
SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS**17.300 BUILDING INSPECTOR**

In addition to the duties and powers set forth in §3.206, the Building Inspector shall have the following additional duties and powers under this Chapter:

- (1) Advise citizens as to the provisions of this Chapter concerning the application of the UDC, and to answer their questions regarding the preparation of permit applications and the interpretation of the UDC.
- (2) Evaluate and administer applications for UDC Permits to determine compliance with the UDC, to issue conditional approvals, to conduct inspections, to issue Certificates of Occupancy, to administer and issue UDC Permits, and to prepare and submit the Town's recommendation regarding any application for a variance under Comm. 20.
- (3) Keep records as required by the DOC of all approvals, permits, and certificates issued, refused, and revoked, inspections made, and other official actions and administrative tasks.
- (4) Have access to all buildings, structures, or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- (5) Investigate violations, serve notices of violations, and report violations to the Town.

17.301 RESERVED FOR FUTURE USE**17.302 BUILDING PERMIT PROCEDURE**

- (1) **WHEN REQUIRED:** A Building Permit shall be obtained from the Town pursuant to the requirements of Subchapter 2 above. Furthermore, no building, addition, or alteration, which requires a UDC Permit, shall be occupied unless a "Temporary Occupancy Permit" or a "Certificate of Completion and Occupancy Permit" has been issued by the Town.
- (2) **APPLICATION:** Three (3) copies of an application for a Building Permit shall be filed with the Town Clerk upon forms furnished by the Department, along with an application fee. All information required by the applicable sections of the UDC shall be provided by the applicant. In addition, the following information will be provided by the applicant:
 - (a) Name and address of the land owner.
 - (b) The legal description, address, and tax parcel number of the land upon which the work is to be performed.
 - (c) A description of the current use and the expected use of the structure on which the work is to be performed, along with a copy of the Land Use Permit (if applicable) issued by the Town, or a copy of the application for a Land Use Permit.
 - (d) A completed Energy Worksheet on forms provided by the DOC.

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- (e) A set of the drawings required by the UDC.
 - (f) A list of architects, engineers, contractors, and subcontractors, including their addresses and telephone numbers, who have performed work or who are expected to perform work on the project.
 - (g) Any additional information requested by the Town to evaluate the proposed project and to determine its compliance with Town Ordinances and State regulations.
- (3) **EVALUATION OF APPLICATION:** Upon receipt of an application, the Town shall review the application to determine the following:
- (a) **Completeness:** Whether the application contains the information required by §17.302(2) above.
 - (b) **Zoning:** Whether the subject property, and the proposed project, comply with the Zoning Ordinance (Chapter 22). This analysis shall include (but not be limited to) a review of the following:
 - 1. Whether the current use of subject property is a permitted use, conditional use, or non-conforming use, and whether the proposed work will change or expand this use in conformity with the Zoning Ordinance.
 - 2. Whether the current structures on the subject property are conforming or non-conforming structures, and whether the proposed work will change or expand these structures in conformity with the Zoning Ordinance.
 - 3. Whether the proposed project will violate any of the regulations applicable to the zoning district in which the project is located (e.g. whether the project will violate a setback, height, density, or intensity regulation).
 - (c) **Streets:** Whether the subject property properly abuts a Town highway, whether the proposed project will be adequately serviced by the Town's highways, and whether any driveway complies with the Town's driveway regulations (§9.200 et seq.).
 - (d) **Subdivision:** Whether the subject property and the proposed project comply with the Town's Subdivision Ordinance (Chapter 20).
 - (e) **Delinquent fees:** Whether the subject property, or the owner thereof, owes any fees, charges, or forfeitures to the Town which are delinquent.
- (4) **DECISION ON APPLICATION:** The Town shall review the application within ten (10) business days, and shall take one of the following actions:
- (a) **Rejection:** The Town may reject and return the application if it fails to contain the information required by § 17.302(2) above. If the application is rejected, the Town shall inform the applicant of the inadequacies of the application, and thereafter the applicant may correct and resubmit the application, along with a reapplication fee.
 - (b) **Denial:** The Town may deny the application if the Town determines that the proposed project will not comply with the UDC or any other Town Ordinance. If an application is denied, the Town shall inform the applicant of the reasons for the denial, and thereafter the applicant may correct the infraction and resubmit the application, along with a reapplication fee. If an application is denied, the Town may also revoke any Permit to Start Construction which may have been issued pursuant to §17.306 below.

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- (c) **Approval:** The Town shall approve the application if the Town determines that the proposed project will comply with this UDC and all other Town Ordinances. If the Town approves the Application, the Town shall issue a Building Permit to the applicant and, when necessary, send a copy thereof to the DOC. Thereafter, the approved plans and specifications shall not be altered or changed without approval of the Town.
- (5) **MODIFICATIONS:** The recipient(s) of a Building Permit (or their contractors, agents, or assigns) shall not change or alter the plans and specifications upon which a Building Permit was issued by the Town, without the express written approval of the Town. All requests for modifications shall be submitted in writing to the Town, prior to the construction thereof, along with a modification fee. The Town shall review, analyze, and decide upon the request for a modification using the same procedure as set forth above for initial applications.
- (6) **FEES:**
- (a) The applicant shall pay such fees as may be set from time-to-time by resolution of the Town Board. No application is considered complete and ready for consideration until all fees have been paid.
- (b) A double application fee shall be charged by the Town if an application is submitted after the applicant has committed an act for which the applicant seeks a Permit.
- (c) The applicant shall pay all delinquent fines, forfeitures, fees, or charges to the Town, owed by the applicant or by the property for which a permit is requested. No application is considered complete and ready for consideration until all such amounts have been paid.

17.303 RESERVED FOR FUTURE USE**17.304 POSTING OF PERMITS**

Any Permit issued hereunder shall be posted in a conspicuous place at the building site before and during construction, and until a final Occupancy Permit is issued.

17.305 INSPECTIONS

- (1) **INSPECTION POWERS:** The Town is authorized to enter upon public or private property, at all reasonable hours, for the purpose of performing the inspections required by the UDC and this Chapter. No person shall interfere with the exercise of the Town's authority to inspect, nor shall anyone refuse access to any property, building, or structure which is properly subject to inspection.
- (2) **INSPECTION REQUESTS:** It is the obligation of the applicant (or agent) to contact the Town when the applicant is ready for each of the inspections required by this Chapter and the Building Code. Requests for inspections shall be made directly to the Building Inspector, and not to Town Hall.
- (3) **INSPECTION WARRANTS:** If the Town is denied access to any property, building, or structure, the Town may seek and obtain an Inspection Warrant, pursuant to §66.0119. All costs, including reasonable attorneys' fees, incurred by the Town in seeking, obtaining, and executing an Inspection Warrant to administer this Chapter shall be imposed as a special charge against the applicant and the owner(s) of the subject property, and any Building Permit issued hereunder shall be revoked until such charges are paid.

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17.306 PERMITS TO START CONSTRUCTION (FOOTINGS AND FOUNDATION)

Prior to issuance of a Building Permit, a Permit to Start Construction may, but need not, be requested by filing with the Town a request therefore on forms furnished by the Town. The issuance of a Permit to Start Construction shall permit the applicant to commence work only on the footings and foundation prior to the issuance of a Building Permit, and shall not relieve the applicant from full compliance with §17.302.

17.307 CERTIFICATES OF OCCUPANCY

No building, alteration, or addition, for which a Building Permit has been issued, may be used or occupied until it has been inspected by the Building Inspector, and until the Building Inspector has issued either (1) a Temporary Occupancy Permit or (2) a Certificate of Completion and Occupancy Permit. A Certificate of Completion and Occupancy Permit shall be issued only if all work has been satisfactorily finished and the Building Inspector's final inspection has been completed. A Temporary Occupancy Permit may be issued in the sole discretion of the Building Inspector and upon such terms and conditions as the Building Inspector may impose.

17.308 PERMIT LAPSES

Any Permit issued hereunder shall lapse and be void unless building operations are commenced within six (6) months from the date of issuance, or if construction has not been completed within one (1) year from the date of issuance.

17.309 SUSPENSION OR REVOCATION OF PERMITS

- (1) **AUTHORITY:** The Town may suspend or revoke any Permit, Certificate of Occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices, or appliances for any of the following reasons:
- (a) Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans, or specifications are not being complied with, and that the holder of the Permit has refused to conform after written warning has been issued to him.
 - (b) Whenever the continuance of any construction becomes dangerous to life or property.
 - (c) Whenever there is any violation of any condition or provision of either the application for a Permit or the Permit itself.
 - (d) Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - (e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications, or certified lot or plot plan on which the issuance of the Permit or other approval was based.
 - (f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of new materials, equipment, methods, construction devices or appliances.
 - (g) Whenever the work being performed exceeds the scope of the Permit and or the scope of the application for the Permit.
- (2) **NOTICE:** The notice suspending or revoking a Permit, or a Certificate of Occupancy or approval, shall be in writing and shall be served upon the applicant, the owner of the premises (or its agent), or on the person apparently in charge of construction. A revocation placard shall also be posted upon the building, structure, equipment, or premises in question.

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- (3) **EFFECT OF NOTICE:** After the notice is posted and served upon the persons aforesaid, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and a Permit which has been revoked shall be null and void, and before any construction or operation is again resumed, a new Permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of this Chapter. However, after the issuance of the notice, the Town may authorize such work as it deems necessary for the preservation of life, property, and safety.

17.310 VARIANCES

- (1) **NEW BUILDINGS OR ADDITIONS SUBJECT TO THE BUILDING CODE:** For all new construction, and for all new additions and alterations which are subject to the Building Code adopted herein, the procedure for variances shall be the procedure established by the applicable Building Code. The Building Inspector shall prepare and submit all paperwork and recommendations required by the Code.
- (2) **ADDITIONS AND ALTERATIONS NOT SUBJECT TO THE BUILDING CODE:** For all additions and alterations which would not be subject to the State Building Code but for the provisions of this Chapter (e.g. additions to 1& 2-family dwellings constructed prior to 06/01/1980), the procedure for variances shall be as follows. An application form provided by the Town shall be prepared by the applicant and filed with the Town Clerk along with the appropriate fee. The Town Clerk shall submit the application to the Building Inspector, who shall review the application and issue a written decision. If the variance is denied by the Building Inspector, the applicant may appeal the denial to the Board of Appeals, which shall have the power to overrule the decision of the Building Inspector if it determines that the granting of such variance does not result in lowering the level of health, safety, and welfare established or intended by the specific rule from which the appeal is taken.
- (3) **FEES:** The Town Board, by resolution, may fix and adopt, from time to time, fees to be paid by an applicant for a variance.

17.311 RECORDS

The Town Clerk shall maintain copies of all Applications, Permits, and Certificates generated through the foregoing procedures. The Town Building Inspector shall also maintain copies of the foregoing documents, plus records of inspections.

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