

## **Chapter 67**

### **BUILDING CONSTRUCTION AND FIRE PREVENTION**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Windsor: Art. I, 7-25-67 as Sections 2 through 4 of Article XIX of 1967 Ordinance Book; Art. II, during codification (see Ch. 1, General Provisions, Art. II). Section 67-9 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

**Fire prevention - See Ch. 93.**

**Zoning - See Ch. 200.**

**ARTICLE I**

**Building Permits; Certificates of Occupancy**

**[Adopted 7-25-67 as Sections 2 through 4 of Article XIX of 1967 Ordinance Book]**

**§ 67-1. Building permit required.**

No building in any district shall be erected, added to or structurally altered until a permit has been issued by the Administrative Officer.

**§ 67-2. Compliance with Zoning Ordinance required.**

Except upon a written order of the Board of Appeals, no such building permit or certificate of occupancy shall be issued for any building where said construction,

addition or alteration or use thereof would be in violation of any of the provisions of the Zoning Ordinance.\*

**§ 67-3. Application for building permits.**

All applicants for building permits shall submit two (2) copies of a layout or plot plan drawn to scale and with all dimensions indicated showing the exact size and location on the lot of the building and accessory buildings and the intended use of the building.

**§ 67-4. Expiration of building permits.**

Building permits shall expire one (1) year from the date of issuance.

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\* Editor's Note: See Ch. 200, Zoning.

**§ 67-5. Fees.**

A fee may be charged for every permit issued. The amount of such shall be determined by the Village Board.

**§ 67-6. Certificates of occupancy.**

A certificate of occupancy shall be applied for coincident with the application for a building permit. A certificate of occupancy shall be issued by the Administrative Officer, upon completion of a structure which is erected or altered, for the occupancy of the structure and the use designated in the permit for building, provided that the structure and the premises actually comply with the provisions of the Zoning Ordinance. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this Article.

**§ 67-7. Alteration of nonconforming uses.**

No nonconforming use shall be renewed, changed or extended until a building permit and a certificate of occupancy has been issued by the Administrative Officer.

**§ 67-8. Maintenance of records.**

The Administrative Officer shall maintain a record of all certificates, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

**§ 67-9. Penalties for offenses.**

Any person violating any of the provisions of this Article shall be liable to a penalty set forth in Appendix C to the Code of the Village of Windsor containing the list of Fines and Penalties for the Village or imprisonment for not more than fifteen (15) days, or both.\*

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\*Editor's Note: Amended 9/4/2001; L.L. 5-2001

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ARTICLE II

**Administration and Enforcement of Standards  
[Adopted during codification]**

**§ 67-10. Enforcement Officer.**

- A. There is hereby designated in the Village of Windsor a public official to be known as the Code Enforcement Officer, who shall be appointed by the Mayor of the Village of Windsor with the approval of the Board of Trustees of the Village of Windsor at a compensation to be fixed by it.
- B. The official so designated shall be empowered to administer and enforce the New York State Uniform Fire Prevention and Building Code.

- A. The Code Enforcement Officer of the Village of Windsor at the time of his or her appointment and throughout his or her term of office need not be an elector of the Village of Windsor so long as he or she is a resident of the County of Broome of the State of New York. \*

**§ 67-11. Acting Enforcement Officer.**

In the absence of the Code Enforcement Officer, or in the case of his inability to act for any reason, the Mayor of the Village of Windsor shall have the power, with the consent of the Village Board of the Village of Windsor, to designate a person to act on behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this Article.

**§ 67-12. Building permits.**

- A. No person, firm, or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a building permit from the Code Enforcement Officer, except that no building permit shall be required for the performance of necessary repairs which are not structural in nature.\*\*
- B. Applications.
  - (1) Applications for a building permit may be obtained from the Office of the Village Clerk. A completed application shall be delivered to the Code Enforcement Officer 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.

\*Editor's Note: Amended 3/8/2002; L.L. 1-2002

\*\* Editor's Note: Amended 10/7/2003; L.L.6-2003

- 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 is a corporation, the names and addresses of responsible officers.
  - (g) Three (3) sets of plans and specifications for the proposed work.
  - (h) The fee specified in this Article.
  - (i) A statement granting the applicant's 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 is 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 Article shall be prominently displayed on the property or premises to which it pertains.
- E. A building permit issued pursuant to this Article 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 Article shall expire one (1) 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. The permit may, upon request, be renewed for successive one-year periods, provided that the permit has not been revoked or suspended at the time the application for renewal is made, the relevant information is up to date and the renewal fee is paid.

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**§ 67-13. Certificates of occupancy.**

- A. No building erected subject to the Uniform Code and this Article shall be used or occupied, except to the extent provided in this section, until a certificate of occupancy has been issued. No building which is 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 thirty (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 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 or a designated portion of a building or structure is sufficiently complete that it may be put to use for which it is intended. A temporary certificate of occupancy shall expire six (6) 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 intended for use and upon payment of the appropriate fee.

**§ 67-14. Inspections for compliance.**

- A. Work for which a building permit has been issued under this Article 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. Inspection of existing buildings.
  - (1) 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.
    - (a) 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 (6) months.
    - (b) All buildings or structures open to the general public: every twelve (12) months.
    - (c) All other buildings: every eighteen (18) months.

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- (2) Notwithstanding any requirements of this subsection to the contrary, no regular, periodic inspections of occupied dwelling units shall be required; however, this shall not be a limitation of

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.

**§ 67-15. Inspectors.**

- A. The inspections required by § 67-14 of this Article may be performed by the Code Enforcement Officer. The Code Enforcement Officer is authorized to order, in writing, the correction of any condition which is in violation of the Uniform Code, found in, on or about any building. Such orders shall be served in person upon a responsible party who is 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 § 67-13 may be required by the Code Enforcement Officer to have such inspection performed at his own cost and expense by a competent inspector who is 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 Code Enforcement Officer. 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 Article.
- 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.

**§ 67-16. Fees.**

- A. Fees for building permits shall be set forth in Appendix B of the Code of the Village of Windsor containing the list of Fees and Permits for the Village for any structure being constructed, altered, improved, removed or demolished.\*

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B. Other fees shall be as follows:\*

- (1) Renewal of building permit; Fee shall be set forth in Appendix B of the Code of the Village of Windsor containing the list of Fees and Permits for the Village.
- (2) Temporary certificate of occupancy; Fee shall be set forth in Appendix B of the Code of the Village of Windsor containing the list of Fees and Permits for the Village.
- (3) Temporary certificate of occupancy; one hundred dollars (\$100).
- (4) Certificate of occupancy; no charge.

**§ 67-17. Records and reports.**

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and rules and regulations promulgated by him with the consent of the Board of Trustees of the Village of Windsor and notices and orders issued. All such records shall be public records, open to public inspection during normal business hours.
- B. The Code Enforcement Officer shall, annually, submit to the Board of Trustees of the Village of Windsor a written report and summary of all business conducted by his office, including approvals, permits and certificates issued; fee collected; orders and notices promulgated; inspections and tests made; and appeals or litigation pending or concluded.

**§ 67-18. Penalties for offenses.**

In accordance with § 383 of Article 18 of the Executive Law of the State of New York:

- A. In shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of this Article or of the New York State Uniform Fire Prevention and Building Code, as well as any regulation or rule promulgated by the Code Enforcement Officer in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

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\*Editor's Note: Amended 9/4/2001; L.L. 4-2001

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- B. Any person who shall fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of law or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made thereunder shall be punishable by a fine set forth in Appendix C to the Code of the Village of Windsor containing the list of Fines and Penalties for the Village, or imprisonment not to exceed thirty (30) days, or both, and each day such violation continues shall constitute a separate violation.\*
- C. The Code Enforcement Officer of the Village of Windsor is hereby authorized to issue and serve an appearance ticket with respect to violation

of this Article. Any such appearance ticket so issued shall be served personally.

**§ 67-19. Abatement of violation.**

Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts or conduct business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

**§ 67-20. Stop Work Orders.\*\***

Whenever the Code Enforcement 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 permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent or the person performing the work, to suspend all building activities until the stop work order has been rescinded. Such order and notice shall be in writing and shall state the conditions under which the work may be resumed, and may be served upon a person to whom they are directed either by delivering them personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

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\* Editor's Note: Amended 9/4/2001; L.L. 5-2001

\*\* Editor's Note: Amended 9-3-2002; L.L.#3-2002