

Article VI. Enforcement

§ 98-32. Building permits.

No building in any district shall be erected, reconstructed or restored or structurally altered without a building permit duly issued upon application to the Building Inspector [issued pursuant to Chapter 50, Fire Prevention and Building Construction](#). No building permit shall be issued unless the proposed construction or use is in full conformity with all provisions of this chapter. Any building permit issued in violation of the provisions of this chapter shall be null and void and of no effect without the necessity for any proceedings or revocation or nullification thereof and any work undertaken or use established pursuant to any such permit shall be unlawful.

~~A. Every application for a building permit shall contain the following information and be accompanied by the required fee and by a plot plan drawn to scale and signed by the person responsible for such drawing. If no such plot plan is available, a survey may be required to be prepared by a licensed engineer or land surveyor. The information shall be as follows:~~

- ~~(1) The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected or of the lot on which it is situated if an existing building.~~
- ~~(2) The block and lot numbers as they appear on the latest tax records.~~
- ~~(3) The exact size and locations on the lot of the proposed building or buildings or alteration of an existing building and of other existing buildings on the same lot.~~
- ~~(4) The dimensions of all yards in relation to the subject building and the distance between such building and any other existing buildings on the same lot.~~
- ~~(5) The existing and intended use of all existing or proposed buildings, the use of land and the number of dwelling units the building is designed to accommodate.~~
- ~~(6) Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.~~

~~B.A.~~ _____ No building permit shall be issued for the construction or alteration of any building upon a lot without access to a street or highway except as stipulated in § 280-a of the Town Law.

~~C.B.~~ _____ No building permit shall be issued for any building where the site plan of such building is subject to approval by the Planning Board, except in conformity with the plans approved by said Board.

~~D.C.~~ _____ No building permit shall be issued for a building to be used for any ~~conditional use~~ Special Use in any district where such use is allowed only by approval of the Planning Board unless and until such approval has been duly granted by the Planning Board.

~~E.~~ ~~The building permit application and all supporting documentation shall be made in triplicate. On the issuance of a building permit, the Building Inspector shall return one copy of all filed documents to the applicant.~~

~~F.~~ ~~The Building Inspector shall, within 10 days after the filing of a complete and properly prepared application, including Planning Board and/or other governmental agency approval if such be necessary, either issue or deny a building permit. If a building permit is denied, the Building Inspector shall state in writing to the applicant the reason for such denial.~~

~~G.~~ ~~Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Building Inspector for up to two one-year extensions. Every building permit shall expire if the work authorized has not commenced within 12 months after the date of the issuance or has not been completed within 18 months from such date for construction costing less than \$1,000,000 and has not been completed within 30 months from such date for construction costing in excess of such amount. If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Building Inspector may authorize in writing the extension of either above periods for an additional six months, following which no further work is to be undertaken without a new building permit.~~

~~H.D.~~ _____ As soon as the foundation of a building or of any addition to an existing building is completed and before framing or wall construction is begun, the Building Inspector may require an accurate survey, signed by the person responsible for said survey, showing the exact location of such foundation with respect to the street line and lot lines of the lot.

~~I.~~ ~~A fee shall be imposed for the issuance of all building permits in accordance with § 50-5 of the Town Code. The fees for all permits required pursuant to this article~~

~~shall be paid at the time each building permit is submitted and shall be in such reasonable amount as the Town Board may by resolution establish and amend from time to time.~~

§ 98-33. Certificate of occupancy and/or compliance.

A. Certificate of occupancy and or compliance shall be required and shall be issued in accordance with § 50-7 of the Town of Chester Town Code.

A.B. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Building Inspector:

- (1) Occupancy and use of a building erected, reconstructed, restored, structurally altered, moved or any change in use plan existing building.
- (2) Occupancy, use or any change in the use of any land.
- (3) Any change in use of a nonconforming use.

B.C. No certificate of occupancy shall be issued for any ~~special~~conditional use of a building or any land or use requiring site plan approval unless and until such ~~conditional~~special use permit or site plan approval has been duly granted by the Planning Board, signed by the Planning Board Chairperson. In the event such approval contains conditions, a certificate of occupancy shall not be issued until such conditions are satisfied. Every certificate of occupancy for which ~~conditional~~special use or site plan approval has been granted or in connection with which a variance has been granted by the Board of Appeals shall contain a detailed statement of any condition to which the same is subject.

~~C. On a form furnished by the Building Inspector, application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made after the erection of such building or part thereof has been completed in conformity with the provisions of this chapter.~~

D. If the proposed use is in conformity with the provisions of this chapter and of all other applicable codes and ordinances,[1] a certificate of occupancy for the use of vacant land, a change of use or for a nonconforming use shall be issued by the Building Inspector within 10 days after receipt of a properly completed application. If a certificate of occupancy is denied, the Building Inspector shall state the reasons in writing to the applicant.

E. A certificate of occupancy shall be deemed to authorize and is required for both initial occupancy and the continuance of occupancy and use of the building or land to which it applies.

F. Upon written request by the owner and upon payment of a fee of \$10, the Building Inspector shall, after inspection, issue a certificate of occupancy for any building or use thereof at the time of the adoption of this chapter, certifying such use, or give reasons for disapproval.

~~G. A record of all certificates of occupancy shall be kept in the office of the Building Inspector and copies shall be furnished on request to any agency of the Town or to any persons having a proprietary or tenancy interest in the building or land affected.~~

H.G. Certificate of compliance.

(1) Certificates of compliance shall be used to indicate conformance with this chapter and the Uniform Code for installations which require inspection but would not be issued a certificate of occupancy. Such installations include but are not limited to solid-fuel-burning heating appliances and their associated chimneys and flues, swimming pools and their fences, plumbing installations and removal of underground tanks and fire safety inspections.

(2) Certificates of compliance shall be issued by the Building Inspector or Fire Marshal only after inspection which shows that installation is in conformance with this chapter and the Uniform Code.

(3) Certificates of compliance may be revoked when there has been substantial and unauthorized change in conditions which renders or may render the installation not in conformance with this chapter and the Uniform Code.

§ 98-34. Building Inspector.

A. It shall be the duty of the Building Inspector, who shall be appointed by the Town Board, to [interpret and](#) enforce the provisions of this chapter and of all rules, conditions and requirements adopted or specified pursuant thereto. [See also Chapter 50, Fire Prevention and Building Construction.](#)

~~A. The Building Inspector or his duly authorized assistant(s) shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of their duties, provided that:~~

~~(1) The Building Inspector shall notify the owner and tenant before conducting any inspection.~~

~~(2) The Building Inspector or his duly authorized assistant(s) shall display identification, signed by the Town Clerk, upon commencing an inspection.~~

~~(3) Inspection shall be commenced in the presence of or by permission of the owner or his representative or tenant.~~

~~B. Department records and reports.~~

~~(1) The Building Inspector 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. All plans and records pertaining to buildings or structures or appurtenances thereto shall be retained for at least the minimum time period so required by state law and regulation.~~

~~(2) The Building Inspector shall submit monthly written reports to the Town Board summarizing all business conducted by the Building Department, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.~~

§ 98-35. Penalties for offenses.

~~A. Upon determination that a violation of the Uniform Code or this chapter exists in, on or about any building or premises, the Building Inspector shall order in writing the remedying of the condition within a term of not less than 24 hours. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such additional time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail.~~

~~B. In addition to those penalties prescribed by state law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this chapter or the terms or conditions of any certificate of occupancy issued by the Building and Firesafety Inspector shall be liable to a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town or the people of the State of New York.~~

~~C. In addition to an action to recover the civil penalties provided by Subsection B, the Town Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation of or to enforce any provision of the Uniform Code or the terms or conditions of any valid certificate of occupancy.~~

~~D.A. Each and every day that any such offense continues after notification that such offense exists shall constitute a separate violation.~~ Violations of this Chapter shall be subject to the procedures and penalties as set forth in § 50-17 of the Town of Chester Town Code.

~~E.B.~~ The imposition of penalties herein prescribed shall not preclude the Town or any person from instituting appropriate legal action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.