

TOWN OF FULTON
ORDINANCE NO. 3
ADOPTED BY TOWN BOARD AUGUST 10, 1987

SECTION I. TITLE

This Ordinance shall be known and may be cited as the Town of Fulton Housing, Manufactured Home and Building Ordinance.

SECTION II. PURPOSE

It is the purpose of this Ordinance to promote the health, safety, and general welfare of the inhabitants of the Town of Fulton by the proper regulation of all building construction, manufactured home erection and alteration of use of existing structures in the Town of Fulton.

SECTION III. DEFINITIONS

- A. The term “residence” or “dwelling unit” as used in this ordinance shall be defined as any structure used for human inhabitation and shelter, whether permanent or temporary.
- B. The term “manufacture home” as used in this ordinance shall be defined as a detached dwelling with some or all of the following characteristics:
 - 1. manufactured as a living unit intended for permanent occupancy and for installation on a site with or without a permanent foundation.
 - 2. Designed to be transported, after manufacture, on its own chassis and connected to utilities after placement on an approved foundation.
 - 3. Designed to be installed with only incidental unpacking and assembling operations.
- C. The term “accessory building” as used in this ordinance is a building defined as any structure not used for human inhabitation and shelter, whether permanent or temporary.
- D. The term “inspector” as used in this ordinance shall mean the duly designated town official responsible for enforcing this ordinance as prescribed herein and as directed by the Town Board.
- E. The term “person” as used in this ordinance shall mean an individual, association, partnership, or corporation.
- F. The term “permit” as used in this ordinance shall mean an authorized document issued for the purpose of showing intent of the applicant to comply with this ordinance.

- G. The term “alteration of use” as used in this ordinance shall mean the change of an accessory building, or conversion, to a residence or dwelling unit.
- H. The term “lot” as used in this ordinance shall mean a piece, parcel or plot of land separately recorded in the Schoharie County Clerk’s office, occupied or to be occupied by a principle building and its accessory building or buildings including the yards and other open spaces required by this ordinance.
- I. The term “Certificate of Compliance” shall mean an authorized document issued by the Inspector showing that the construction is in compliance with this ordinance and may be utilized.

SECTION IV. SCOPE

This Ordinance shall be enforced in conjunction with the Town of Fulton Local Law 2-86 which provides for the administration and enforcement of the New York State Fire Prevention and Building Code.

SECTION V. BUILDING PERMITS

- A. It shall be unlawful for any person to commence the excavation for or the construction of any building or structure, including accessory buildings, or the placement of manufactured homes, or the alteration of use of existing buildings until the Inspector has issued a permit for such work.
- B. An owner of land within the Town of Fulton who intends to construct a dwelling unit thereon for occupancy, may be granted a temporary permit to park or place a mobile home on said land during the construction of said dwelling unit for a period not to exceed one (1) year. However, no temporary permit shall be issued until and unless adequate provisions are made for water and sewage as set forth under Section VIII. No extension shall be granted except that the Town Board, after examination of the facts and after affording the applicant an opportunity to be heard and upon finding of hardship or extenuating circumstances may order the Inspector to grant a further extension of said permit for a period not to exceed one (1) year.
- C. A building permit shall become void after six (6) months from date of issuance unless substantial progress had been made since that date on the project described therein. The building permit may be renewed by the Inspector, for an additional six (6) months upon application without payment of an additional fee. A permit shall become void one (1) year after its original date of issuance.
- D. No building or structure or part thereof hereafter erected or undergoing alteration of use shall be used or occupied until the Inspector shall have issued a Certificate of Compliance.

SECTION VI. APPLICATION AND PROCESSING OF PERMITS

A. Application for the following permits shall be obtained from the Town Clerk for a fee as provided for on the application:

1. Application for Town Building Permit.
2. Schoharie County Department of Health application where applicable.

NOTE: In addition, applications for permits under the New York State Fire Prevention and Building Code will be processed in accordance with the Town of Fulton Law.

B. Applications number 1 and 2 above shall be made in writing. One copy of each will be signed by the property owner and include the following information:

1. The name and address of the applicant; if a corporation, the name and address of each officer and director; and if a partnership, the name and address of each partner.
2. A complete description and sketch of the premises upon which the structure is to be located, showing all boundaries thereof, existing structures thereon, and the proposed location of the new structure upon said premises.
3. The exact location and address of the property for which the permit will be issued, location to the nearest highway, and the TAX MAP account number.
4. A complete description of the following:
 - a. Driveway entrances
 - b. Method, plan, and location of sewage disposal system
 - c. Location and type of water supply system
 - d. Distances to boundaries, existing structures, water supply and sewage disposal system.

C. Make check for fee payable to the Town Clerk, Town of Fulton and send with both application forms (completed) to the Town Clerk, Town of Fulton.

D. The Town Clerk will forward them to the Inspector who will review them for compliance with this ordinance, and will forward the sewage disposal application, when applicable, to the Schoharie County Health Department.

E. When the Applicant is ready to have a percolation test, said applicant must notify the Schoharie County Department of Health and make arrangements for the test. Depending on the results of this test, the County Health Department will design a

plan for the sewage disposal system and furnish the applicant with this plan. The County Health Department will notify the Inspector that the applicant has permission to construct a sewage disposal system by furnishing him with a copy of said plan.

- F. The Inspector will, upon receipt of notification that the applicant has permission to construct a sewage disposal system, inspect the site for compliance with the requirements of this ordinance and other applicable laws (excluding Town Law concerning the New York State Fire Prevention and Building Code – see NOTE under SECTION VI.A.) and issue a Town Building Permit. If said application is disapproved by the inspector, the applicant may, within thirty (30) days, appeal to the Town Planning Board for review. The Planning Board must respond to said appeal within sixty (60) days. If unsatisfied with the Planning Board’s reply, the applicant may, within thirty (30) days appeal to the Town Board. The Town Board shall have sixty (60) days to respond to said appeal.
- G. If authority from Schoharie County Department of Health is not required, the Inspector will conduct site inspection within ten (10) days of receipt of application.
- H. The Inspector, when necessary, will notify in writing the Agency performing the inspections for the enforcement of the New York State Fire Prevention and Building Code, that local town ordinances have been complied with.

SECTION VII. INSPECTION

- A. Before the sewage disposal system is covered, the applicant shall notify the Schoharie County Department of Health who will return to inspect the system and issue a Certificate of Approval if the system is in accordance with their design for the applicant’s property. The Health Department will also provide the Inspector with a copy of the Certificate.
- B. The applicant will, after compliance with the provisions of this ordinance and any other town laws (excluding Town of Fulton Law covering the New York State Fire Prevention and Building Code) complete the statement of compliance found in part of the Town Building permit application and submit same to the Inspector.
- C. The Inspector will, within ten (10) days after receipt of the statement of compliance, inspect the premises for compliance.
 - 1. If not in compliance, the Inspector shall inform the applicant in writing of the changes or additions necessary to effect such compliance.
 - 2. If structure is in compliance with the provisions of this ordinance, the Inspector will issue a Certificate of Compliance for the structure.

3. The Inspector will provide the Town of Fulton Assessor with a copy of the Certificate of Compliance.

SECTION VIII. BUILDING SITE REQUIREMENTS

- A. The following regulations pertain to dwelling units, manufactured homes and accessory buildings and structures:
 1. No dwellings, manufactured homes, or accessory buildings and structures shall be constructed or placed upon a site having an area of less than forty-three thousand five hundred sixty (43,560) square feet (one acre).
 2. No dwelling unit, manufactured home, accessory building or structures of additions thereto shall be located closer to any street or road than forty (40) feet (measured horizontally) from the edge of the right-of-way of said street or road; nor closer to the sides or rear property boundary lines than twenty-five (25) feet (measured horizontally).
 3. Only one (1) residence, dwelling unit or manufactured home shall be constructed per site.
 4. All lands used for dwelling units or manufactured homes shall have an adequate, well drained entrance in accordance with regulations of the applicable highway department of jurisdiction.
 5. An on-site supply of potable drinking water, as specified by the New York State Department of Health, shall be provided for each dwelling or manufactured home.
 6. No dwelling unit or manufactured home shall be erected in the Town of Fulton without a proper sewage disposal system approved by the Schoharie County Department of Health.
 7. A dwelling unit or manufactured home shall be supported on a concrete slab, bedrock, or piers. Masonry piers shall extend a minimum of forty (40) inches below ground level and shall be spaced a minimum of every eight (8) feet under the structure. All manufactured homes shall be tied down in accordance with New York State Laws.
 8. Within one (1) year from the time the structure is situated on its required supports, the space between the underside of the structure and the ground shall be completely enclosed by skirting, well constructed, of fire-retarding material. No gas cylinders shall be located beneath any structure. All piping from fuel storage tanks or cylinders shall be permanently installed and fastened in place.

SECTION IX. APPLICABILITY OF ORDINANCE TO EXISTING DWELLINGS, ACCESSORY BUILDINGS AND MANUFACTURED HOMES

- A. If an existing building, or manufactured home is destroyed by fire, explosion, Act of God or any other means, a building permit shall be obtained for reconstruction. If reconstruction is to occur on the original foundation, a permit shall be granted and no variance is necessary; otherwise, reconstruction shall be accordance with this ordinance and any other applicable laws. Where compliance is not feasible, a variance must be applied for by owner as stated in Section XVI.
- B. Any additions to existing building or structures shall require a permit and shall be in accordance with this ordinance.

SECTION X. CHANGE OF OWNERSHIP OF UNCOMPLETED STRUCTURES OR MANUFACTURED HOMES

If an uncompleted structure changes ownership before final approval by the Inspector, the new owner must obtain a building permit and complete the structure in compliance with this ordinance. In the event that a manufactured home is removed from a home site, the site must be reapproved by the Inspector prior to the moving in of a different manufactured home or the construction of a dwelling unit on that site.

SECTION XI. EXCEPTIONS

- A. Camping trailers, tents, or other recreational or temporary living quarters will be allowed for the purposes of camping for temporary periods, not to exceed three (3) months per calendar year, and must have access to approved sanitary facilities. All camping trailers, tents or other recreational or temporary living quarters allowed under this section must be removed from the premises at the end of three (3) month period, except that legally registered recreational vehicles may be stored upon the premises if a permanent dwelling exists on the lot. Regulations concerning mobile home parks and travel trailer parks are provided for in Ordinance No. 4 Mobile Home Parks and Travel Trailer/Tent Parks.
- B. Any building not used for human inhabitation which is less than One hundred forty (140) square feet in area and which meets the set back requirements as set forth in this Ordinance shall not require a Town of Fulton building permit.

SECTION XII. ENFORCEMENT

The provisions of the Ordinance shall be administered and enforced by the Inspector appointed by the Town Board and he shall have the power to make inspections of buildings and premises necessary to carry out his duties in the enforcement of this Ordinance.

SECTION XIII. VIOLATIONS

Any violator of this Ordinance shall be notified by Certified mail by the Clerk of the Planning Board and given thirty (30) days to correct the violation. After thirty (30) days if the violation has not been corrected, the Clerk shall give a final notice by certified mail to the violator stating the date, time and place that the violator shall appear in front of the Town Planning Board of the Town of Fulton to state any and all reasons for the noncompliance with this Ordinance. If after thirty (30) days of said meeting, the owner is still in violation, the violation will be turned over to the Town Court of the Town of Fulton for processing.

SECTION XIV. PENALTIES

Any violation of this Ordinance is hereby declared to be an offense and shall render the owner or owners of the land, the tenant thereof, or any other person guilty of a violation liable to a fine of not more than fifty (50) dollars or to imprisonment for a period of not more than fifteen (15) days or both. Each week such violation is continued shall constitute a separate offense. In addition to the above penalties, the Town Board may also maintain an action or proceeding in the name of the Town of Fulton in a court of competent jurisdiction to compel compliance with or to restrain the violation of the Ordinance.

SECTION XV. SEPARATE VALIDITY

If any section, clause, sentence, paragraph, or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, said judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgement shall have been rendered.

All ordinances, laws or regulations heretofor adopted which are in conflict with this Ordinance are hereby repealed.

SECTION XVI. VARIANCES

Any variance to these regulation must be applied for in writing to the Town of Fulton Planning Board and approved by the Town Board of the Town of Fulton. The Town Board shall have ninety (90) days from the date of receipt of application for variance by the Town Planning Board to respond to said variance request.