

TOWN OF SHARON

PART I – BUILDING AND SANITARY REGULATIONS

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ARTICLE I – ENACTMENT AND APPLICABILITY

Section 1 - Enactment

- A. The Town Board of the Town of Sharon in the County of Schoharie, New York, does hereby ordain and enact the Town of Sharon Building and Sanitary Regulations under and pursuant to the Municipal Home Rule Law and in accord with Town Law, Section 130.

Section 2 - Title

- A. These Regulations shall be known and may be cited as the "TOWN OF SHARON BUILDING AND SANITARY REGULATIONS".

Section 3 - Purpose

- A. The purpose of these regulations is to provide basic and uniform standards governing the condition and maintenance of existing structures and uses and the construction and installation of new structures and facilities in order to establish reasonable safeguards for the safety, health and general well-being of the occupants and users thereof, and for the residents of the Town of Sharon.

Section 4 - Scope

- A. These Regulations shall apply to the maintenance of existing and future buildings, structures and systems and to the construction, installation or structural alteration of any building, structure or appurtenant system as herein provided for in the Town of Sharon.

Section 5 - Definitions

- A. Terms and words used herein are defined in Appendix 'C' of this Code which is hereby made a part of these Regulations.

ARTICLE II – MAINTENANCE & CONSTRUCTION REQUIREMENTS

Section 6 - Applicable Requirements of Other Jurisdictions

- A. All applicable provisions of the Multiple Residence Law of the State of New York as set forth in Chapter 61-b of the Consolidated Laws shall be complied with for structures constructed prior to 1984. Those constructed after 1984 shall comply with the New York State Uniform Fire Prevention Building Code.
- B. All applicable provisions of the State Code for the Construction and Installation of Mobile Homes and Standards, Rules and Regulations for Mobile Homes as set forth in Volume 9 Executive (B) of the Official Compilation of Codes, Rules and Regulations of the State of New York Shall be complied with.
- C. All applicable provisions of the New York State Public Health Law, New York State Sanitary Code and the Schoharie County Sanitary Code as administered by the New York State or Schoharie County Departments of Health shall be complied with.
- D. In the instance of any determination with respect to any performance standard, condition or criteria identified in these Regulations those specifications and guidelines set forth in the "New York State Building Construction Code Manual" and its accompanying list of "Generally Accepted Standards" may be referred to by the Enforcement Officer in making any such determination.

Section 7 - Maintenance of Existing Structures and Installations

- A. Any parcel of land, building, structure, appurtenant system or facility within the Town shall be maintained and used in a state and manner conducive to the health, well-being, economic stability and good appearance of the community and consistent with the objectives as set forth in the Town Plan.
- B. All buildings shall be maintained so that adequate protection from the elements is provided and so that all structural members are protected from unnecessary deterioration.
- C. All building and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject without unsafe deformation or movement of the building or any structural part.

- D. Siding, roofing, chimneys, window and door frames, porches and steps will be maintained in an adequate state of repair so as not to be hazardous.
- E. It shall be prohibited to accumulate or store any highly flammable or explosive matter or refuse liable to spontaneous combustion within the habitable area of any dwelling unit or in any location that would pose a threat to the safety of the occupants thereof.
- F. Yard and driveway areas shall be kept free of physical hazards including accumulations of plant growth which are noxious, create a hazard to visibility or are detrimental to health or safety.
- G. Steps, walkways, driveways and parking areas shall be maintained in good repair and so as to afford safe passage under normal use and weather conditions.
- H. Fences and other minor constructions shall be maintained in a safe and substantial condition. Residential fences shall be no closer than twenty four (24) inches from the property line. If both sides of the fence are not alike, the more attractive side shall be toward the neighbor.
- I. No stagnant pool, pond or other collection of water shall be permitted in a location or of a nature where it poses a threat to the safety and well-being of residents, and particularly the youth, of the community.
- J. All existing water supply and sanitary sewage disposal systems shall be maintained in a sanitary and operable condition and shall not pose a threat to the health and well-being of any user thereof or to the community. Any such water supply system found to be contaminated or sewage disposal system found to be inoperable or otherwise posing a threat to the public health or a contamination hazard shall be improved according to the applicable standards elsewhere set forth in these Regulations.
- K. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse, and further, all disposal practices will conform to Part I, Article II, Section 12 of these Regulations.
- L. Any unsafe or hazardous building, structure or installation including any dilapidated dwelling unit no longer suitable for human habitation shall be improved to a satisfactory condition or be demolished and/or removed in accord with the process stipulated in Part I, Article III, Section 15 of these Regulations.

Section 8 - Construction and Site Improvement Considerations

- A. Foundations, walls and floors shall be constructed so as to be structurally sound and shall be treated so as to preclude the penetration of ground and surface water so far as is practical.

- B. Exterior walls and roofing shall be constructed of materials and in such manner so as to prevent leakage into the building and deterioration due to the elements.
- C. In one- and two- family dwellings, in addition to a primary exit from the building, there shall be constructed a secondary exit for each dwelling unit, or, in lieu thereof, one or more exit openings for emergency use. In multiple dwellings, approved exits shall be provided for each dwelling unit.
- D. In buildings constructed for the purpose of mixed occupancy, nonresidential space shall be separated from residential space by approved fire separations of a minimum one (1) hour fire resistance rating which will retard the spread of fire.
- E. Garages, or other accessory uses in or attached to a residential building, shall be separated from habitable residential space in the building by approved fire separations of a minimum one(1) hour fire-resistance rating which will retard the spread of fire and prevent flammable or toxic vapors originating within from being transmitted to habitable portions of the building.
- F. Plumbing, heating, electrical, ventilating, refrigeration, cooling and other mechanical additions, installation or systems shall be located and installed so that such equipment will not constitute a threat to one's health or well-being or a danger because of structural defects or threat of ignition and will not create excessive noise or otherwise become a nuisance.
- G. Chimneys, flues, gas vents and their supports shall be designed and installed so as to be structurally safe, durable, smoke-tight and non-combustible.
- H. Electrical wiring and equipment shall be designed and installed in conformity with the accepted standards of an approved rating organization and in compliance with the regulations of the connecting utility companies, so as not to be a potential source of ignition or hazard.
- I. No on-site surface or ground water drainage system in connection with the construction or alteration of any building, structure or natural land form shall be located or constructed in such a manner as to intensify run-off in an unacceptable manner, pollute, or cause erosion on adjoining properties. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. Surface drainage shall be conveyed to an existing system of storm water disposal where available and all surface drainage shall be designed so as not to discharge onto walkways, the street or adjacent property in such a manner as to create a nuisance or hazard.
- J. Any person who shall construct, create or install an entrance, road, drive or similar entryway to a public highway in the Town shall first obtain authorization of the proper authority having jurisdiction thereof. Before issuance of any Permit, the

Enforcement Officer or proper highway authority shall determine the requirements for proper flow of surface drainage and whether the proposed provision therefore is adequate. Where required by the Enforcement Officer, a corrugated metal or reinforced concrete conduit of a length and diameter as may be necessary, but at least a minimum of twelve (12) inches in diameter and twenty (20) feet in length, to adequately accommodate surface run-off along such public roadway shall be installed at the applicant's expense so as to insure the unimpeded flow of surface drainage through such entryway.

- K. No building, structure or installation shall be so located or constructed as to alter the shoreline of any perennial or intermittent stream in the Town without a Permit therefore; before the issuance of which any State or County requirements shall be fulfilled.
- L. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. Surface drainage shall be conveyed to an existing system of storm water disposal where available. Surface drainage shall not discharge onto walkways, the street of adjacent property in such a manner as to create a nuisance or hazard.

Section 9 - Flood Hazard Area Requirements

- A. Flood hazard areas shall be as delineated on the Town Zoning Map and denoted "F-H Flood Hazard (Overlay)".
- B. All proposed building construction, installation of equipment or utilities, or alteration of any shoreline or major land form in the Town will be reviewed to determine that such undertaking is consistent with the objectives of these Regulations, the proper management of the flood hazard areas, and any flood plain management programs affecting the Town. No such activity will be permitted, except in such manner and according to such restrictions as may be reasonably necessary, where it would have a deleterious affect on the proper management of any flood hazard area in the Town or be otherwise contrary to standards established in these Regulations.
- C. No building, structure, installation, construction or alteration of any shoreline or major land form will be located or initiated in any area of the Town in such manner as to jeopardize the safety, health or welfare of the occupants or users thereof.
- D. No building, structure, installation, construction or alteration of the shoreline or major land form in any area of the Town shall be so located or constructed as to interfere with or diminish the effective carrying capacity, increase flood-stage elevation or flood velocities of any stream or its related floodway in the Town.
- E. All building construction, equipment location and utility installations in any area of the Town designated as a flood hazard area shall be flood-resistant; and further, all

construction methods and practices connected with the location, building, or installation of the same will be carried out in such manner as to minimize potential flood damage.

- F. Any new or replacement water supply or sanitary sewage disposal system located in any area of the Town designated as a flood hazard area shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters. All such systems shall be located and constructed as to avoid their impairment, contamination to them, or contamination of any flood waters.
- G. All subdivisions or other major developments shall be reviewed to determine that they are consistent with the purpose and intent of these Regulations, the proper management of the flood hazard areas in the Town and any floodplain management programs affecting the Town. In particular, all public facilities and utilities such as sewer, gas, electrical or water systems shall be so located, elevated and constructed as to minimize or eliminate flood damage and all storm water run-offs, surface and building drainage will be so designed as to minimize its affect on the flooding potential and its exposure to flood hazard.
- H. All new or expanded building construction, equipment location and utility installation in any area of the Town designated as a flood hazard area shall be so designed and anchored as to prevent the flotation, collapse or lateral movement of same, or any portion thereof, due to flooding.
- I. All applications for building construction or installation of equipment or utilities in any flood hazard area shall be accompanied by appropriate certification prepared by a licensed professional engineer that the proposal is consistent with the performance standards of these Regulations and that, in particular, the following measures are adequately provided for in relation to the site and a potential 100-year flood:
 - 1. Anchorage is sufficient to resist flotation and lateral movement.
 - 2. Reinforcement of walls and provision for relieving hydrostatic water pressure on external walls and basement floors is sufficient to resist water pressures.
 - 3. Installation of any pumps to lower water levels in the structure and the absence of gravity flow drains have been adequately considered.
 - 4. Elevation of the lowest floor for all structures and their service equipment is at least one (1) foot above the 100-year flood level, as such level has been established.
- J. The Town may, where its deems it advisable, request that any or all of the pertinent requirements and standards for flood-proofing as set forth in the manual entitled "Flood-Proofing Regulations", prepared by the Office of the Chief of Engineers, U.S.

Army and dated June, 1972, be established as a guide in any proposal for building construction, equipment location or utility installation and that compliance to such standards be certified by a licensed professional engineer.

Section 10 - Water Supply

- A. Potable water from an approved source shall be available at all times in all residential buildings and dwelling units and in public buildings in which plumbing fixtures are installed. Water supply systems shall be installed and maintained so as to provide a supply of water to plumbing fixtures and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
- B. Connection shall be made to the public water supply system for all new construction within 500 feet of any existing or future Town water district, of where such can be reasonably extended or expanded to serve the proposed use, in every building in which plumbing fixtures are installed. Such connections shall be at the applicant's expense, according to the requirements of these Regulations and at the direction of the Enforcement Officer.
- C. Where an individual water supply system is necessary, it shall be so located constructed and maintained as to insure an adequate supply of potable water at all times and to preclude, so far as possible, any likely contamination.
- D. In particular, any individual water supply system shall be located at least one hundred (100) feet distant from any tile field, one hundred fifty (150) feet from any seepage pit, fifty (50) feet from any septic tank, twenty-five (25) feet from any highway right-of-way or open ditch or natural drainage way, and five (5) feet from any lot line other than a highway right-of-way.
- E. Any well casing shall be made of new wrought iron or steel well casing pipe which complies with Rural water supply standards set forth by the New York State Department of Health.
- F. The top of any well casing shall terminate not less that eighteen (18) inches above finished grade level or any pump house floor, which floor shall be appropriately drained, except that any such casing shall but not less than two (2) feet above any established 100-year flood stage elevation.
- G. Construction of the well shall seal off, insofar as is practicable, water-bearing formations that are or may be polluted. No unsealed opening shall be permitted to exist around the well. Cement grouting between the well casing and the drill hole to a proper depth to insure against contamination shall be installed.
- H. Before being put into use, the well shall be tested for yield and drawdown for at least four (4) hours duration after stabilization. The test pump shall have a capacity at least

equal to the pumping rate at which it is expected, the well will be pumped during its usage. The test pump shall be installed to operate continuously until the water level has stabilized and, at this point, the yield and drawdown determined. Periodic water level observations shall be made during the drawdown and subsequent recovery periods.

The minimum approvable individual well yield with a suitably sized hydro pneumatic tank is five (5) gallons per minute. If the average yield is less than five (5) gallons per minute, a holding tank (capacity equal to one day's use) with resuming and a hydro-pneumatic tank is necessary for individual water supply development. Wells with a yield less than two (2) gallons per minute are generally considered unacceptable. A completed well/log shall be submitted by the applicant to the CEO on the form prescribed by the Schoharie County Health Department.

- I. The well shall be pumped until clear and then properly disinfected after which the well water shall be tested for purity and certified potable before its connection to the plumbing system.
- J. Temporary capping of the well until the pumping equipment is installed shall be such that no pollutant can enter the well.
- K. Pump and pumping equipment shall be of a type and so installed as to allow for the proper and sanitary operation of the water supply system.
- L. An abandoned well shall be appropriately filled and sealed in such a manner as to avoid accidents and to prevent it from acting as a channel for pollution of water-bearing formations.

Section 11 - Sanitary Sewage Disposal

- A. Plumbing fixtures shall be drained to a sanitary sewage system and such system shall be connected to a public sewer or to an adequate and approved private system of sewage disposal.
- B. Connection shall be made to the public sewage disposal system for all new construction within 500 feet of any existing or future Town sewer district, or where such can be reasonably extended for expanded to serve the proposed use, in every building in which plumbing fixtures designed to receive sanitary wastes are installed. Such connections shall be at the applicant's expense, according to the requirements of these Regulations and at the direction of the Enforcement Officer.
- C. Where an individual sewage disposal system is necessary, it shall be so located and installed as to insure the reception and disposal of sewage and other waste without creating a health hazard or nuisance resulting in obnoxious odors or unsightliness,

and shall further not be discharged into or on the ground or any waterway until first subjected to treatment in conformity with the requirements set forth in this Section.

D. In particular, any individual sewage disposal system shall be preceded by an investigation of the site, including soil and subsurface conditions, which investigation will be conducted prior to the installation of any individual sewage disposal system. Such inspection shall determine that:

1. Site conditions are such as to provide adequate drainage of surface water.
2. Subsurface conditions are such as to permit the proper installation of any required tile field or seepage pit at least two (2) feet above ground water (at its seasonal high), four (4) feet above solid rock formations and five (5) feet above limestone formations.
3. Stabilized percolation rates of less than sixty (60) minutes and greater than one (1) minute can be expected in the area where the proposed disposal system is to be located. The procedure in the conduct of a percolation test may use the New York State Health Department "Standards for Waste Treatment Works" as a guide and shall include the following minimum requirements:
 - a. At least two (2) tests will be made in separate test holes located in the area in which the sewage disposal system is proposed to be situated.
 - b. The depth of the test hole shall be approximately six (6) inches below the depth of the tile field trench and the test hole shall be approximately eight (8) inches in diameter or twelve (12) inches square.
 - c. The test hole shall be appropriately presoaked and consecutive tests made until a stabilized rate of percolation is obtained.
4. There is at least four (4) feet of soil above solid rock formations in the area where both an individual water supply and sewage disposal system are proposed.

E. An individual sewage disposal system may use the New York State Health Department "Standards for Waste Treatment Works" as a guide and shall be designed, located and installed according to the following minimum requirements:

1. Only wastes from plumbing fixtures shall be connected to the sewage disposal system. Surface and subsurface water, including roof, cellar, yard or road run-off; shall not only be excluded from the disposal system, but shall be disposed of so they in no way affect the system.
2. Septic tanks must be water tight and of one piece construction The tanks must be constructed of durable materials, preferably precast concrete, not subject to excessive corrosion, decay, frost damage or cracking, and shall have a minimum

liquid depth of thirty (30) inches. In addition, the top of the tank shall be below finished grade with a suitable soil cover and be provided with a suitable manhole; precast tanks shall be placed on a bedding of sand or gravel for proper bearing; and septic tank capacities, in liquid gallons, shall correspond to the following table:

a. One-, Two-Family Dwelling Units:

No. of Bedrooms	Size of Tank
1 to 3	1,000 gallons
4	1,250 gallons
5	1,500 gallons
6	1,750 gallons

NOTE: A garbage grinder shall be considered equivalent to an additional bedroom for determining tank size.

b. Multiple-Family, Commercial and Institutional Uses:

Design Flow (gallons per day)	Size of Tank
0-750	750 gallons
750-1,500	Equal to entire Daily Flow
1,500-4,000	Equal to Three-fourths(3/4) Entire Daily Flow
4,000 plus	Equal to One-half (1/2) Entire Daily Flow

3. The portion of the sewer extending through the outer foundation wall shall be constructed of a minimum of four (4) inch diameter tight-jointed pipe made of cast iron or Schedule 40 PVC. Inside the foundation wall, the approved section may be connected to a copper, plastic or other approved pipe material. Outside the foundation wall, the approved section may be connected to a bituminous fiber or other approved pipe material laid on a firm foundation at a minimum grade of one-quarter (1/4) inch per foot without any bends exceeding forty-five degrees. Where any bend occurs a removal plug will be provided.
4. Tile fields shall not be constructed under driveways and shall be located at least one hundred (100) feet from any source of water supply, twenty (20) feet from the foundation walls and ten (10) feet from any lot line other than a highway right-of-way, except where watershed regulations may specify otherwise.
5. No on-site sewage drainage or tile field or seepage pit shall be located within one hundred (100) feet from any shoreline or within twenty-five (25) feet of any

highway right-of-way or any open ditch or natural drainage way and no septic or other holding tank shall be located within fifty (50) feet of any shoreline.

6. In addition, tile fields shall:
 - a. be constructed in accord with the dimensions and contour of the lot;
 - b. generally have no trenches in excess of sixty (60) feet and where more than one trench is required, they shall be approximately equal in length;
 - c. be connected to the septic tank outlet or distribution box with open jointed tile or perforated pipe on a bed of crushed stone or washed gravel at least six (6) inches in depth and at a grade not greater than one sixteenth (1/16) inch per foot nor less than one thirty-second (1/32) inch per foot;
 - d. be covered with six (6) inches of crushed stone and a suitable membrane to keep out the earth backfill.
7. All individual tile fields shall be designed to accommodate the estimated flow in gallons per day according to the following:
 - a. One-, Two-Family dwelling Units - Seventy-five (75) gallons per person per day or one hundred fifty (150) gallons per bedroom per day, which ever shall provide for the greater capacity. Allowances for water saving fixtures can be made, per Appendix 75-A of Part 75 of the Administrative Rules and Regulations contained in Chapter II of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.
 - b. Multi-family, Commercial and Institutional Uses - as Follows:

<i>Use</i>	<i>Gallons Per Person Per Day</i>
Multiple Family Dwelling	75
Boarding/Rooming House	75
Hotel/Motel	75
Restaurant	10
Retail Store/Office	400 gallons per toilet room
Places of Employment	Per Employee 25

In addition, the New York State Department of Environmental Conservation handbook "Standards for Waste Treatment Works" for Institutional and Commercial Sewerage Facilities may be used as a guide for these or other types of uses not identified here.

Tile Field Upgrade

Percolation 600gpd	Trench	300 gpd	300-450	450-600	
Minutes	or more	Width	or less	gpd	gpd
5-10	24"	59'	88'	118'	196'
11-15	24"	77'	116'	154'	256'
16-20	24"	100'	150'	200'	333'
21-30	24"	125'	188'	250'	417'
31-45	24"	167'	250'	334'	555'
*46-60	24"	250'	375'	500'	834'

** If tests are above 45 minutes and alternative system shall be designed by a Design Professional or the Schoharie County Health Department.*

F. Repair an existing septic system. When it is necessary to repair an existing septic system, an effort shall be made to upgrade the system to conform as nearly as practicable to the afore-mentioned standards.

Section 12 - Refuse Disposal

A. No person shall use any of the lands within the Town of Sharon as a dump, disposal or collection area or sanitary landfill, nor shall any person throw, dump, deposit or place on such lands or cause to be thrown, dumped, deposited or placed on such lands any waste material or rubbish, litter or any nauseous or offensive matter, nor dispose or attempt to dispose of any such materials or substance by burying the same on such lands, or burning or incinerating the same on such lands, except at such location and in such manner as established by the Town.

B. No person shall deposit or cause to be deposited any substance of any kind on premises established as a public disposal or collection area or sanitary landfill in the Town except of the type, at the places and in the manner described by the person in charge of the premises, if such a person be so designated, under the authority of the Town Board, The New York State Department of Environmental Conservation or by a sign or signs erected upon the premises by the authority of the Town Board or the New York State Department of Environmental Conservation.

C. No person shall deposit or cause to be deposited on premises established as a public disposal or collection area or sanitary landfill in the Town any substance of any kind which originally was collected from outside of the Town of Sharon except after application for and issuance of a Permit.

deposited or cause to be deposited any substance of any kind on the premises established as a public disposal or collection area or sanitary landfill in the Town, except as by agreement with the Town after application for and issuance of a Permit.

- E. Any incineration or burning of refuse of any kind shall take place only in compliance with applicable State or County requirements therefore.
- F. This Section shall not prohibit or restrict the spread of manure as part of a normal farm operation otherwise in compliance with any State and County regulations, but shall preclude and prohibit the storage or stockpiling, under normal conditions, of such animal wastes within three hundred (300) feet of any residential dwelling unit or principal structure which is not part of the farm operation. Also, no manure shall be spread or dumped in any sinkhole.
- G. This Section shall not prohibit the burying of dead farm or domestic animals previously kept on the premises on private property so long as such does not pose a threat to the health and well-being of adjoining land owners or the community, and is in accordance with New York State Department of Agriculture and Markets Law. Also, no dead farm or domestic animal shall be placed in any sinkhole in the Town of Sharon.
- H. No person at any time shall dump or cause to be dumped or thrown in any sinkhole, any waste material or rubbish, litter or any nauseous or offensive matter, in the Town of Sharon

ARTICLE III - ADMINISTRATION AND ENFORCEMENT

Section 13 - Building Permit

- A. Permit Required - No building or structure shall be erected or relocated, no site improvements made or water or sewer system installed and no change to the structural members or exterior dimensions of an existing building or structure shall be undertaken until a Building Permit therefore has been issued by the Enforcement Officer.
- B. Application - There shall be submitted with all applications for a Building Permit two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of any existing and proposed building and accessory buildings to be erected, the location and size of water and sewer systems and such other information as may be necessary to determine and provide for the enforcement of these Regulations. An application for a Certificate of such application to be valid for the duration of the Permit.

- C. Notification of Determination - The Enforcement Officer shall issue or refuse to issue the applied for Building Permit, or advise the applicant of any required additional information or referral required within ten (10) days of receipt of the application. Notice of refusal to issue any Permit shall be given to the applicant in writing and shall state the reasons for said refusal. Approval of the application shall be indicated by issuance of the Permit, subject to the payment of such fee as may have been established by the Town Board.
- D. Duration of Validity - A Building Permit issued under these Regulations shall be valid for a period of one (1) year from the date of issuance and shall thereafter be deemed null and void; except when application is made to the Board of Appeals for an extension of validity and the Board authorizes such extension as it may determine appropriate.
- E. Invalid Permit - No Permit authorized or granted by any official of the Town in contradiction to the provisions of these Regulations shall vest any rights of interest to the Permit holder irrespective of any action taken or obligation incurred in reliance on such Permit, nor shall the Town be liable for same, under any such invalidly issued Permit.
- F. Liability - Nothing in these Regulations, including the issuance of a Building Permit and Certificate of Compliance shall be constructed to insure or in any way guarantee any building, structure or installation against defect, failure or other shortcoming and the Town shall not be liable for the same.

Section 14 - Certificate of Compliance

- A. Certificate Required - No building hereafter erected, altered or extended or site improvements made shall be used and no water supply or sewage disposal system installed in such manner as to require a Permit shall be covered over or put into operation until a Certificate of Compliance shall have been issued by the Enforcement Officer.
- B. Application - Application for a Certificate of Compliance shall be made coincidental with any application for a Land Use Permit. Such Application shall be valid for the duration of the validity of the Permit.
- C. Notification of Determination - The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a Certificate of Compliance is required before issuing such Certificate. Such Inspection shall be made within ten (10) days from the date of notification of project completion. A Certificate of Compliance shall be issued only if the proposed use and construction of the building

system or land conforms to the provisions for these Regulations and the plan, purpose and description for which the Land Use Permit was issued. Issuance of the Certificate or written notification of refusal to issue the same and the reasons therefore are to be accomplished within fifteen (15) days from the date of notification of project completion.

Section 15 - Unsafe Structures and Equipment

- A. Purpose - Unsafe structures pose a threat to life and property in the Town of Sharon. Buildings and structures may become unsafe by reason of damage by fire, the elements, neglect, age or general deterioration. Vacant buildings not properly secured by doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as point of congregation by vagrants and transients. A dilapidated building or structure may also serve as a place of rodent infestation thereby creating a health menace to the community. It is the purpose of this local law to provide for the safety, health, protection, and general welfare of persons and property in the Town of Sharon by requiring such unsafe buildings be repaired or demolished and removed.
- B. Definition - Structure means any building, structures or portion thereof used, now or formally, for residential, business or industrial purpose. Code Enforcement Officer means the Code Enforcement Officer of the Town of Sharon or such other person appointed by the Town Board to enforce the provision of this local law. Unsafe structure shall mean: 1. any structure that is dangerous to the life, health, property or safety of the public or its occupants because it does not contain minimum safeguards to protect or warn occupants in the event of a fire; 2. contains unsafe equipment, or 3. is so damaged, decayed, dilapidated, structurally unsafe or of such other faulty construction or unstable foundation that partial or complete collapse is possible as the same is more fully defined in the Property Management sections of the Uniform Fire Prevention and Building Code.
- C. Investigation and Report - When in his own opinion or based upon report of a qualified expert or upon receipt of other competent information that a building; 1. Is or may become dangerous or unsafe to the general public; 2. Is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers, 3. Is or may become a place of rodent infestation, 4. Presents a danger to the health, safety, morals and general welfare of the public, or 5. is unfit for the purpose for which it may lawfully be used, the Code Enforcement Officer shall cause or make an inspection thereof and report in writing to the Town Board his findings and recommendations in regards to repair or demolition and removal.
- D. Town Board Order - The Town Board shall thereafter consider such report, and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can safely be repaired or its

demolition and removal, and further order that a notice be served upon the person or persons and in the manner provided herein.

- E. Notice; Contents - The notice shall contain the following: (1) a description of the premises based on the tax parcel identification, (2) a statement of the particulars in which the building is unsafe or dangerous, (3) an order outlining the manner in which the building is to be made safe and secure, or demolished and removed, (4) a statement that the securing or removal of said building commence within (30) days after the service of the notice and shall be completed within (60) days thereafter, unless for good cause shown such time shall be extended, (5) a date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of the service of the notice and (6) a statement that in the event of neglect or refusal to comply with the order to secure or demolish and removed the building, the Town Board is authorized to provide for its demolition and removal and to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition and removal including legal expenses.
- F. Service of Notice – The said notice shall be served (1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes (or tax collector) or of the county clerk; or if no such person can be reasonably found by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above records and (2) by personal service of a person can be reasonably found and (3) by securely affixing a copy of such notice upon the unsafe building. Said notice shall be delivered by the Code Enforcement Officer or his designee.
- G. Recording Notice – A copy of the notice served as provided herein shall be filed in the Office of the County Clerk of the County of Schoharie.
- H. Refusal to Comply – In the event of the failure, refusal or neglect of the person so notified to comply with said order of the Town Board after the hearing, the Town Board shall provide for the demolition or removal of such building or structure by town employees or contract. Except in the case of an emergency demolition as provided in paragraph “J” of this section, the Town shall award all contracts in compliance with competitive bidding.
- I. Assessment of Expenses – All expenses incurred by the Town in connection with the proceedings to repair and secure and demolish and remove the unsafe building, including the cost of actually removing such building shall be assess against the land on which such building is located and shall be levied and collected in the same manner as provided in article fifteen of the Town Law for the levy and collection of a special ad valorem levy.

- J. Emergency Cases – Where it reasonably appears that there is present clear and imminent danger to the life, safety or health of any person or property, if an unsafe building is not immediately repaired or secured or demolished, the Town Board may by resolution authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in section “I” thereof.

Section 16 - Amendments

- A. The Town Board may on its own motion, on petition, or on recommendation of the Planning Board or Board of Appeals, after public notice and hearing, amend, supplement, repeal or change these Regulations pursuant to law.
- B. All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within fifteen (15) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
- C. Before any amendment, supplement or change in the Regulations, there shall be a public notice and hearing thereon as provided by law.
- D. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend these Regulations.

Section 17 - Public Hearings

- A. A public hearing shall be required prior to action on any amendment, formal interpretation or variance considered under these Regulations.
- B. The Town Board shall hold any public hearing in consideration of an amendment to these Regulations, in accordance with the requirements of law.
- C. The Board of Appeals shall hold any public hearing in consideration of a request for an interpretation or variance.
- D. Public notice of any required public hearing will be advertised in a newspaper of general circulation in the Town at least ten (10) days prior to the date of such hearing and shall specify the date, time, place and purpose of such hearing.
- E. The hearing shall be conducted in accord with the guidelines established by the presiding officer. Any person or party of interest may appear in person or by agent or attorney and shall be given an opportunity to be heard as it is relevant to the proceeding.

Section 18 - Required Referrals

- A. Whenever any amendment or variance would change the regulation applying to real property within a distance of five hundred (500) feet from any boundary line of a neighboring municipality or within five hundred (500) feet of any County or State property or right-of-way, said proposed variance or amendment shall be referred to the Schoharie County Planning agency, which agency shall have thirty (30) days in which to report its recommendations to the Board from which it was referred. Failure of the Schoharie County Planning agency to report within thirty (30) days may be construed to be approval by the agency. Notification of action taken on any matter previously referred to the Schoharie County Planning agency will be given within seven (7) days of such action.

Section 19 - Enforcement; Violation; Appeal

- A. Enforcement - These Regulations shall be enforced by a person designated by the Town Board and herein called the "Enforcement Officer", who shall in no case grant any Permit or Certificate of Compliance for any building, structure or alteration of land where the proposed erection, alteration, relocation, placement or use thereof would be in violation of any provision of these Regulations. The Enforcement Officer shall make such inspections as are necessary to carry out his duties.
- B. Citizen Complaint - Any resident, property owner or other persons of legitimate interest may file with the Enforcement Officer a written and signed complaint against any alleged violation of these Regulations. It shall be the duty of the Enforcement Officer to investigate such alleged violation and to report thereon to the Town Board in a timely manner, which report shall be filed and be part of the public record of the Town. The citizen who filed the complaint shall receive a written response within sixty-two (62) days of the Enforcement Officer's receipt of the complaint.
- C. Notification and Correction -
 - 1. Violations: Upon determination by the Code Enforcement Officer that a violation of the New York State Uniform Fire Prevention and Building Code and/or the Town of Sharon Land Use Code exists in, on, or about any building, land or premises, the Code Enforcement Officer shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform code or local law 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 personally or by sending registered mail.

2. Stop Work Orders: Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building, property or structure is being performed in violation of the New York State Uniform Fire Prevention and Building Code, the Town of Sharon Land Use Code or applicable laws, ordinances or regulations, or are not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued; or if no permit was applied for or if no permit was granted; the Code Enforcement Officer shall notify the owner of such property, or the owner's agent, to suspend all work. Such persons shall immediately stop all such work and suspend all building activities until the stop work orders have been rescinded. The Zoning Board of Appeals shall meet within 72 hours to interpret the Code Enforcement Officer's decision. If such decision is deemed valid, a date for a request for variance shall be set at that time. If the Zoning Board of Appeals deems the Code Enforcement Officer's decision invalid, it shall revoke the stop work order. All stop orders and notices shall be in writing and shall state the conditions under which work may be resumed. A stop work order shall be served upon a person to whom it is directed either by delivering it personally, or by posting the same upon a conspicuous portion of the building or property where the work is being performed and sending a copy of the same to the owner, contractor or occupant by certified mail.
3. Appearance ticket: If the owner of the real property or other person charged with the maintenance of the property fails to terminate work or correct the violation in the time provided, the Code Enforcement Officer shall file a written complaint, signed by the complaining party if other than the Code Enforcement Officer, with a town justice specifying the conditions, acts, or omissions constituting a violation, and the name and address of the real property owner, lessee, occupant, or other person charged with the maintenance of the property, and the Code Enforcement Officer or the local police authority having jurisdiction, and shall serve on the real property owner, lessee, occupant, or other person charged with the maintenance of the property, an appearance ticket requiring his or her appearance in court. If such person does not appear, the Town Justice may issue a warrant for the arrest of said person based upon any complaint or information previously filed.

D. Violations; Penalties - Shall be as follows:

1. Any person or corporation, whether as owner, lessee, agent or employee, who shall violate any of the provisions of these Regulations, or who fails to comply with any order or regulation made hereunder; or who erects, alters moves or uses any building structure, system or land in violation of any detailed statement or plans submitted by him and approved under the provisions of these Regulations, shall be guilty of an offense and upon conviction shall be punished by a fine not exceeding two hundred fifty dollars (\$250) or imprisonment not exceeding thirty (30) days, or both.

2. Each week's (seven days) continued violation shall constitute a separate additional offense.
 3. In case of violation of these Regulations, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure, land or system; or the prevent any illegal act, conduct, business or use in or about such building, structure, land or system.
 4. In the event that the Town of Sharon institutes any appropriate action or proceeding, pursuant to Section 19 herein, all work, repairs, costs, disbursements and attorney's fees thereby incurred shall be a monetary judgment and shall also be a lien upon the property where the violation existed, and the amount so assessed and levied shall be collected in the same manner as Town taxes.
- E. Appeal - All appeals for relief from the application of these Regulations in matters of interpretation or request for variance shall be directed to the Board of Appeals, which Board shall function as set forth in Appendix 'A' of this Code which is hereby made a part of these Regulations. Where the Board finds that a practical difficulty or hardship may result from strict compliance with these Regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of these Regulations or the Town Plan. In granting such variances, the Board of Appeals shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.
- F. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Town Board or any officer or department of the Town concerning these Regulations may have the decision reviewed in the manner provided by Article Seventy - Eight of the Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the receipt of written notice of the decision. Costs shall not be allowed against the Town unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 20 - Interpretation and Effectuation

- A. Interpretation - In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules,

regulations or ordinances, the most restrictive, or that imposing the higher standard, shall govern.

- B. Separability - The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.
- C. Fees - A schedule of fees for permits and procedures under these Regulations shall be as established by the Town Board.
- D. Effective Date; Repealer - The "TOWN OF SHARON BUILDING AND SANITARY REGULATIONS" shall take effect at the time and in the manner provided by law and any existing ordinances, statutes, resolutions, regulations or laws in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.

FINAL PAGE