement officers original report. The Director's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the licensee by regular mail and by registered or certified mail, return receipt requested.

D. Error or mistake. If the basis for the suspension or revocation is §153-26 (E) such suspension or revocation shall be effective upon a mailing advising the licensee that the license is suspended or revoked and the reason(s) thereof. Such mailing shall be

accomplished by regular and certified mail, return receipt requested, and addressed to the licensee at the address shown on the application.

E. Remedies. Nothing contained herein is intended to limit or restrict the Town's use of other remedies without limitation, at law or in equity, or impede the ability of town officials to enforce the code through stop work orders, notices of violation and summonses.

§153-31. through §153-33. (Reserved).

#### ARTICLE IV PLUMBING PERMITS

§153-34. Plumbing Permits Required.

A. Plumbing permits shall be required for the installation, repair, or modification of plumbing systems, medical gas systems, natural gas or liquefied petroleum gas piping, or the installation or modification of irrigation systems. The Director of Engineering Services or his designee shall issue plumbing permits upon compliance by the applicant with all state and local requirements and standards.

B. It shall be unlawful for a person to install, repair, service, or modify any plumbing system, medical gas system, natural gas or liquefied petroleum gas piping, or irrigation system without benefit of a plumbing permit issued by the Town of Huntington. Any person who fails, neglects or refuses to obtain a permit before commencing the work shall be in violation of this Chapter.

§153-35. Permits Generally.

A. Permits for multiple purposes. A single permit may be granted for one (1) or more purposes for which approval is sought at the discretion of the Director of the Department of Engineering Services.

B. Permit Placement. Permits shall be posted in a conspicuous place on the premises so as to be readily available for inspection by the code enforcement official. It shall be unlawful to fail or neglect to post the required plumbing permit on site where work is being performed.

C. Scope of permit. Permits shall be issued for specific purpose(s) or activity(ies) and shall not be constructed to authorize any other work or activity than as set forth on the face of the permit.

D. Conditions and restrictions. The Director or his designee may restrict or condition a permit as he or she deems necessary or appropriate, and any said condition or restriction shall be set forth on the face of the permit or renewal thereof at the time of issuance.

§153-36. Permit application. A completed and signed application for a permit shall be made to the Department of Engineering Services and shall be accompanied by the non-refundable application fee established in this Chapter.

A. Permit applications shall include three (3) sets of plans and specifications for the proposed work. Required drawings shall include but not be limited to:

- (1) Site Plan; and
- (2) Building Plan View; and
- (3) Building Cross Section/Elevation; and
- (4) Riser Diagram; and
- (5) Manufacturer's Equipment Cut Sheets.

B. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work will conform to the requirements of this Chapter, the Plumbing Code of New York State, the Fuel Gas Code of New York State, the Mechanical Code of New York State, and other applicable law, rule or regulation.

C. Incomplete applications. An incomplete application for any work, activity or operation shall be deemed to have been abandoned six (6) months after the date of filing, except that the Director of Engineering Services may grant one or more extensions not exceeding ninety (90) days each for good cause shown, as long as it is demonstrated to the satisfaction of the Director that the applicant is proceeding diligently and in good faith, and the delay in filing a complete application is not under the control or due to the actions of the applicant.

D. Denial of application. If the application for a permit describes a use or activity that does not conform to state or local requirements, a permit shall not be issued and the application shall be returned with the reason for denial.

E. Correction of errors.

(1) Where field conditions necessitate a substantial change from the approved construction documents, corrected construction drawings shall be submitted for approval

(2) The issuance of a permit based on construction documents and other data shall not prevent the code enforcement official from requiring the correction of errors in the documents submitted based upon field conditions.

§153-37. Term of plumbing permits; extensions.

A. Term, extensions. Plumbing permits are valid for one (1) year from the date of issuance. The Department of Engineering Services may extend such permits for no more than two (2), one (1) year terms. In no event shall a plumbing permit be renewed beyond three (3) years of the original date of issuance. Such permit shall be null and void at the

end of the extension period(s). An expired plumbing permit must be replaced with a new permit upon the submission of a new application and payment of the requisite fee.

B. Extension fees. The fee for each extension period shall be one-half (1/2) of the total application fee paid for the original permit. If, at the discretion of the Director of Engineering Services, payment of the fee for an extension in full for a plumbing permit would constitute a severe hardship to the applicant, the fee may be pro-rated on a monthly basis provided the project is substantially complete and the hardship has not been caused by the actions of the permit holder.

§153-38. Acceptance, transfer and alteration of permits.

A. Acceptance. The acceptance of a permit shall constitute an agreement by the property owner and/or permit holder that the work to be performed, or activity or operation, will comply in all respects with the plans and specifications approved by the Department of Engineering Services, and that no modification, alteration or deviation from the approved plans and specifications, or the permit, will occur without the prior approval of the code enforcement official. A property owner and/or permit holder who performs work, or causes work to be performed, or conducts an operation or activity which modifies, alters or deviates from the approved plans, specifications or permit in any way shall be in violation of this Chapter. In addition to any other penalty provided for herein, the Town may issue a stop-work order and may revoke the permit.

B. Unlawful transfer of permit.

(1) Transfer to other property. It shall be unlawful to cause or permit a permit to be posted at a premise other than the premises for which the permit was issued. The person to whom the permit was originally issued and the owner of the property on whose property the permit is unlawfully posted shall be deemed to be in violation of this Chapter. In addition to any other penalty provided for herein, the Town may issue a stop-work order and may revoke the permit.

(2) Transfer to other contractor. Plumbing permits are not transferable and any change in installation contractor shall require that a new permit be obtained. It shall be unlawful to transfer a permit to another person without obtaining a new plumbing permit. The person to whom the permit was originally issued, the owner of the property on whose property the work is being performed, and the person who accepted the transferred permit shall be deemed to be in violation of this Chapter. In addition to any other penalty provided for herein, the Town may issue a stop-work order and may revoke the permit.

C. Alteration of permit. It shall be unlawful to alter, obscure, deface, change or otherwise tamper with any portion of a permit issued pursuant to this Chapter. The property owner and/or permit holder shall be deemed to be in violation of this section. In

addition to any other penalty provided for herein, the Town may issue a stop-work order and may revoke the permit.

§153-39. Revocation of permits. A permit may be revoked by the Director of Engineering Services when it is found by inspection or otherwise that there has been an unlawful act in connection with the permit, including but not limited to any of the following:

- A. The permit is used for work, or an activity or operation, location or establishment other than that for which it was issued; or
- B. A condition or restriction set forth in the permit has been violated, neglected or ignored; or
- C. There has been a false statement, an error, mistake or misrepresentation as to a material fact in the application for a permit, the construction documents or the plans submitted for a permit; or
- D. The permit is used by a person other than the person to whom the permit it was issued; or
- E. The permit holder has failed, refused or neglected to comply with the lawful order or notice of the Director or code enforcement official pertaining to the permit or work within the time provided by the official; or
- F. The permit was issued in error or in violation of state, county, or local law, rule or regulation; or
- G. Such other basis as deemed proper or necessary by the Director .

§153-40. Notice of Revocation of Permit.

A. Prior to the revocation of a permit, the code enforcement official shall prepare a report outlining the reason(s) for the proposed revocation of the permit. A copy of the report shall be mailed to the property owner at the address shown on the most current assessment roll maintained by the Town Assessor, or to his agent, or person-in-charge of the property, and to the permit holder together with a Notice of Hearing which shall contain the following:

- (1) A description of the property; and
- (2) The date, time and place of the scheduled administrative hearing before an Administrative Hearing Officer to determine whether the permit should be revoked.

B. Amendment, modification or withdrawal. The code enforcement official may amend, modify or withdraw any Notice issued if, in his judgment, the circumstances warrant such action provided the amended or modified Notice is served as provided in (C) herein within five (5) business days of service of the original Notice, and a hearing has not occurred.

C. Service of Notice. The Notice of Hearing and Report shall be served either personally in accordance with the CPLR, or by registered or certified mail, return receipt requested and by regular mail, addressed to the property owner at the last address shown on the most current assessment roll of the Town Assessor, or to the owner's agent or person-in-charge of the property at the last known address, and to the permit holder at the address shown on the application.

§153-41. Administrative Hearing. An administrative hearing may be held before a duly appointed Administrative Hearing Officer. Hearings may be adjourned only upon good cause shown.

A. Conduct of hearings. At the administrative hearing the permit holder shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. He may present the testimony of witnesses, experts and such other evidence in his own behalf as he deems necessary and relevant to the subject matter of the hearing. All hearings shall be recorded.

B. Administrative Hearing Officer. The Hearing Officer shall consider the evidence and shall submit his or her findings and recommendations to the Director of Engineering Services for ultimate determination. A copy of the Hearing Officer's report shall be filed with the Town Clerk and served in the same manner as the Notice of Hearing. Such mailing shall include a statement that the recipient has five (5) days from receipt of the report to submit to the Director his written objections to the Hearing Officer's findings and recommendations. The Director shall consider the written objections and the Hearing Officer's report, and may adopt or reject, in whole or in part any portion thereof as he or she deems advisable or necessary under the circumstances. The Director's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original Notice was served by regular mail and by registered or certified mail, return receipt requested.

C. Action upon non-appearance. Upon the failure, neglect or refusal of the permit holder to appear at the administrative hearing; or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the Notice was properly addressed, at the election of the Director the permit may be revoked for the reasons set forth in the code enforcement officer's original report. The Director's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original Notice was served by regular mail and by registered or certified mail, return receipt requested.



D. Error or mistake. If the basis for the revocation is §153-39(F) such revocation shall be effective upon a mailing advising the property owner, his agent, or person in charge of the property and the permit holder that the permit is revoked and the reason(s) thereof. Such mailing shall be accomplished by regular and certified mail, return receipt requested, and addressed to the last known address of the proposed recipient.

E. Remedies. Nothing contained herein is intended to limit or restrict the Town's use of other remedies without limitation, at law or in equity, or to impede the ability of town officials to enforce the code through stop work orders, notices of violation and summonses.

§153-42. Inspections; certificate of completion.

A. Work for which a permit has been issued pursuant to this chapter shall be inspected by the code enforcement official at appropriate stages of the project. Work shall be inspected prior to enclosing or covering any portion thereof and it shall be the responsibility of the permit holder, owner, applicant, or his agent to schedule such inspections with the Department of Engineering Services. Failure to have the work inspected shall be deemed a violation of this chapter.

B. A certificate of completion for work performed under a plumbing permit may not be issued until such time as a final inspection has been performed and approved by the code enforcement official.

C. Prior to scheduling an acceptance test the contractor of record shall provide the code enforcement official with copies of all required regulatory approvals.

§153-43. through §153-47. (Reserved).

ARTICLE V  
FEES

§153-48. The following fees are established for the installation, repair, alteration or modification of plumbing systems, medical gas systems, natural gas or liquefied petroleum gas piping, or the installation or modification of irrigation systems. If the system should fail the final inspection process, payment of the requisite fee for such service must be paid before an inspection will be rescheduled.

A. Residential plumbing system permits shall only be issued for work conducted within one and two family homes.

B. Fee exemption. The permit fee shall be waived if the owner of the property for which a plumbing permit is sought is a municipality, special improvement district or other entity for which real property taxes are not collected, and if the construction or use is for governmental, municipal or district purposes and is not proprietary in nature.

	Plumbing System Permits		
	Residential Plumbing System	Commercial Plumbing / Medical Gas System	All Natural / LPG Gas Piping Installation
Permit Fee	\$175	\$300	\$150
Re-Inspection Fee	\$75	\$150	\$75

	Irrigation System Permits	
	Residential Irrigation System	Commercial Irrigation System
Permit Fee	\$75	\$150
Re-Inspection Fee	\$50	\$100

§ 153-49. through § 153-51. (Reserved).

## ARTICLE VI ADMINISTRATIVE REMEDIES

§153-52. Notice of violation.

When the code enforcement official finds that the installation, repair, alteration, or modification of any plumbing or heating system is or has been accomplished in violation of this Chapter, or that a dangerous or hazardous condition exists, he may, at his discretion, prepare a written notice of violation describing the violation or the unsafe and hazardous condition.

A. Contents. The notice of violation shall identify the violation or offense and may, without limitation, require the abatement, remediation or restoration of the building, structure, installation, equipment, or property within the period identified in the notice.

B. Service. A notice of violation shall be served upon the property owner, operator, occupant, person in charge of the property, or other person responsible for the condition or violation, and to the permit holder by personal delivery, or can be mailed to the last known address of the person being served, and by delivering the same to and leaving it with a person of suitable age and discretion at the premise.

C. Extension of time. Upon good cause shown to the satisfaction of the code enforcement official, the period of compliance may be extended where remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued.

§153-53. Placards. If, in the judgment of the Director or code enforcement official, any equipment or installation, building or premise jeopardizes the public health or welfare, or the safety of the occupants or property, he may authorize the condemnation of the premise, building, structure, dwelling unit, equipment, or installation as unsafe and hazardous.

A. Placement. A placard shall be posted in a conspicuous place in or about the structure, building or unit, and if the placard pertains to equipment, it shall also be posted on the condemned equipment, as access permits.

B. Prohibited acts.

(1) Impeding government action. Any person who resists, obstructs or impedes the code enforcement official in the placement or posting of placard(s) or the execution of an order to vacate shall be in violation of this chapter and shall be subject to the fines and penalties provided herein.

(2) Occupancy, operation or use. It shall be unlawful for any person to occupy or use, or allow another person to occupy or use any portion of any land, building, structure, or dwelling unit which has been placarded, or to operate or use placarded equipment or installations except as necessary to repair, remedy or abate the condition.

(3) It shall be unlawful and a violation of this chapter for any person to deviate in any way from the activity permitted by the code enforcement official pending resolution of the hazardous or unsafe condition, or to disobey a lawful order of the code enforcement official. In addition to any other penalty provided for herein, the Director of Engineering Services may revoke any plumbing permit that has been issued.

(4) Tampering and removal. It shall be unlawful for any person to deface, mutilate, alter, or remove any placard posted.

§153-54. Stop-work order. Whenever the Director or code enforcement official finds that any work has been performed in a manner contrary to the provisions of this Chapter or is dangerous or unsafe, he is authorized to issue a stop work order with or without a notice of violation.

A. Contents and service. A stop-work order shall be in writing and shall state the conditions under which the work may be resumed. The stop work order shall be served upon the permit holder, or property owner or his agent, or the operator, occupant, or person in charge of the property, or other person responsible for the work, condition or violation by personal delivery, or by certified mail return receipt requested and addressed

to the last known address. In all instances the stop work order shall be posted in a conspicuous place on the property, building, or structure, and equipment that is the subject of the notice, as access permits.

B. Upon the issuance of a stop-work order, all activities shall be immediately suspended until the stop work order is rescinded. Notwithstanding the issuance of a stop-work order, the Director or code enforcement official may, in his sole discretion, permit any part of the work to continue if, in his judgment, it is necessary to protect the health and safety of persons; or to preserve and safeguard the premises or any portion of the building, equipment, installations, or structures located therein.

C. Cessation of work. It shall be unlawful and a violation of this chapter for any person to perform any work or other activity, or to allow the work or activity to continue in violation of a stop-work order issued by the Town; or to deviate or to allow the work to deviate in any way from the work or activity permitted by the Town pending resolution of the violation or stop-work order; or to disobey a lawful order of the Town. In addition to any other penalty provided for herein, the Director of Engineering Services may revoke any plumbing permit that has been issued.

D. Tampering. It shall be unlawful for a person to mutilate, destroy, tamper with or remove a stop-work order posted or affixed upon a premise, building, structure, installation or equipment without authorization from the code enforcement official.

§153-55. Issuance of a summons.

Nothing in this Chapter shall be construed to limit or abridge the right of the Director or code enforcement official to issue a summons for a violation thereof in lieu of a notice of violation, with or without a stop work order or placard.

§153-56. Penalties for offenses.

A. Any person who violates or causes another to violate a provision of this Chapter shall be deemed to have committed an offense against this Chapter and shall be subject to a fine or penalty as follows:

(1) Upon a first conviction thereof, a fine or penalty of not less than two hundred fifty (\$250) dollars and not more than one thousand five hundred (\$1,500) dollars; and

(2) Upon a second conviction for an offense occurring within two (2) years of the first conviction, a fine or penalty of not less than seven hundred and fifty (\$750) dollars and not more than two thousand five hundred (\$2,500) dollars; and

(3) A third or subsequent conviction for an offense occurring within five (5) years of the first conviction, a fine or penalty of not less than one thousand five hundred (\$1,500) dollars and not more than three thousand five hundred (\$3,500)

or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment; and

(4) Each day, or part thereof, a violation continues shall constitute a separate and distinct offense, punishable in like manner. Written notice of a violation is not a prerequisite for the imposition of such fine, penalty and or punishment unless the subject of the prosecution is the noncompliance with such notice.

B. The fine and penalty for a violation of the Plumbing Code of New York State, Fuel Gas Code of New York State, or the Mechanical Gas Code of New York State shall be as set forth therein; and

C. In addition to the penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions; civil penalties in the amount of up to five hundred (\$500) dollars per day, or any part thereof; an action to compel compliance with or to restrain by injunction the violation of this chapter; and other remedies which in the opinion of the Town Attorney may seem necessary and proper.

#### Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

#### Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.