

BUILDING CONSTRUCTION

Chapter 74

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[HISTORY: Adopted by the Board of Trustees of the Village of Vernon: Art. II, at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

**ARTICLE I
Standards**

[Pursuant to Article 18 of the Executive Law, the New York State Uniform Fire Prevention and Building Code will be the controlling provisions in regard to building construction in the Village of Vernon. A copy of the Uniform Fire Prevention and Building Code is on file in the office of the Village Clerk.]

ARTICLE II
Enforcement
[Adopted at time of adoption of Code¹]

§ 74-1. Purpose.

For the purpose of promoting the general welfare of the Village of Vernon, the Board of Trustees does hereby enact this Article to regulate the use and occupation of property within the Village of Vernon in accordance with the powers and authority granted it under the New York Village Law. This Article contains provisions for building zoning permits, certificates of occupancy and inspections.

§ 74-2. Summary of information.

In order for a better understanding of these matters, the following is a summary of relevant information:

A. Building zoning permits.

- (1) A building zoning permit is used by the Village of Vernon to determine whether proposed construction complies with relevant zoning laws² and building codes. A permit is required prior to the commencement of construction in order to establish the mechanism whereby the village receives notice that construction is contemplated for a certain piece of property. Such notice is of benefit not only to the village but also to other interested members of the community.
- (2) The application for a building zoning permit requires information sufficient to enable the local officials issuing the permit to make the determination that the proposed work will be in conformance with the requirements of Chapter 200, Zoning. Adoption of the permit system provides officials with an opportunity to review all proposed work for code compliance prior to the commencement of construction activity.

¹ Editor's Note: See Ch. 1, General Provisions, Art. I.

² Editor's Note: See Ch. 200, Zoning.

- (3) Exceptions to the requirements for a building zoning permit are the following:
 - (a) Necessary repairs which do not materially affect structural features.
 - (b) Replacement of windows and doors.
 - (c) Alterations to existing buildings, provided that they:
 - [1] Do not materially affect structural features.
 - [2] Do not affect firesafety features such as smoke detectors, sprinklers, required fire separations and exits.
 - [3] Do not involve the installation or extension of electrical systems.
 - [4] Do not include the installation of solid-fuel-burning heating appliances and associated chimneys or flues.
- (4) Although exceptions to the requirements for a building zoning permit are permitted for the three (3) types of construction listed above, such work still must comply with any applicable provisions of the New York State Uniform Fire Prevention and Building Code. Furthermore, it is within the power of local officials to inspect such construction to determine whether such construction conforms to the New York State Uniform Fire Prevention and Building Code despite the fact that the minimum standards allow exceptions.
- (5) Fees are charged by the village as part of the application process for a building zoning permit. These fees provide income to offset, at least in part, the costs incurred in enforcing the Code. The amount of fees charged are as set forth from time to time by resolution of the Board of Trustees.
- (6) The village requires a permit fee to be paid at the time that the application is filed. The fee charged is designed to cover the whole construction process. The initial fee is based on an estimated cost of construction, and if the

actual construction costs are greater, the fee is adjusted to reflect the actual costs before issuing a certificate of occupancy.

- B. Certificate of occupancy. The certificate of occupancy is a device used to restrict the use of a building or structure to a specific type of use or occupancy. This Article prohibits the use of new buildings or new additions to existing buildings until a certificate of occupancy has been issued. By issuing a certificate of occupancy, the village acknowledges that construction has been completed and that no material violations of applicable Code provisions have been observed during the course of construction.
- C. Inspections.
- (1) The Village of Vernon has an ongoing comprehensive program of inspections essential to successful enforcement. Such inspections include the following:
 - (a) When a building zoning permit has been issued, inspections are conducted during the course of construction for the purpose of observing the compliance of construction with the Code.
 - (b) Prior to the issuance of a certificate of occupancy.
 - (c) Periodic general inspection by Code Enforcement Officers.
 - (d) In response to bona fide complaints regarding conditions or activities allegedly failing to comply with the Code.
 - (2) Through such inspections and procedures, compliance with the Code is enforced benefiting all property owners within the village.

§ 74-3. Combination of positions.

The Building Zoning Officer and the Ordinance Enforcement Officer are separate positions, but they can be combined as one (1) at the Board of Trustee's discretion.

§ 74-4. Revocation of building zoning permit.

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

- A. Where he or she 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 zoning permit was based.
- B. Where he or she finds that the building zoning permit was issued in error and should not have been issued in accordance with the applicable law.
- C. Where he or she finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
- D. Where the person to whom a building zoning permit has been issued fails or refuses to comply with a stop order issued by the Building Zoning Officer.

§ 74-5. Stop orders.

Whenever the Building Zoning Officer has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations or not in conformity with the provisions of an application, plans or specifications on the basis of which a building zoning permit was issued or in an unsafe and dangerous manner, he or she 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 person shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or her or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

§ 74-6. Right of entry.

The Building Zoning Officer and the Zoning Enforcement Officer, upon the showing of proper credentials and in the discharge of their duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

§ 74-7. Certificate of occupancy.

- A. No use or occupancy of land shall be hereafter established, and no building hereafter erected, altered or extended shall be used or changed in use, until a certificate of occupancy shall have been issued by the Building Zoning Officer in accordance with the provisions of the State Uniform Fire Prevention and Building Code. The certificate of occupancy specified in this section shall not be issued until approval has been granted, in writing, by the Oneida County Department of Health.
- B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building zoning permit shall continue to be occupied or used for more than thirty (30) days after completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Zoning Officer.
- C. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances and regulations and also in accordance with the application, plans and specifications filed in connection with the issuance of the building zoning permit, the Building Zoning Officer shall issue a certificate of occupancy upon the form provided by him or her.

§ 74-8. Permit fees.

Building permit fees shall be as set from time to time by resolution of the Board of Trustees.