

## LOCAL LAW NO. 2 of 2024

A LOCAL LAW amending Chapter 123-14 entitled "Stop work orders" of the Code of the Town of Southampton.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

### SECTION 1. Legislative Intent.

The Town of Southampton finds that stop work orders are an effective tool for enforcement of building code violations, however enforcement is limited currently as only building inspectors can issue stop work orders while fulfilling their many other obligations.

This legislation proposes allowing additional enforcement staff including Fire Marshals and Town Code Enforcement Officials to issue stop work orders, while clarifying the procedure for the Chief Building Inspector to lift stop work orders, after the owner of the offending property has applied for applicable permits.

### SECTION 2. Amendment.

Chapter 123-14 entitled "Stop work orders" of the Southampton Town Code is hereby amended by deleting the stricken words and adding the underlined words as follows:

#### § 123-14 Stop-work orders.

Whenever the Building Inspector, Fire Marshal, or a Town Code Enforcement Official (Hereinafter authorized official) has reasonable grounds to believe that work on any lot, building, or structure is being effectuated in violation of the provisions of the applicable building laws, local laws, ordinances or regulations or in a manner that is not in conformity with the provisions of a permit, plans or specifications on the basis of which a permit(s) was issued, or in an unsafe and dangerous manner, such authorized official shall notify the owner of the property and/or the owner's agent, and the person performing the work to immediately stop all work. Upon issuance of a Stop Work Order, no person shall continue work on site. All building activities shall be suspended until the stop order has been rescinded by written letter of the Building Inspector. A stop-work order and notice to the owner and or owner's agent shall be in writing, and shall state the conditions to be corrected in order for the owner and or owner's agent to request a stop-work order lift letter so that the work on site may be resumed. A stop-work order may be served upon a person to whom it is directed either by delivering it personally to them, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail or certified mail. Corporate entities may be served by posting upon a conspicuous portion of the building under construction and sending a copy of the same to the New York Secretary of State by registered mail.

### SECTION 3. Authority.

The proposed law is enacted pursuant to §130 and 138 of New York State Town Law as well as §10 of Municipal Home Rule Law.

### SECTION 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

### SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.