

## **Chapter 27, BUILDING ADMINISTRATION & CONSTRUCTION**

### **§ 27-1. Purpose.**

This chapter, along with Chapter 29 and Chapter 38 of the Code of the Town of Kent, provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This chapter is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this chapter.

### **§27-2 Definitions.**

**BUILDING** — Any structure having a roof supported by columns, poles or walls, used or intended to be used for the shelter or enclosure of persons, animals or property and used for residential, business or industrial purposes.

**BUILDING INSPECTOR** — The Building Inspector appointed pursuant to §27-3 of this chapter.

**BUILDING PERMIT** — A permit issued pursuant to §27-8 through §27-13, inclusive, of this chapter. The term “building permit” shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

**CERTIFICATE OF OCCUPANCY** — A type of certificate issued pursuant to §27-17 through §27-20, inclusive, of this chapter.

**CODE ENFORCEMENT PERSONEL** — The Building Inspector and all Inspectors.

**COMPLIANCE ORDER** — An order issued by the Building Inspector pursuant to §27-25(B) of this chapter.

**ENERGY CODE** — State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

**CHIEF FIRE INSPECTOR** — Chief Fire Inspector appointed pursuant to §27-3 of this chapter.

**INSPECTOR** — Inspector appointed pursuant to §27-3 of this chapter.

**PERMIT HOLDER** — The person to whom a building permit has been issued.

PERSON — An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate trust, association, or any other legal or commercial entity of any kind or description.

STOP WORK ORDER — An order issued pursuant to §27-15 of this chapter.

TOWN — The Town of Kent.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

**§27-3 Building Inspector & Inspectors; appointment.**

- A. The Building Inspector is hereby designated to administer and to enforce the Uniform Code and the Energy Code within the Town of Kent.
- B. The Building Inspector shall be appointed by the Town Board. The Building Inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Building Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Building Inspector is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Building Inspector. The Acting Building Inspector shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Building Inspector by this law.
- D. One or more Inspectors, including a Chief Fire Inspector, may be appointed by the Town Board to act under the supervision and direction of the Building Inspector and to assist the Building Inspector in the exercise of the powers and fulfillment of the duties conferred upon the Building Inspector by this chapter and any other chapter of the Code of the Town of Kent. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.
- E. The Building Inspector must be a resident of the Town of Kent, Putnam County.

- F. The compensation of such Building Inspector and Inspectors shall be fixed from time to time by the Town Board.

**§ 27-4. Conflicts of interest.**

No Building Inspector or Inspector shall engage in any activity inconsistent with his or her duties, nor shall be, during the term of his or her employment, be engaged, directly or indirectly, in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the Town of Kent, excepting only that this provision shall not prohibit the Building Inspector from such activities in connection with the construction of a building or structure owned by him or her and not constructed for sale.

**§ 27-5. Building Inspector; powers and duties.**

- A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof. The Building Inspector shall have the following powers and duties:
- (1) The Building Inspector shall receive, review, and approve or disapprove applications for building permits, certificates of occupancy, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications
  - (2) Upon approval of such applications, the Building Inspector shall issue building permits, certificates of occupancy, and temporary certificates, and to include in building permits, certificates of occupancy, and temporary certificates and such terms and conditions as the Building Inspector may determine to be appropriate;
  - (3) The Building Inspector shall issue stop work orders and all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations as may be applicable.
  - (4) The Building Inspector shall review and investigate complaints;
  - (5) The Building Inspector shall have the authority to issue orders pursuant to §27-25 of this chapter;
  - (6) The Building Inspector shall maintain records;

- (7) The Building Inspector shall have the authority to collect fees as set by the Town Board of this Town;
- (8) The Building Inspector shall have the authority to pursue administrative enforcement actions and proceedings;
- (9) In consultation with the Town's attorney, the Building Inspector shall have the authority to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter, Chapter 29 and Chapter 38 of the Code of the Town of Kent;
- (10) The Building Inspector shall make all inspections which are necessary or proper for the carrying out of his or her duties;
- (11) Whenever necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, the Building Inspector may require the performance of tests in the field by experienced professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies; and
- (12) The Building Inspector shall exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this chapter and the Code of the Town of Kent;

**§ 27-6. Records and reports.**

- A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by the Building Inspector, including records of:
  - (1) all applications received, reviewed and approved or denied;
  - (2) all plans, specifications and construction documents approved;
  - (3) all permits, building permits, certificates of occupancy, temporary certificates and stop work orders issued and all operating permits issued pursuant to Chapter 38 of the Code of the Town of Kent;
  - (4) all fees charged and collected;
  - (5) and all inspections and tests performed;
  - (6) all statements, reports, notices and orders issued.

- (7) all complaints received;
  - (8) all investigations conducted; and
  - (9) all other features and activities specified in or contemplated by sections 27-8, 28-9, 28-10, 28-11, 28-12, 28-13, 28-14, 28-15, 28-17, 28-18, 28-19, 28-20, 28-22, 28-23, and 28-24 of this chapter and Articles V and VI of Chapter 38 of the Code of the Town of Kent.
- B. All such records shall be public records, open to public inspection during business hours. 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.
- C. The Building Inspector shall submit monthly to the Town Clerk a written report and summary of all business conducted by the Building Inspector, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.
- D. The Building Inspector shall annually submit to the Town Board a written report and summary of all business conducted by the Building Inspector and the Inspectors, including a report and summary of all transactions and activities described in §27-6(A) of this chapter and a report and summary of all appeals or litigation pending or concluded.
- E. The Building Inspector shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.
- F. The Building Inspector shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

**§ 27-7. Cooperation of other departments.**

The Building Inspector may request and shall receive, so far as may be necessary in the discharges of his or her duties, the assistance and cooperation of the Police, Fire and Health Departments or officers and of all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

**§ 27-8. Application for building permits.**

- A. Except as otherwise provided in §27-8(B) of this chapter, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Building Inspector.
- B. Exemptions. No building permit shall be required for work in any of the following categories:
- (1) construction or installation of one story detached playhouses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
  - (2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
  - (3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
  - (4) installation of fences six feet and under which are not part of an enclosure surrounding a swimming pool;
  - (5) construction of retaining walls three feet and under unless such walls support a surcharge or impound Class I, II or IIIA liquids;
  - (6) construction of temporary motion picture, television and theater stage sets and scenery;
  - (7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
  - (8) installation of partitions or movable cases less than 5'-9" in height;
  - (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
  - (10) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
  - (11) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any

structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

- C. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth §28-8(B) of this chapter shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- D. The application for a building permit shall be made to the Building Inspector on forms provided by or otherwise acceptable to the Building Inspector. The application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall contain the following information:
- (1) A survey of the land on which the proposed work is to be done;
  - (2) The tax map number and the street address of the premises where the work is to be performed;
  - (3) A statement of the use or occupancy of all parts of the land and of the building or structure including the occupancy classification of any affected building or structure.
  - (4) The valuation of the proposed work.
  - (5) The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers if any of them are corporations.
  - (6) A description of the proposed work.
  - (7) A duplicate set of plans and specifications, as set forth in Subsection D, below.
  - (8) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code.
  - (9) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.

- E. The application shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.
- F. Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) include a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the location of any existing or proposed well or septic system, the nature and character of the work to be performed and the materials to be incorporated, distance between buildings and structures and lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and, where required by the Building Inspector, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data.
- (1) Whenever the plans accompanying an application are for a structure which, in the opinion of the Building Inspector, is of complex design, the Building Inspector shall require the applicant to file an affidavit signed by a licensed architect or engineer certifying that the plans and specifications comply with the provisions of this chapter in force on the date of the application. In such case, the Building Inspector may, in his or her discretion, employ a licensed architect or engineer to examine the plans. The amount by which the cost of such examination, not exceeding 1/3 of 1% of the estimated construction cost, is in excess of 1/2 of the permit fee required by § 27-11(A) of this chapter, shall be added to such permit fee and paid by the applicant before the permit shall be issued. In the event that the Building Inspector employs a licensed engineer or architect under the provisions of this subsection, the Building Inspector may rely upon the advice of such architect or engineer as to whether such plans and specifications comply with this chapter.
- (2) Whenever the plans accompanying an application are for a structure which, in the opinion of the Building Inspector, is of complex design, the Building Inspector may, in his or her discretion, issue the permit subject to the condition that an architect and/or engineer whose qualifications are acceptable to the Building Inspector (and who may be already employed by the owner or builder) be employed by the owner or builder to supervise all work done under the permit, to see that the work conforms to the approved plans and the specifications, and, forthwith upon its completion,

to make and file with the Building Inspector an affidavit or affidavits that he or they have complied with all inspection requirements of this chapter and that the work has been carried out according to the approved plans and specifications and in accordance with the provisions of this chapter. In such case, the Building Inspector may rely upon such affidavit or affidavits as evidence that such building conforms substantially to the approved plans and specifications and the requirements of this chapter applying to buildings of its class and kind.

- (3) Plans and specifications shall bear the signature of the person responsible for the design of the drawings.
  
- G. Plans and specifications will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in §27-8(F) of this section.
  
- H. Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector.

**§ 27-9. Issuance of building permit.**

- A. The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Building Inspector shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code and the Code of the Town of Kent. He or she shall approve or disapprove the application within a reasonable time.
  
- B. Upon approval of the application and upon receipt of the legal fees therefor, the Building Inspector shall issue a building permit to the applicant upon the form prescribed by the Building Inspector and shall affix his or her signature or cause his or her signature to be affixed thereto.
  
- C. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "Approved." One set of such approved plans and specifications shall be retained in the files of the Building Inspector and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site open to inspection by the Building Inspector or the authorized representative of the Building Inspector at all reasonable times.
  
- D. Upon approval with modifications of the application, both sets of plans and specifications shall be endorsed with the words "Approved as Modified." One set of such approved as modified plans and specifications shall be retained in the files

of the Building Inspector and the other set shall be returned to the applicant, together with the reasons for the required modifications, and shall be kept at the building site open to inspection by the Building Inspector or the authorized representative of the Building Inspector at all reasonable times.

- E. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all the requirements of the applicable building regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

**§ 27-10. Performance of work under building permit.**

- A. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- B. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of 12 months after the date of its issuance. For good cause, the Building Inspector may allow a maximum of two extensions for a period not exceeding six months each. A building permit which has become invalid or which has expired after such extensions may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Building Inspector.
- C. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building laws, ordinances or regulations. All work shall conform to the approved application, plans and specifications that were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Building Inspector of any change occurring during the course of the work. The building permit shall contain such a directive. If the Building Inspector determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

**§ 27-11. Building permit fees.**

- A. Upon the filing of an application for a building permit, the following fees shall be payable:

<b>Total Valuation of Work as Determined by Building Inspector</b>	<b>Fee</b>
Up to \$1,000	\$50
For each additional \$1,000 or fraction thereof	\$ 5
For each additional extension of time	\$25

- B. In the event that an applicant applies for a building permit after the commencement of work, the fee for such permit shall be double the fee set forth at § 27-11(A).
- C. In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided that no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.

**§27-12. Construction inspections.**

- A. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector or by an Inspector authorized by the Building Inspector. The permit holder shall notify the Building Inspector when any element of work described in §27-12(B) is ready for inspection.
- B. The following elements of the construction process shall be inspected made, where applicable:
- (1) work site prior to the issuance of a building permit;
  - (2) footing and foundation;
  - (3) preparation for concrete slab;
  - (4) framing;
  - (5) building systems, including underground and rough-in;
  - (6) fire resistant construction;
  - (7) fire resistant penetrations;
  - (8) solid fuel burning heating appliances, chimneys, flues or gas vents;

- (9) Energy Code compliance; and
  - (10) a final inspection after all work authorized by the building permit has been completed.
- C. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

**§ 27-13. Revocation of building permit.**

The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:

- A. Where the Building Inspector finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.
- B. Where the Building Inspector finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.
- C. Where the Building Inspector finds that the work performed under the permit is not being performed in accordance with the provisions of the application, plans or specifications.
- D. Where the work for which a building permit was issued violates the Uniform Code or the Energy Code.
- E. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

Such revocation shall remain in effect until such time as the permit holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

**§ 27-14. Septic, cesspool and well permits.**

The charge for septic, cesspool and well permits shall be \$10 for each.

**§ 27-15. Stop work orders.**

- A. Whenever the Building Inspector has reasonable grounds to believe that the work on any building or structure is being performed
- (1) without a building permit required by this chapter; or
  - (2) under a building permit that has become invalid, has expired, or has been suspended or revoked; or
  - (3) in violation of the provisions of the Uniform Code, the Energy Code, this chapter or other applicable laws, ordinances or regulations without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
  - (4) not in conformity with the provisions of the application, plans or specifications on the basis of which a building permit was issued;
  - (5) or in an unsafe and dangerous manner without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work,

the Building Inspector shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded.

- B. A stop work order shall be in writing, shall state the reasons for its issuance, and shall state the conditions under which the work may be resumed.
- C. A stop work order shall be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail. The Building Inspector shall be permitted, but not required, to cause the stop work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop work order, personally or by registered mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop work order.
- D. Upon the issuance of a stop work order, the owner of the affected property, the permit holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop work order.

- E. The issuance of a stop work order shall not be the exclusive remedy available to address any event described in §27-15(A) of this section, and the authority to issue a stop work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under §27-25 of this chapter or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop work order.

**§ 27-16. Right of entry.**

Any building official, upon the showing of proper credentials and in the discharge of his or her duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

**§ 27-17. Certificate of occupancy required; application.**

- A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.
- B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector.
- C. No structure, building or portion thereof shall be converted from one use or occupancy classification or subclassification to another unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.
- D. The owner of a building for which a certificate of occupancy is required or his agent shall make application for such certificate.

**§ 27-18. Issuance of certificate of occupancy.**

- A. The Building Inspector shall issue a certificate of occupancy if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code, and the Code of the Town of Kent and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Building Inspector or an Inspector authorized by the Building Inspector shall inspect the building, structure or work prior to the issuance of a

certificate of occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the applicant for the certificate of occupancy, shall be provided to the Building Inspector prior to the issuance of the certificate of occupancy:

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.

B. Contents of certificate of occupancy. A certificate of occupancy shall contain the following information:

- (1) the building permit number, if any;
- (2) the date of issuance of the building permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the certificate of occupancy is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the building permit; and
- (10) the signature of the Building Inspector issuing the certificate of occupancy and the date of issuance.

C. Certificates of occupancy for premises that are the subject of a conditional use of site plan approval.

- (1) An inspection of the premises shall be made by the Town Planning Board Engineer to assure conformance with the conditional use or site plan. A

fee of \$150 shall be paid to the Planning Board by the applicant for each inspection by the Town Planning Board Engineer.

- (2) An as-built survey plan shall be filed with and approved by the Planning Board before any certificate of occupancy may be issued for any conditional use or site plan.

D. A charge of \$25 shall be made for the issuance of a certificate of occupancy.

**§ 27-19. Temporary certificate of occupancy.**

The Building Inspector shall be permitted to issue a temporary certificate of occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit or work required by a steep slopes or erosion control permit, after review and approval has been given by the Town Board. However, in no event shall the Building Inspector issue a temporary certificate unless the Building Inspector determines (1) that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Building Inspector may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Building Inspector and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

**§27-20. Revocation or suspension of certificates.**

If the Building Inspector determines that a certificate of occupancy or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.

**§ 27-21. Tests of materials and equipment.**

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

**§27-22. Notification Regarding Fire or Explosion**

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Building Inspector of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

**§ 27-23. Unsafe buildings and structures.**

- A. Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Chapter 29 of the Code of the Town of Kent as now in effect or as hereafter amended from time to time.

**§27-24. Complaints.**

The Building Inspector shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Building Inspector may deem to be appropriate:

- A. performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in §27-25 or §27-26 of this chapter;
- C. if appropriate, issuing a stop work order;
- D. if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

**§ 27-25. Violations.**

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use or occupy or maintain any building or structure or portion thereof in violation of any provisions of this chapter, or to fail in any manner to comply with a notice, directive or order of the Building Inspector, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy. Violations of this section shall be punishable by a maximum fine of \$500. Each day that a violation continues shall be deemed a separate offense.

B. Compliance Orders. The Building Inspector is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall:

- (1) be in writing;
- (2) be dated and signed by the Building Inspector;
- (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter
- (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;
- (5) specify the period of time which the Building Inspector deems to be reasonably necessary for achieving compliance;
- (6) direct that compliance be achieved within the specified period of time; and
- (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

The Building Inspector shall cause the Compliance Order, or a copy thereof to be served on the owner of the affected property personally or by registered or certified mail. The Building Inspector shall be permitted, but not required, to cause the Compliance Order, or a copy thereof; to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail, return receipt requested; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

C. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building, who shall knowingly violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder, shall be punishable by a fine of not more than \$500 or 15 days in jail, or both. Each day that an offense continues shall be deemed to constitute a separate offense.

- D. Except as provided otherwise by law, an offense under subsection (A) or (C) of this section shall not be a crime, and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.
- E. The Building Inspector and any Inspectors as may be appointed by the Town Board shall have the authority to issue appearance tickets, under Article 150 of the Criminal Procedure Law of this state, for purposes of enforcement of the Uniform Code, the Energy Code and this Chapter.
- F. In addition to those penalties proscribed by the State Law, any Person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, stop work order, or other notice or order issued by the Building Inspector pursuant to any provision of this chapter, shall be liable for a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.
- G. No remedy or penalty specified in this chapter shall be the exclusive remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section or in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution or limitation of, the penalties specified in subdivision (2) of Section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of Section 382 of the Executive Law.

**§ 27-26. Abatement of violations.**

An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop work order, operating permit, compliance order, or other notice or order issued by the Building Inspector pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop work order, compliance order or other order obtained under the Uniform Code, the Energy Code or

this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board.

**§27-27. Intermunicipal Agreements.**

The Town Board may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of the Town, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.