

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Fenton

Local Law No. 3 of the year 2025

A local law to amend and update Town of Fenton Code §§ 67-4, 67-5, 67-6, 150-42, and 150-43 to better define the building permit requirements and exemptions and follow what the State of New York recommends. This will also put all information regarding building permit requirements and exemptions into one Local Law and section of the Town Code instead of being broken up between two sections of the Town Code.

Be it enacted by the Town Board of the Town of Fenton as follows:

Section 1. The Town of Fenton Code described in Section 67-4 of the Town Code is hereby amended as follows:

§ 67-4. Building Permits.

A. Refer to Section 150-42 for Building Permit Requirements and Information pertaining to thus.

Section 2. The Town of Fenton Code described in Section 67-5 of the Town Code is hereby amended as follows:

§ 67-5. Fees.

A. Refer to Appendix Chapter A154 for Fee Schedule.

Section 3. The Town of Fenton Code described in Section 67-6 of the Town Code is hereby amended as follows:

§ 67-6. Certificates of occupancy.

A. Refer to Section 150-43 for Certificate of Occupancy Requirements.

Section 4. The Town of Fenton Code described in Section 150-42 of the Town Code is hereby amended as follows:

§ 150-42. Building and use permits.

- A. **Building permits are required.** Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the New York State Fire Prevention and Uniform Code and/or the Energy Code, including, but not limited to, excavation, the start of construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and install a roof-mounted or ground mounted, solar PV (photovoltaic) system, installation of a swimming pool, or solid-fuel-burning heating appliance, chimney, or flue in any building. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Town of Fenton.
- B. **Exemptions.** No building permit shall be required for work in any of the following categories:
1. Construction or installation of one-story detached structures associated with one- or two- family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;
 2. Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
 3. Installation of window awnings supported by an exterior wall of a one or two-family dwelling or multiple single-family dwellings (townhouses);
 4. Installation of partitions or movable cases less than five feet nine inches in height;
 5. Painting, wallpapering, tiling, carpeting, or other similar finish work;
 6. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 7. 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
 8. Repairs, provided that the work does not have an impact on fire and life safety, such as
 - i. any part of the structural system
 - ii. the required means of egress; or
 - iii. the fire protection system or the removal from service of any part of the fire protection system for any period of time.
 9. Nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.
 10. In the case of minor electrical work such as the installation of appliances or electric vehicle (EV) charging equipment, a permit is required when such installations require an extension of the existing electrical system, but no permit shall be required for the installation of the appliance or EV charging equipment alone.

11. Fences, must be constructed in accordance with any applicable provision of this chapter relating thereto.

C. **Exemption** is not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the New York State Fire Prevention and Uniform Code and/or the Energy Code.

D. **Permit Application**. Available through the Building Inspector Department. All applications for building permits and use permits shall be on forms approved by the Town Attorney and shall include the following information:

[Amended 3-2-2022 by L.L. No. 1-2022]

1. The name and address of the applicant.
2. The street address and Tax Map number of the subject property.
3. The nature of the permit sought and the intended use of the building, proposed building, improvement or land.
4. A layout of plot plan drawn to scale showing the exact size and location on the lot of the building, accessory buildings or structures.
5. The number and location of off-street parking and loading spaces and the access thereto.
6. Building plans and schedules sufficient to show that the proposed improvement will comply with the Building Code.
7. Such additional information as the Building Inspector may require.

E. **Private Water and Sewer Systems**. No building permit shall be issued for construction on any premises which are not served by public sewer system and public water distribution system, unless a written approval has been obtained from the Broome County Health Department for a private sewage disposal system and a private water supply system.

F. **No change of use** or establishment of a new use of any property shall be implemented without first obtaining a use permit from said Building Inspector. No use permit shall be granted unless the proposed new use will be in compliance with this chapter.

G. **Display of permit**. A building permit shall be prominently displayed at all times during the course of construction at the main entrance of a building, or otherwise where it will be clearly visible from a public highway adjoining the premises and protected from the effects of weather.

H. **Expiration of building permit**.

1. A building permit issued pursuant to this chapter shall expire one year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. A building permit may be renewed once for an additional period of one year, provided that:

- i. The permit has not been revoked or suspended at the time the application for renewal is made;
 - ii. The relevant information in the application is up to date; and
 - iii. The renewal fee is paid in accordance of the fees as if the application is for a new building permit. The fee shall be charged in accordance with the schedule of fees set forth in Appendix Chapter A154 "Fees."
- 2. In the event that the building permit is not closed after the first renewal, a second renewal will require a letter be submitted to the Town Board requesting another extension. The Town Board may, at its sole option, grant a further renewal of the building permit, either with or without conditions relating to further progress of the work, for such length of time as the Town Board deems appropriate. Conditions may include a direction that the structure be demolished in the event it is not completed in accordance with the Town Board's direction.
- 3. In the event that the applicant fails to comply with any such conditions set forth by the Town Board, the Building Inspector shall revoke the building permit and prevent any further construction in connection therewith. In the event that said building permit is revoked, no further construction shall take place in connection therewith, and the structure shall thereafter be subject to the same rules and laws applicable to uninhabited structures, generally, including but not limited to Chapter 71, Unsafe Buildings of the Code. In the event that the Town Board has ordered that the structure be demolished, the applicant shall promptly undertake said demolition. In the event that the demolition is not undertaken within a reasonable time by the applicant, the Town shall arrange for said demolition, and the cost thereof shall be assessed against the real property in the same manner as is set forth in § 71-10 of the Code. [Added 1-6-1993 by L.L. No. 1-1993]
- 4. In the case of any construction requiring a septic tank or other private sewage disposal system, the Building Inspector shall not issue a renewal permit unless the applicant provides the Building Inspector with a current permit from the Broome County Health Department, or other evidence satisfactory to the Building Inspector that the applicant is in full compliance with all requirements of the Broome County Health Department in that regard. [Added 1-6-1993 by L.L. No. 1-1993]

Section 5. The Town of Fenton Code described in Section 150-43 of the Town Code is hereby amended as follows:

§ 150-43. Certificate of Occupancy.

- A. No building erected subject to the New York State Uniform Fire Prevention and Building Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a building permit, shall be occupied or used 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.

Application. An application for a building permit may include an application for use and occupancy or may be made at any time thereafter. A certificate of occupancy and use shall be issued by the Building Inspector.

- B. **Required.** No building or structure shall be used or occupied or the use thereof changed until the certificate of occupancy is issued. [Added 11-7-1984 by L.L. No. 1-1984]
- C. **Record.** The Building Inspector shall maintain complete records of all permit applications and of his disposition thereof. [Added 11-7-1984 by L.L. No. 1-1984]
- D. **Temporary use permits.** Upon request, the Building Inspector may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare. A temporary use permit may be issued for a period of one year and may be renewed for an additional period of one year without cost.

Section 6. The Town Board shall cause the Town Code to be amended to reflect this amendment thereto.

Section 7. This local law shall become effective upon filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 (2025) of the Town of Fenton was duly passed by the Town Board on January 27th, 2025, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Dated: January 31st, 2025

Melodie A Bowersox
Melodie Bowersox, Town Clerk

[SEAL]

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF BROOME

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Dated: January 30, 2025

Richard H. Miller III
Richard H. Miller III, Esq.
Deputy Town Attorney
Town of Fenton