§ 303. Enforcement. 1. The provisions of this chapter shall be enforced within each municipality by a person or department charged with such duty as provided in this section, provided, however, that in the case of a town such person or department shall have power and jurisdiction concerning such enforcement only with respect to such part of the town as is outside the limits of any village or city. Whenever in any city or village there is a person or department enforcing any building code, or in any town there is a person or department enforcing any building code with respect to the whole or the portion thereof outside the limits of any village or city, the provisions of this chapter shall be enforced by such person or department in such city or village, or in such town or portion thereof, respectively. If there be no such person or department in and for a city or village, or in a town for the whole or the portion thereof outside the limits of any city or village, the chief executive officer or, if there be none, the chief administrative body or board of the city, village, or town, respectively, shall have the power to and shall organize a department or shall designate or employ a person or department for the enforcement of this chapter in such city or village, or in such town or portion thereof, respectively, and the provisions of this chapter shall be enforced therein by the department so organized or the person or department so designated or employed. The person so designated or employed to enforce this chapter in a city or village or in a town or portion thereof, or in two or more of them acting jointly, as hereinafter provided, need not be an elector of the city, village or town, or of any of them, as the case may be, in or for which he is so designated or employed. A person assigned as a fire department inspector pursuant to subdivision four of this section shall not by virtue of such assignment be disqualified from holding the office of enforcement officer.

2. One such person or department may be designated or employed by two or more cities, villages or towns, acting jointly, for the enforcement of this chapter in such cities or villages, or in such towns or portions thereof, respectively, and such cities, villages and towns may make and perform agreements in connection therewith. Where two or more municipalities are so jointly acting, provision shall be made by each

municipality for the appropriation, custody, audit, approval and payment of funds sufficient to defray the expense of operation of such person or department, including salaries, in such municipality or municipalities or portion or portions thereof. Any joint agreement made as provided in this section shall include provisions for the proportionate cost of the expense of operation of such person or department, including salaries, to be borne by each municipality or portion thereof and the manner of employment of personnel and may provide that a fiscal officer of one such municipality shall be the custodian of the moneys made available for expenditure for the purposes of such enforcement by all such municipalities or portions thereof and that such fiscal officer may make payments therefrom upon audit of the appropriate auditing body or officer of his municipality. In providing for the enforcement of this chapter in any municipality or portion thereof, a municipality may also contract with another municipality to enforce this chapter within such municipality or portion thereof as required by this chapter, under such terms and conditions as may be stated in such contract, and any amount agreed to be paid under such contract shall be a charge upon the municipality or portion thereof for which such enforcement is provided and shall be paid in the same manner as other charges of the municipality.

3. The person or department charged with the duty of enforcing the provisions of this chapter in a municipality or portion thereof shall have power to enter, examine, and inspect, or cause to be examined and inspected, any building or property for the purpose of carrying out the duties of such person or department under this chapter. Such person or department is authorized and empowered to issue departmental notices and orders and is authorized to institute appropriate judicial action or proceeding to enforce any building code.

4. The fire department of any city, village or fire district, the fire department of any town which as such has a fire department, and any fire company located in the area of a town outside villages and fire districts, may, with the approval of the chief executive officer or, if there be none, the chief administrative body or board of the city, village or town, respectively, assign to one or more members of the fire

department or company, as the case may be, the duty of making inspections of buildings and properties which are subject to the provisions of this chapter and are located in the area regularly served and protected by such fire department or company including areas protected pursuant to a contract. The purpose of any such inspection shall be to determine whether the provisions of this chapter and the rules and regulations adopted and promulgated pursuant thereto in relation to fire protection and safety are being complied with. Firefighters assigned to such duty shall have full power and authority to enter, examine and inspect any such building or property at such times and hours as are reasonably convenient. It shall be the duty of any firefighter so assigned to report any violations of such provisions of this chapter or of such rules and regulations to the person or department charged with the duty of enforcing the provisions of this chapter in the city, town or village in which the building or property is located and also to the chief of his or her fire department or fire company, as the case may be. In the event that an area is served pursuant to a fire protection contract by more than one fire department or fire company, the firefighter or firefighters assigned to perform such duty in such area shall report violations to the chief of each fire department and fire company serving such area. The failure of any such firefighter to discover and properly report any such violations or his neglect or omission to perform such duties, shall not subject him or her, his or her fire department, fire company, or the city, village, fire district or town in which or of which he or she is a firefighter to any civil or other liability. Any such firefighter shall not be liable civilly for any act or acts done by him or her as a firefighter in the performance of such duties, except for wilful negligence or malfeasance, but the provisions of this subdivision shall not relieve any such city, village, fire district, town, or fire company from liability, if any, for the negligent or wrongful acts of the firefighter in the actual performance of such duty. Firefighters assigned to any such duty may be known as fire inspectors but shall not, by reason of this law, be an officer of any city, village, fire district or town or of any fire department or fire company. Unless otherwise provided by some other law, general, special or local, any such assignment of duty and the termination of any such assignment shall be made by the chief of the

fire department or the fire company, as the case may be. Before any such inspection is made, the firefighter assigned to perform such duty must be approved by the chief executive officer or, if there be none, the chief administrative body or board of the city, village or town, respectively, in which the inspection will be made.

5. Pending the organization of a department or designation of a person or department for the enforcement of this chapter in any city or village, or in a town outside any city or village, the chief executive officer, or if there be none, the chief administrative body or board of the city, village or town, shall be charged with the duty of enforcing the provisions of this chapter in such city or village, or in such town outside a city or village, until such time as a department is organized or a person or department is designated or employed to enforce the provisions of this chapter.

6. Notwithstanding the foregoing provisions of this section, this chapter shall be enforced within the county of Hamilton, in the manner provided in this subdivision. On or before September first, nineteen hundred fifty-four, the board of supervisors of such county may, by local law, create an office or department, or designate a county office or department, for the purpose of enforcing the provisions of this chapter within such county. The office or department so created or designated shall succeed to and become vested with the duty of enforcing the provisions of this chapter within each municipality in such county. All provisions of this chapter, not inconsistent with this subdivision, shall apply to the enforcement of this chapter within such county by the office or department so created or designated. The cost and expense of such enforcement shall be a county charge. In the event such board of supervisors shall fail to provide for the enforcement of this chapter pursuant to the foregoing provisions of this subdivision by such date, then and in such event, the provisions of this chapter shall be enforced within each municipality in such county in the manner hereinbefore provided in this section.