

FIRE PREV. & BLDG. CONST.

Chapter 64

FIRE PREVENTION AND BUILDING CONSTRUCTION

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[HISTORY: Adopted by the Town Board of the Town of Vernon 5-6-85 as L. L. No. 1-1985. Sections 64-3 and 64-10 amended at time of adoption of Code; see Ch. 1, General Provisions. Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Electrical inspections — See Ch. 58.
Flood damage prevention — See Ch. 68.
Individual sewage disposal systems — See Ch. 106.
Subdivision of land — See Ch. 114.
Zoning — See Ch. 139.

§ 64-1. Definitions.

- A. The words and terms used in this chapter shall have the same meaning as those contained in Executive Law, Article 18, as added by Chapter 707 of the Laws of 1981, unless the context may otherwise require.
- B. As used in this chapter, the following terms shall have the meanings indicated:

ENFORCEMENT OFFICIAL — The Codes Enforcement Officer authorized and empowered to administer and enforce the Uniform Code in the town.

§ 64-2. Permits.

- A. No person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof without first having obtained a permit from the enforcement official of the town. Applications for permit shall be obtained from the Town Clerk. No such permit shall be required for necessary repairs which are not of a structural nature and do not involve abatement of a violation of the Uniform Code. The permit shall be valid so long as work is diligently prosecuted.
- B. The form of the permit and application therefor shall be prescribed by a resolution of the Town Board. The form of permit and application shall be consolidated for use under this chapter as well as the Town Zoning Ordinance.¹ The application shall be signed by the owner or authorized agent of the building or work and shall contain at least the following:
 - (1) The name and address of the owner.
 - (2) Location and description of the land on which the work is to be done.
 - (3) A description of use or occupancy of the land and existing or proposed building.

¹ Editor's Note: See Ch. 139, Zoning.

- (4) A brief description of the proposed work.
 - (5) Estimated value of the proposed work.
 - (6) A statement that the work shall be performed in compliance with the Uniform Code and applicable state and local laws, ordinances and regulations.
 - (7) Requirement that all contractors and subcontractors to certify that their portion of the work has been done in compliance with the Uniform Code by signing a certification to that effect.
- C. A duplicate set of plans, drawings and specifications (except for demolition or removal of a building) shall accompany such application, and the plans, drawings and specifications shall be signed by the person who prepared them. With respect to buildings larger than one thousand five hundred (1,500) square feet, the plans, drawings and specifications shall be accompanied by a statement from a registered architect or licensed professional engineer of this state that such plans, drawings and specifications comply with the applicable provisions of the Uniform Code and that such plans, drawings and specifications are in keeping with good building and architectural practice.

§ 64-3. Fees.²

Fees for permits shall be based on the estimated value of the work as prescribed herein and shall accompany the application for the permit.³

§ 64-4. Inspections.

- A. The progress of work for which a permit has been issued shall be inspected at such times and intervals as may be necessary and appropriate to determine whether the work is being performed in compliance with the Uniform Code and applicable regulations. Such inspections shall be carried out

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³ Editor's Note: The fees are on file in the office of the Town Clerk.

prior to enclosing or covering of the particular portion or phase of building construction, including but not limited to excavation, foundation, superstructure, electrical, plumbing, heating and air conditioning.

- B. The inspection shall be made by the enforcement official or a person designated by him.
- C. It shall be the duty and responsibility of the owner or authorized agent to inform the enforcement official that the work is ready for each phase of inspection.

§ 64-5. Certificates of occupancy.

- A. A building or structure for which a permit has been issued shall not be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the enforcement official. Such certificate of occupancy shall be issued when, after final inspection, it is determined that the construction and other work has been completed in compliance with the Uniform Code and other applicable laws, rules and regulations.
- B. A temporary certificate of occupancy may be issued pending final completion of the work, provided that the use or occupancy of the building shall not present a danger to any person or property.

§ 64-6. Certificates of apparent compliance; fee.

Due to the difficulty in determining whether a structure which has previously been constructed was constructed in compliance with the Uniform Code, certificates of occupancy will not be issued with respect to structures not inspected by the Code Enforcement Officer during construction. As to such structures, a certificate of apparent compliance will be issued upon the payment of a fee of fifty dollars (\$50.). The Code Enforcement Officer or his duly designated agent shall conduct an inspection of the previously erected structure and will issue a certificate of apparent compliance if this superficial inspection reveals no violations of the Building Code.

§ 64-7. Fire prevention and safety inspection.

- A. All dwelling units in a building consisting of more than two (2) such units shall be inspected for the purpose of determining compliance with safety requirements of the Uniform Code at least once in every twelve (12) months. A fee of ten dollars (\$10.) per dwelling unit shall be charged to the owner of the building or dwelling unit for each such inspection. The fee shall be paid by such owner within thirty (30) days of the date of the statement therefor. These inspections shall be made within thirty (30) days of the twelve-month anniversary date for inspections.
- B. One- and two-family dwellings shall not be subject to regular inspection except as provided in Subsection D.
- C. All other buildings open to the public shall be inspected at least once in every twelve (12) months.
- D. An inspection of a building or dwelling unit may be performed at any other time upon the request of the owner or authorized agent or upon receipt of a written statement specifying the ground upon which the subscriber believes a violation of the Uniform Code exists or upon other reasonable and reliable information that such violation exists. If a violation exists, the owner is responsible for the fee; if no violation exists, the subscriber shall be responsible.

§ 64-8. Variances and appeals.

A request for a variance from the Uniform Code and an appeal to review a determination of or failure to render a determination by the enforcement official shall be processed as provided in 19 NYCRR 440.

§ 64-9. Inspection agents.

The Code Enforcement Officer may retain duly qualified agents to assist in the conducting of inspections and may pay to such agents all or a portion of inspection fees collected hereunder as compensation, subject to approval by resolution of the Town Board.

§ 64-10. Penalties for offenses.⁴

Any person, corporation, association, firm or partnership that fails to remedy a condition found to exist in violation of the Uniform Code and this chapter shall be subject to the maximum penalty under § 382 of the Executive Law, as such may be amended or renumbered.

§ 64-11. Solid-fuel-burning heating appliances, chimneys and flues.

A permit for installation of a solid-fuel-burning heating appliance, chimney and flue in any dwelling unit shall be obtained as provided in § 64-2 of this chapter. If the enforcement official, after inspection, determines that the installation is in compliance with the Uniform Code, he shall issue a certificate of compliance on a form to be prescribed by resolution of the Town Board. A violation of this section and of Subdivision 5 of § 378 of the Executive Law shall be punishable as provided in such Subdivision 5.

§ 64-12. Building Inspector.

The Town Supervisor with the approval of the Town Board may appoint one (1) Building Inspector or more, as the need may appear, to act under the supervision and direction of the Building Code Enforcement Officer and to exercise any portion of the powers and duties of the said Officer as directed by him. The compensation of such Building Inspector shall be fixed by the Town Board.

§ 64-13. Records and reports.

The building official shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Town Board and notices and orders issued. All such records shall be public records open to public inspection during normal business hours.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 64-14. Disclaimer of liability.

The town and its officers and employees shall not be liable for damage to property or injury to person which may result from the negligent, illegal or improper administration or enforcement of this chapter, including but not limited to negligent or improper inspection or issuance of certificates of occupancy or apparent compliance.