

LOCAL LAW NO. ____ OF 2017

TOWN BOARD
TOWN OF NEW CASTLE
PROPOSED LOCAL LAW AMENDING
CHAPTER 48 OF THE CODE OF THE TOWN OF NEW CASTLE

A LOCAL LAW to amend
Chapter 48 of the Town
Code concerning Building
Permit Applications and
Time Limitations.

BE IT ENACTED by the Town Board of the Town of New Castle as follows:

Section 1. Chapter 48, Article II, Section 12, Subsection E, entitled “Application” is hereby amended as follows:

§ 48-12. Permits Required; applications; amendments

...

E. Application. Before any building permit shall be issued, written application therefor shall be made ~~in duplicate~~ on official Town forms signed by the fee owner of the property or an authorized agent of the owner. The application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code and all applicable provisions of the Code of the Town of New Castle. The application shall include or be accompanied by the following information and documentation:

- (1) A description of the proposed work;
- (2) The Tax Map number and the street address of the premises where the work is to be performed;

- (3) The occupancy classification of any affected building or structure;
- (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;
- (5) At least two sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; and (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code;
- (6) Except in the case of an application for signs, two copies of a site plan, drawn to scale, showing (i) the actual slope and dimensions of the lot to be built upon, (ii) the exact size and location on the lot of all buildings proposed to be built on the lot and of any existing buildings or structures that shall remain, (iii) the existing and intended use of each building or part of the building, (iv) the number of families that the building is designed to accommodate, (v) the nature of the improvement, (vi) the estimated cost and the intended use or purpose to be made of the improvement and premises, (vii) the extent and location of any blasting required and the blaster's name and blaster's address and New York State license number, (viii) the distances between the buildings and structures and the lot lines and (ix) such other information with regard to the lot and neighboring lots that may be necessary to determine and provide for the enforcement of the, Uniform Code, the Energy Code and the Code of the Town of New Castle. One copy of such plan shall be returned to the owner, either in person or by mail, when such plans shall have been approved by the Building Inspector; and
- (7) All building permit applications for construction of any single building in excess of 20,000 square feet or construction within an MF Zone or for projects for which a special permit under § 60-430O(9) (MFDRD) has been issued by the Planning Board shall be accompanied by an affidavit by the owner that the services of a New York State licensed professional engineer or registered architect will be retained for regular and periodic inspections of construction.

Section 2. Chapter 48, Article II, Section 14 of the Code of the Town of New Castle, entitled “Time limitations” is hereby amended as follows:

§ 48-14. Time limitations.

- A. A building permit issued for other than a single-family residence shall be void if construction is not started within a period of 12 months and completed within a period of two years from the date of said permit. ~~or if the exterior of the building, including final grading in accordance with the approved plans, is not completed within a period of two years of the date of said permit.~~ A building permit issued for a single-family residence shall be void if construction is not started within a period of six months and completed within a period of 12 months from the date of said permit. ~~or if the exterior of the building, including final grading in accordance with the approved plans, is not completed within a period of 12 months of the date of said permit.~~ Upon completion of construction, an application for certificate of occupancy shall be made to the Building Inspector, in accordance with the provisions set forth in § 48-7.
- B. The Building Inspector may, if good and sufficient cause for delay is shown, grant one or more ~~an~~ extensions of a permit for a period not to exceed six months, ~~or of a permit for a single family residence for a period not to exceed three months, if good and sufficient cause for the delay is demonstrated and if he or she determines that the project will be prosecuted to completion with reasonable diligence;~~ and ~~the~~ The Building Inspector may attach such other terms and conditions to any extension or successive permit as he or she deems necessary and appropriate to further the purposes and intent of this chapter.
- C. ~~B. If the exterior of the building~~ All construction, including all interior and exterior construction, including and final grading in accordance with the approved plans, is not completed within said period and an application for certificate of occupancy made or if the building permit is not extended, the Building Inspector shall notify the owner, by registered mail, to complete or remove the incomplete structure and to remove all building equipment, building materials and other materials from the property so as to bring the property into compliance with § 60-420D(3) and all other applicable requirements of this chapter and the Code of the Town of New Castle. If the owner fails, refuses or neglects within a reasonable time after receipt of said notice to complete or remove the incomplete structure or the building equipment, building materials or other materials on the property, or to complete the final grading, the Town may do so, and the cost thereof shall be assessed against the property and added to the next Town tax bill. If a building permit shall expire, no new building permit shall be issued until the requirements of this section with respect to the building permit which has expired have been fully complied with. In addition to any other remedies available to the Town of New Castle, failure to comply with a notice to complete or remove a structure or to remove equipment and building materials, including final grading, shall constitute a separate offense for each day there is noncompliance with such an order.

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 48 of the Code of the Town of New Castle is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Numbering for Codification

It is the intention of the Town of New Castle and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of New Castle; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 5. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State and shall apply retroactively to any building permit issued prior thereto.