

Building Permit Ordinance

The Building Permit Ordinance of the Town of Berkshire

Approved by the Town Board March 14, 1995

◆SECTION 1.0 TITLE

This ordinance shall be known as THE BUILDING PERMIT ORDINANCE of the Town of Berkshire.

◆SECTION 2.0 PURPOSE

2.1 DECLARATION OF PURPOSE

The purpose of this Ordinance is to promote the health, safety and general welfare of the community, including the protection and preservation of the character of the Town of Berkshire by establishing specific requirements and regulations governing the erection, movement or alteration of any building or structure.

◆SECTION 3.0 DEFINITIONS AND RELATED N.Y.S REGULATIONS

3.1 GENERAL STATEMENT

For the purpose of this Ordinance, the following words, terms and phrases shall have the meaning ascribed to them in this section. Except where defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future and the singular includes the plural. The word lot includes "plot" and "site"; the word "building" includes "structure"; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by the term "or intended"; "arranged" or "designed" to be used as occupied; "person" includes the individual, partnership, association, corporation, company, or organization.

3.2 AGRIBUSINESS

Agricultural farming requiring at least twenty-five (25) acres with a minimum gross income of ten thousand (10,000) dollars annually.

3.3 FLOOD HAZARD AREA

Those areas regulated by current Town Ordinances, local laws, state and federal laws regulating land subject to flooding.

3.4 MOBILE HOME

The definition, installation and occupancy of mobile homes are regulated by this Ordinance and by the Mobile Home Installation Ordinance of the Town of Berkshire.

3.5 RELATED N.Y.S. REGULATIONS

3.5.1 In addition to the provisions of this Ordinance all related N.Y.S Regulations shall apply.

3.5.2 All commercial properties and multi-family dwellings as defined by N.Y.S. Uniform Fire Prevention Code require annual fire inspection.

◆ SECTION 4.0 ADMINISTRATION

4.1 ORDINANCE ADMINISTRATION

The provisions of this Ordinance and the Mobile Home Installation Ordinance shall be administered and enforced by a person appointed by the Town Board as CODE ENFORCEMENT OFFICER. No building permit or certificate of occupancy shall be issued by the Code Enforcement Officer except in compliance with the provisions of the Ordinance or as directed by the Town Board under provisions of SECTION 8 of this Ordinance.

The Code Enforcement Officer shall have the power and authority to make such inspections of the interior and exterior of buildings or premises necessary to insure compliance with this Ordinance. If the Code Enforcement function is contracted, building permits and certificates of occupancy will be signed by the Town Clerk.

4.2 REQUIREMENT FOR BUILDING PERMIT

4.2.1 No building or structure shall be erected, constructed, enlarged, altered, moved or relocated or excavation made thereof, or work begun thereon until a building permit has been issued by the Code Enforcement Officer of the Town of Berkshire. No excavation shall be made or begun, in excess of \$1000.00 cost or equivalent construction market value, whether or not in connection with the erection, construction, enlargement, alteration, movement or relocation of a building or structure without a building permit.

4.2.2 Any construction, alteration, relocation or related excavation to agricultural structures requires a building permit. However, no fees will be charged if the intended use of the structure is entirely for agricultural purposes. Agricultural structure construction, alteration or relocation must comply with the provisions of this ordinance and the Code Enforcement Officer shall be permitted access for inspections as required.

4.2.3 Septic system construction or repairs require a building permit. Percolation and minimum separation standards must be in accordance with Appendix 75A of Public Law 201-1-1 WASTE WATER TREATMENT STANDARDS INDIVIDUAL HOUSEHOLD SYSTEMS. Failure to meet above standards requires design by a N.Y.S. certified engineer.

4.3 BUILDING PERMIT FEES

Fees associated with obtaining a building permit as well as for various inspections are specified in the Town of Berkshire Building Permit Fee Schedule. Fee Schedules are also available from the Code Enforcement Officer and the Town Clerk.

4.4 EXPIRATION OF BUILDING PERMIT

A building permit shall be void if construction has not begun within 180 days from date of issue. A building permit expires one year from date of issue and must be renewed if construction is not completed.

4.5 CERTIFICATE OF OCCUPANCY

Application for a Certificate of Occupancy, if appropriate, shall be submitted coincident with application for a building permit. The Certificate of Occupancy or Compliance shall be issued by the Code Enforcement Officer upon assurance that the completed structure and its intended use comply with all the provisions of this Ordinance. Record of Certificates of Occupancy shall be maintained by the Code Enforcement Officer. Copies will be furnished upon requests to any person having proprietary or tenancy interest in the building affected.

◆ SECTION 5.0 APPLICATION FOR BUILDING PERMIT

5.1 REQUIREMENT FOR INFORMATION

Any person/business that applies for a building permit must furnish the following information when pertinent or required by the Code Enforcement Officer.

5.1.1 Name, address and current phone number of applicant.

5.1.2 A map showing the property under consideration including tax map number, all adjacent property owners and abutting roads with North indicator and scale.

5.1.3 Existing and proposed topography.

5.1.4 All easements and rights of way whether or not on record.

5.1.5 The location of all water lines, wells or potable water within and adjacent (within one hundred (100) feet) to the proposed site.

5.1.6 The location widths and lengths of all proposed driveways and turnarounds.

5.1.7 The location and design of all proposed site improvements and proposed drainage and grading plans. Any structure 1500 sq. ft. or larger must be approved and stamped by an architect or engineer licensed by the State of New York.

5.1.8 A percolation test which shall be conducted by the applicant and witnessed by the Code Enforcement Officer according to the "Waste Treatment Handbook" by the N.Y.S. Department of Health. The results shall be furnished to the applicant for use in the design of the septic system.

5.1.9 Plans showing the construction of existing or proposed septic system components including dimensions and clearances.

5.1.10 The location and description of fuel storage facilities and distance from the structure and the property boundary lines.

5.1.11 The site lighting plan, if one exists.

5.1.12 A 911 number as assigned by the Berkshire Fire Department and issued by the Post Office (TBF-002-95).

5.1.13 Approved Town of Berkshire Driveway Permit (TBF-002-95) (available from Code Enforcement Officer or Town Clerk).

5.1.14 Approved N.Y.S. Highway sluices by the N.Y.S. Department of Transportation, Sluices on Tioga County roads will be approved by the Tioga County Highway Dept.

◆ SECTION 6.0 BUILDING REQUIREMENTS

6.1 LOT REQUIREMENTS

6.1.1 All building lots must be a minimum of 1 acre.

6.1.2 All building lots shall have a minimum depth of one hundred fifty (150) feet and shall have a minimum frontage of one hundred fifty (150) feet on a public or private street. The depth of a lot shall be measured radially or at right angle with respect to the right-of-way on the frontage of the lot. The depth of a corner lot shall be measured radially or at a right angle to the right-of-way along the longest street frontage.

6.2 BUILDING PLACEMENT

6.2.1 All buildings shall be set back a minimum distance of twenty-five (25) feet from the abutting right-of-way passing in front of a building.

6.2.2 No building or part of building shall be constructed in a Flood Hazard Area.

6.2.3 All buildings shall be at least ten (10) feet from all property lines.

6.2.4 All buildings shall be separated by at least ten (10) feet.

6.2.5 All buildings on corner lots shall be set back at least forty (40) feet from each street right-of-way which forms the corner.

6.3 SEPTIC SYSTEM PLACEMENT

6.3.1 All septic tanks shall be a minimum of ten (10) feet from any building.

6.3.2 All septic system outlet pipes shall be a distance of at least twenty-five (25) feet from the property boundary line and all right-of-ways.

6.3.3 All septic system leach field pipes and sand filter systems shall be at least one hundred (100) feet from all wells or potable water sources whether such sources are on the owners' property or not.

NOTE: See N.Y.S. "Household Waste Treatment" Handbook.

6.4 UTILITIES

6.4.1 An adequate supply of potable water shall be supplied by pipes to each structure intended for human occupancy. Proof of current negative coli form tests shall be provided by a N.Y.S. Dept. of Health certified laboratory,

6.4.2 An approved septic system must be provided for each residence. Commercial or industrial structures that generate more than 1000 gallons of effluent per day must have waste water systems designed by a duly licensed engineer or architect. A permit for State Pollution Elimination Disposal System (SPEDS) from the N.Y.S. Dept. of Environmental Conservation must accompany application for building described above.

6.4.3 Storm drainage must be designed to convey all storm runoff into natural water sources and to maintain the site free from standing pools of water and erosion.

6.4.4 All electric systems including service connections must be subjected to complete inspection by a third party underwriter.

◆SECTION 7.0 PENALTIES

7.1 VIOLATIONS

Violations of the provisions of this ordinance shall be subject to sanctions as specified in N.Y.S. Executive Law Section 382.

7.2 COMPLIANCE

The Code Enforcement Officer will attempt to obtain voluntary compliance. Administrative enforcement methods such as Stop Work Order and Order to Remedy may be issued if voluntary compliance is not obtained. Criminal sanctions under Executive Law 382(2) may be imposed if the above methods are unsuccessful.

◆SECTION 8.0 APPEALS

8.1 REQUEST FOR VARIANCE

8.1.1 Requests for a variance from the standards set forth in this ordinance shall be made to the Town Board and shall contain the following:

a. Copies of all documents submitted to the Enforcement Officer on the application for a building permit.

b. A list of the names and addresses of all adjacent property owners and of all property owners of premises located within 500 feet of the appellants premises.

c. A written statement signed by the applicant setting forth the following:

1. The date and full text of action taken by the Enforcement Officer from which the appeal is taken.

2. The present use of all adjacent premises and of all premises within 500 feet from the appellant's premises.

3. The grounds on which the appellant relies for requesting the variance, including allegations of any facts on which the appellant will rely.

d. A fee in the sum of twenty-five dollars (\$25.00).

8.1.2 The documents set forth in Section 8.1.1 shall be filed in triplicate with the Town Clerk and a copy thereof shall be forwarded to the Town Planning Board within two (2) days after filing.

8.1.3 The Town Board shall conduct a public hearing on the appeal within forty-five (45) days after filing of the appeal documents and upon not less than five (5) days published notice and five (5) days written notice delivered by mail to the owners of all adjacent property and all property within five hundred (500) feet of the appellant's premises.

The Town Board shall consider as part of the record of the hearing any written report of the Town Planning Board submitted prior to the close of the hearing.

8.1.4 Within thirty (30) days from the close of the public hearing specified in section 8.1.3 the Town Board shall make and file with the Town Clerk its written decision and a copy thereof shall be served by mail upon the appellant.

◆SECTION. 9.0 VALIDITY OF ORDINANCE

9.1 INVALID SEGMENT

Should any section or provision of this Ordinance contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

◆SECTION 10.0 EFFECTIVITY

10.1 COMPLIANCE WITH THE LAW AND NOTIFICATION

10.1.1 This Ordinance shall be in force and effect immediately upon adoption and publication as required by law.

10.1.2 Legal notification of a public hearing on this Ordinance was published on March 1, 1995 in The Tioga County Courier.

10.1.3 A public hearing was held on March 14, 1995.

10.1.4 This Ordinance was adopted by the Town Board on March 14 1995

10.1.5 Notice of the adoption of this Ordinance was published by the Tioga County Courier on March 29 1995.

10.1.6 This Ordinance was posted at Town Clerk's Office on March 15 1995

◆SECTION 11.0 APPROVAL

The Town Board of Berkshire does, by reason of the signatures below, hereby approve this Ordinance.