

Chapter 26. Building Construction

[HISTORY: Adopted by the Town Board of the Town of Colden: Art. II, 9-4-1986 by L.L. No. 3-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Building Inspector and Enforcement Officer — See Ch. 28.

Unsafe buildings — See Ch. 31.

Environmental quality review — See Ch. 43.

Fire prevention — See Ch. 48.

Subdivision of land — See Ch. 92.

Zoning — See Ch. 108.

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 Town of Colden. A copy of the Uniform Fire Prevention and Building Code is on file in the office of the Town Clerk.]

Article II. Enforcement

[Adopted 9-4-1986 by L.L. No. 3-1986]

§ 26-1. Enforcement officer.

The Code Enforcement Officer of the Town of Colden is hereby designated to administer and enforce the New York State Fire Prevention and Building Code in the Town of Colden.

§ 26-2. Building permit required; applications.

- A. No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure nor install heating equipment without having applied for and obtained a permit from the Code Enforcement Officer. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature and which are done in conformance with the Uniform Code.
- B. Applications.
 - (1) Applications for a building permit may be obtained from the Town of Colden. A completed application shall be delivered to the Building Inspector and must include:
 - (a) The signature of the applicant or authorized agent.
 - (b) A description of the site on which the proposed work is to be done.

- (c) A statement of the use or occupancy of all parts of the land and of the proposed building or structure.
 - (d) A brief description of the proposed work.
 - (e) The estimated cost of the proposed work with appropriate substantiation.
 - (f) The full name and address of the owner and the applicant and, if either be a corporation, the names and addresses of responsible officers.
 - (g) Determined number of sets of plans and specifications for the proposed work.
 - (h) The fee specified in this chapter.
 - (i) A statement granting the applicants permission for the Code Enforcement Officer to enter the property and structure thereon as frequently as he deems necessary to inspect the same for the compliance with the Uniform Code.
- (2) The applicant may request that the requirement of plans and specifications be waived where the work to be done involves minor alterations or are otherwise unnecessary.
- C. The applicant shall notify the Code Enforcement Officer of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein.
- D. A building permit issued pursuant to this chapter shall be prominently displayed on the property or premises to which it pertains.
- E. A building permit issued pursuant to this chapter may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit or if there has been a misrepresentation or falsification of a material fact in connection with the application for the permit.
- F. A building permit issued pursuant to this chapter shall expire two years from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed once for a successive one-year period, provided that:
[Amended 10-4-1990 by L.L. No. 4-1990]
- (1) The permit has not been revoked or suspended at the time the application for renewal is made.
 - (2) The relevant information in the application is up-to-date.
 - (3) The renewal fee is paid.

§ 26-3. Certificates of occupancy.

- A. No building erected subject to the Uniform Code and this chapter shall be used or occupied, except to the extent provided in this section, until a certificate of occupancy has been issued. No building similarly enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or his agent shall make application for a certificate of occupancy.

- B. A temporary certificate of occupancy may be issued if the building or structure is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance, but may be renewed an indefinite number of times.
- C. No certificate of occupancy shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation of the Uniform Code in the area intended for use and upon payment of the appropriate fee.

§ 26-4. Inspections.

- A. Work for which a building permit has been issued under this chapter shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing and heating and air conditioning. It shall be the responsibility of the owner, applicant or his agent to inform the Code Enforcement Officer that the work is ready for inspection and to schedule such inspection.
- B. Existing buildings not subject to inspection under Subsection **A** of this section shall be subject to periodic inspections for compliance with the Uniform Code in accordance with the following schedule: all areas of public assembly defined in the Uniform Code, all buildings or structures containing areas of public assembly, and the common areas of multiple dwellings: every six months; all buildings or structures open to the general public: every 12 months; all other buildings: every 18 months. Notwithstanding any requirement of this subsection to the contrary, no regular periodic inspections of occupied dwelling units shall be required; provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare.

§ 26-5. Inspectors.

- A. The inspections required by § **26-4** of this chapter may be performed by the Code Enforcement Officer. The Code Enforcement Officer is authorized to order, in writing, the correction of any condition in violation of the Uniform Code found in, on or about any building. Such orders shall be served in person upon a responsible party set forth in any relevant application for a permit or in any relevant certificate. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition within the specified time shall be subject to a penalty as provided by law.
- B. A person subject to inspection under § **26-4** may be required by the Code Enforcement Officer to have such inspection performed at his own cost and expense by a competent inspector acceptable to the Code Enforcement Officer. Such inspector may be a registered architect, licensed professional engineer, certified code enforcement officer or other person whose experience and training has been demonstrated to the satisfaction of the Code Enforcement Officer. Such inspector shall certify the results of his inspection to the Building Inspector. Any person required by the Code Enforcement Officer to have an inspection performed at his own cost and expense shall not be assessed the fees otherwise prescribed in this chapter.
- C. If the Code Enforcement Officer is the owner of or is involved in work on the premises to be inspected, or if there shall otherwise be any conflict of interest, the Town Board shall appoint a qualified individual to perform such duties.

§ 26-6. Fees.

Fees for inspection and building permits shall be set forth in the general ordinances of the Town of Colden now existing or as may be amended from time to time.^[1]

[1] *Editor's Note: See Ch. 28, Building Inspector and Enforcement Officer.*

§ 26-7. Penalties for offenses.

- A. If no other penalty for violation of any part of this chapter or order issued in compliance with the chapter is provided otherwise by law, including the general ordinances and local laws of the Town of Colden regarding penalties, a person violating such part of this chapter or such orders shall be punishable by a fine of \$50 or imprisonment not to exceed 30 days, or both, and each day such violation continues shall constitute a separate violation.
- B. Any action or proceeding in the name of the Town of Colden may be commenced in any court of competent jurisdiction to compel compliance with or restrain violation of this chapter or orders issued in compliance with this chapter.

Town of Colden Fees and Fines

Category	Fee
Fees & Fines Amended Jan 16, 2018	
Single-family dwelling <2000 sf	\$300
Single-family dwelling >2001 sf	\$500
2-family dwelling <2000 sf	\$350
2-family dwelling >2001 sf	\$550
Multiple dwellings of 3 units	\$600
Multiple dwellings – each additional unit	\$100
Accessory structures <120 sf	\$25
Accessory structures 121-250 sf	\$50
Accessory structures 251-1000 sf	\$75
Accessory structures >1001 sf	<i>\$75+\$10/additional 1000 sf</i>
Additions to residence ≤750 sf	\$75
Additions to residence ≥751 sf	\$150
Additions to business/commercial ≤500 sf	\$100
Additions to business/commercial 501-1000 sf	\$200
Alterations to existing structures	\$75
Greenhouse ≤1000 sf	As accessory structure (above)
Greenhouse >1000 sf	As commercial structure (below)
Business, commercial & industrial Structures ≤1000 sf	\$250
Business, commercial & industrial Structures >1000-10000 sf	<i>\$250+\$50/additional 1000 sf over 1000 sf</i>
Business, commercial & industrial Structures >10000 sf	<i>\$250 base + 9x\$50 + \$10/additional 1000 sf over 10000 sf; or \$700+\$10/additional 1000 sf over 10000 sf)</i>
Swimming pools – above ground	\$25
Swimming pools – in ground	\$50
Porches (with roof)	\$25
Decks	\$25
Fireplaces	\$25
Stoves	\$25
Satellite dish antennas >3.28 ft (1) or 6.6 ft (2m) depending on district ¹	\$25
Ham radio tower (per tower)	\$50
Local business radio tower >35 ft.	\$2/LF
Windmills (residential)	\$75

Town of Colden Fees and Fines

Category	Fee
Home Generator (unpromulgated)	\$25
Solar Panels (unpromulgated) <u>Other- See Below</u>	\$75
Signs (per § 108-32)	\$25
Telecommunications facilities – special use permit pre-application	\$50
Telecommunications facilities – special use permit application completion	\$150
Telecommunications facilities – Tower special use permit	\$3000
Telecommunications facilities – Building permit	\$20/LF
Telecommunications facilities – Collocation application	\$1000
Telecommunications facilities – Collocation building permit	\$1000
Public hearing	\$25
Building permit renewal for an additional year	\$25
Certificate of Occupancy	\$25
Proceeding without the required permit	2x applicable fee
Permit denied	50% refund (if work not started)
Demolition permit	\$0
Junk Yards (per § 67-4)	\$25/yr
“General” Special Use Permit Application (per § 108-122 B. 4. h)	\$25
Private Roof Mounted Solar/PV Installation – USP Eligible Application Fee	\$50
Private Roof Mounted Solar/PV Installation – USP Eligible Building Permit Fee	\$50
Private Ground Mounted Solar/PV Installation – USP Eligible Application Fee	\$50
Private Ground Mounted Solar/PV Installation – USP Eligible Building Permit Fee	\$50
Private Ground Mounted Solar/PV Installation Requiring SUP Application Fee	\$50
Private Ground Mounted Solar/PV Installation Requiring SUP Building Permit Fee	\$50

Town of Colden Fees and Fines

Category	Fee
Private Ground Mounted Solar/PV Installation Requiring SUP Annual Inspection Fee	\$50
Utility-Scale Solar/PV Installation Requiring SUP Application Fee	\$2,500
Utility-Scale Solar/PV Installation Building Permit Fee	\$50
Utility-Scale Solar/PV Installation Requiring SUP Annual Inspection Fee	\$1,000
5G Fines & Fees Added May 2, 2019	
5G Fines & Fees Fee for Single Up-Front Application for up to 5 Colden Small Wireless Facilities	\$500
5G Fines & Fees Fee for each additional Small Wireless Facility beyond the 5 allowed above	\$100
5G Fines & Fees Fee per year for each Small Wireless Facility for all recurring fees including Colden Right-of-Way access fee and/or fee for attachments to Colden Owned Structures in the Right-of-Way	\$270
5G Fines & Fees Inspection & Permitting Fee related to a new pole (i.e. not collocation on existing pole) which is intended to support one or more Small Wireless Facilities in Colden	\$1,000
Reroofing Building Permits added April 2020	
Reroofing a Structure Building Permit Fee	\$75
Foundation/Drainage Repairs & Window Replacement Permits added January 1, 2022	
Foundation/Drainage Repairs Building Permit Fee	\$75
Window Replacement of 50% or more Building Permit Fee	\$75

