

## Chapter 55

### BUILDING PERMITS

**[HISTORY: Adopted by the Town Board of the Town of Canadice 2-10-1977 by L.L. No. 1-1997.<sup>1</sup> Amendments noted where applicable.]**

#### GENERAL REFERENCES

Planning Board — See Ch. 19.  
Flood damage prevention — See Ch. 67.  
Land use — See Ch. 77.  
Mobile homes — See Ch. 81.  
Site plan review — See Ch. 95.

#### § 55-1. Title.

The Town Board of Canadice, Ontario County, New York, acting under the authority of the Town Law of the State of New York, hereby adopts and enacts this chapter to be known as "A Local Law Amending The Building Permit Law of the Town of Canadice."

#### § 55-2. Purpose and intent.

The Town Board enacts this chapter for the purpose of promoting the public health, safety and general welfare of the inhabitants of Canadice, for adherence to the New York Uniform Fire Prevention and Building Code Law (Executive Law of the State of New York and Title 9 NYCRR Part 444 Executive B) as amended, and the intent of all other laws and ordinances of the town.

#### § 55-3. Word usage.

For the purpose of this chapter, all words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the words indicates otherwise. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as individual. The word "shall" is mandatory and directory. The word "may" is permissive. The word "used" includes "designed, intended or arranged". The word "lot" includes "parcel" or "plot."

#### § 55-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BUILDING** — Any structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property. This shall include mobile, modular or manufactured homes.

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1. Editor's Note: This local law superseded former Ch. 55, Building Permits, adopted 3-11-1991 by L.L. No. 1-1991.

**BUILDING PERMIT** — A permit applied for or approved under authority of the law of the Town of Canadice.

**CODE ENFORCEMENT OFFICER (CEO)** — A public official who is appointed by the Town Board of Canadice.

**MANUFACTURED HOME** — Any structure or component thereof designed primarily for residential occupancy, which is wholly or in substantial part manufactured in manufacturing facilities located away from the building site for installation, or assembly and installation, on the building site. Also known as "prefabricated" or "modular."

**MOBILE HOME** — A transportable structure designed and built to be towed on its own chassis, connected to utilities and designed to be with or without a permanent foundation. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be combined into one integral unit (commonly known as a "double wide"), capable of being again separated into the components for repeated towing. A mobile home shall be limited to a single-story unit.

**MODULAR HOME** — See "manufactured home."

**§ 55-5. Permit required; processing; expiration; renewal.**

- A. Erection, construction, enlargement, alteration, removal or demolition of any building and any excavation for any intended building, as well as any changes in or additions to a building, shall require a building permit issued by the CEO after payment of all applicable fees to the Town Clerk.
- B. Any building with an area of greater than 100 square feet shall require a building permit and will comply with all applicable town, county, state and federal laws, codes and regulations, which includes Title 9, Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR).
- C. All applications for building permits shall be processed and acted upon by the CEO. The CEO may request additional information.
- D. The building permit shall expire one year after issuance. Renewal shall be required until completion of construction contained in said permit.
- E. If the building permit expires without renewal, then all building activities must be suspended until the permit is renewed.

**§ 55-6. Renewal of permit.**

- A. Application shall be submitted for a renewal at the renewal fee.
- B. Permit renewal requires the inspection and approval of the CEO.

**§ 55-7. Submission requirements.**

- A. There shall be submitted by the property owner or his agent, with all applications for building permits, three copies of the building plan and, if necessary, three copies of the

plot plan. All plans are to be drawn to scale.

- B. A building plan shall always be required while a plot plan is only required for a new building or if the outer perimeter of an existing building is being altered or relocated.
- C. Plot plan. A plot plan shall consist of the following:
  - (1) Applicants name, mailing address, telephone number, tax map parcel number.
  - (2) Owner of parcel, if different from applicant.
  - (3) Arrow indicating direction of north.
  - (4) Dimensions of the property boundaries.
  - (5) Location and dimension of all existing buildings.
  - (6) Location and dimensions of all proposed buildings.
  - (7) All setbacks and separation distances.
  - (8) Location of well(s).
  - (9) Location of septic fields as well as other sanitary disposal systems that are recognized and approved.
  - (10) All easements on property.
  - (11) Topographic information (if applicable).
  - (12) Such other information with regard to the lot and neighboring lots as may be necessary.
- D. Building plan. A building plan shall consist of the following:
  - (1) An architectural wet seal stamp shall be requested by the CEO on buildings over 1,500 square feet, alterations over \$20,000 or where changes affecting the structural safety or public safety of the building or structure. The 1,500 square feet measurement shall not apply to farm buildings, garages, carports, porches, cellars nor uninhabitable basements or attics.
  - (2) Final architectural floor plan of proposed building(s).
  - (3) Type of heat.
  - (4) Total of square footage of basement, first floor, second floor and all usable space, as applicable.
  - (5) Existing and intended use of each building or part of the building.
  - (6) Number of families or units building is designed to accommodate.
  - (7) Number of bathrooms.

**§ 55-8. Inspection prior to construction; staking out.**

If so determined by the CEO prior to start of construction, the lot and development shall be staked out on the ground for inspection by said CEO as to conformity to this chapter and to all other applicable town, county, state and federal laws, codes and regulations.

**§ 55-9. Return of copies upon approval and issuance.**

- A. One copy of each such plot plans and building plan shall be returned to the owner when such plans shall have been approved by the CEO and the building permit is issued.
- B. The CEO shall issue the appropriate permit if the submission conforms to all requirements of this chapter and to all other applicable town, county, state and federal laws, codes and regulations, which includes Title 9, Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR).

**§ 55-10. Display of permits.**

A copy of all building permits shall be conspicuously displayed in the area affected by the permits. The copy shall be protected from the weather as long as it is in effect and work is in progress. No work shall be performed without the building permit being displayed.

**§ 55-11. Refusal of permit; appeal.**

When the CEO is not satisfied that the applicant's proposed development will meet the requirements of all applicable town, county, state and federal laws, codes and regulations applicable thereto, he shall refuse to issue the requested permit, and the applicant may petition the Board of Appeals for a reversal of the CEO's decision.

**§ 55-12. Revoked permits; reissuance.**

If it shall appear at any time to the CEO that the application or accompanying plot is in any material respect false or misleading or that work is being done upon the premises differing materially from that called for in the application filed with him, under the existing town, county, state and federal laws, codes and regulations, he may forthwith revoke the building permit, whereupon it shall be the duty of the person or his agent holding the same to surrender it and all copies thereof to the CEO. After the building permit has been revoked, the CEO, in his discretion, before reissuing the permit, shall require the applicant to file an indemnity bond in the favor of the Town of Canadice with sufficient surety conditioned for compliance with this chapter and all other provisions of applicable town, county, state and federal laws, codes and regulations, and in a sum sufficient to cover the cost of removing the building if it does not comply. Said sum to be set by the CEO based upon the average of three independent estimates from potential providers of the removal service. This sum will subsequently require the approval of the Town Board if it exceeds \$25,000.

**§ 55-13. Notification required prior to plan modification.**

The CEO shall be promptly notified by the property owner or his agent prior to the modification of original plans. The CEO shall determine if the original application should be resubmitted and the appropriate permit reissued.

**§ 55-14. Fees.**

Fees for building permits, certificates of occupancy/compliance, renewals thereof and inspections shall be in any amount set from time to time by the Town Board. The schedule of fees shall be on file with the Town of Canadice Town Clerk and shall be available at the Town Hall.

**§ 55-15. Certificate of occupancy/certificate of compliance required.**

No structure erected or altered pursuant to this chapter shall be occupied or used for any purpose until a certificate of occupancy and/or certificate of compliance has been issued in conformance with New York State Uniform Fire and Safety Prevention and Construction Codes, (Title 9 NYCRR Part 444 Executive B) and all other applicable town, county, state and federal laws, codes and regulations.

**§ 55-16. Abatement.**

It shall be the policy of the Town Board to seek voluntary compliance with the provisions of this chapter. Where such voluntary compliance cannot be obtained within a reasonable time, violators may be dealt with as otherwise provided in this chapter.

**§ 55-17. Appeals.**

Decisions of the CEO may be appealed by the applicant, by written notice, to the Town Appeals Board.

**§ 55-18. Notice of violations.**

Upon determination by the CEO that a violation of the Uniform Code and/or of the Town of Canadice local laws and ordinances exists in, on or about any building or premises, the CEO shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code and all other local laws and ordinances of the Town of Canadice which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served either personally or by regular mail and by certified mail return receipt.

**§ 55-19. Penalties for offenses.**

- A. If no other penalty for violation of any part of this chapter or orders issued in compliance with this chapter is provided otherwise by law, a person violating such part of this chapter or such orders shall be punishable by a fine of not more than \$1,000 per day of violation or imprisonment not exceeding one year, or both.
- B. An action or proceeding in the name of the Town of Canadice 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.