

Local Law Filing

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

County City Town Village
(Select one.)

of Pittstown

Local Law No. 6 of the year 2017

A local law Establishing Revised Fees for Building Permits
(insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Pittstown as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Town of Pittstown

Local Law#6-2017

A Local Law establishing revised fees for building permits in the Town of Pittstown.

Section 1. Purpose. The Town Board finds and determines that the building permit fees currently in effect in the Town of Pittstown, are low as compared to fees charges by other towns and do not take into account the ever-increasing cost of operating and maintaining the Town Building Department. The purpose of this Local Law is to bring the building permit fees up to a reasonable level which bears a rational relation to the cost to the Town of Pittstown of providing the services associated therewith.

Section 2. Authority. This Local Law is enacted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Section 3. Title. This Local Law shall be known as the "Town of Pittstown Building Permit Fees Law of the Town of Pittstown".

Section 4. Repealer. Local Law 2 of 1995, Local Law No. 1 of 2005, and Local Law No. 1 of 2017 of the Town of Pittstown are hereby repealed.

Section 5. Upon the filing of an application for a building permit, the following fees shall be payable for buildings in the classifications hereinafter enumerated. Such fees shall be in accordance with the class or use, unit size or cubic contents as set forth in the following subsections respectively:

- (1) For a one- or two-car private garage, whether attached to dwellings or unattached thereto: seventy-five dollars (\$75).
- (2) For structural alterations, additions, enlargements or conversions to or in existing structures, such as the completion of expansion attics so as to make additional rooms or the addition of additional rooms to existing structures or adding, extending or enclosing porches, when the cost of construction is two thousand dollars (\$2,000) or less: one dollar seventy-five cents (\$1.75) per each one hundred dollars (\$100) of such costs. For all structural alterations included within this subsection, the cost of which is more than two thousand dollars (\$2,000), the rates for such permits shall be the same as hereinafter provided in Subsection (13) of Section 5 of this Local Law.
- (3) One-family houses:
 - (a) For a one-family residence, including but not limited to a single family dwelling and/or house, trailer/mobile home or each dwelling unit in a row of houses, having one thousand (1,000) square feet of floor area, or less: two hundred fifty dollars (\$250).

- (b) For a one-family house or each dwelling unit in a row of houses, having more than one thousand (1,000) square feet, up to and including two thousand (2,000) square feet, of floor area per unit: three hundred seventh-five dollars (\$375).
 - (c) For a one-family house or each dwelling unit in a row of houses, having more than two thousand (2,000) square feet of floor area per unit: five hundred dollars (\$500).
 - (d) For a one-family house or each dwelling unit in a row of houses, having more than four thousand (4,000) square feet of floor area per unit: seven hundred fifty dollars (\$750).
- (4) For a two-family house: twice the rate applicable to a one-family house of equivalent area per family unit as set forth in Subsection (3) of Section 5 of the Local Law.
- (5) For a combination store and dwelling building, the charge for the permit for the dwelling portion thereof shall be at the appropriate rate as set forth in Subsection (3) and (4) of Section 5 of this Local Law, to which shall be added the warehouse rates as set forth in Subsection (7) of Section 5 of this Local Law covering the commercial portion of such structure.
- (6) For buildings containing more than two (2) dwelling units, the charge for permits shall be based upon cubic contents, as follows:
- (a) For the first ten thousand (10,000) cubic feet or less: five hundred dollars (\$500).
 - (b) For the next fifteen thousand (15,000) cubic feet, for each one thousand (1,000) cubic feet thereof: twenty dollars (\$20).
 - (c) For the next fifty thousand (50,000) cubic feet, for each one thousand (1,000) cubic feet thereof: eighteen dollars (\$18).
 - (d) For each one thousand (1,000) cubic feet in excess of seventy-five thousand (75,000): sixteen dollars (\$16).
- (7) For warehouses, factory or industrial buildings, mercantile establishments, restaurants and stores, the charge for permits shall be based on cubic contents, as follows:
- (a) For the first ten thousand (10,000) cubic feet or less: five hundred dollars (\$500).

- (b) For each one thousand (1,000) cubic feet in excess of ten thousand (10,000) cubic feet: sixteen dollars (\$16).
- (8) For churches, parochial schools, private schools, public halls, theaters, sports arenas and other places of assemblage, with ceiling-height calculation limited to twenty (20) feet in the case of churches and to thirty (30) feet above the floor or balcony or platform level in other buildings in this classification, the charge for permits shall be based upon cubic contents, as follows:
- (a) For the first ten thousand (10,000) cubic feet or less: one hundred fifty dollars (\$150).
 - (b) For the next forty thousand (40,000) cubic feet, for each one thousand (1,000) cubic feet thereof: ten dollars (\$10).
 - (c) For the next fifty thousand (50,000) cubic feet, for each one thousand (1,000) cubic feet thereof: seven dollars fifty cents (\$7.50).
 - (d) For the next one hundred thousand (100,000) cubic feet, for each one thousand (1,000) cubic feet thereof: five dollars (\$5).
 - (e) For each one thousand (1,000) cubic feet in excess of two hundred thousand (200,000): two dollars fifty cents (\$2.50).
- (9) For gasoline and diesel-oil service stations, public garages and parking lots, the buildings thereon shall be charged for permits at the warehouse rates set forth in Subsection (7) of Section 5 of this Local Law, to which shall be added a charge for the open-air area, to be calculated at the warehouse rate set forth in Subsection (7) of Section 5 of this Local Law, by multiplying the number of square feet of such area by one (1) and considering the result as cubic feet. The minimum charge under this subsection shall be five hundred dollars (\$500).
- (10) For auto drive-in theaters, auto racetracks and open-air commercialized sporting projects, the charge for the permit shall be the sum of the charges provided for buildings under Subsection (7) of Section 5 of this Local Law, a charge for the open-air area to be treated as a parking lot, and the charge therefore to be determined pursuant to the provisions of Subsection (9) of Section 5) of this Local Law, and an additional charge on a valuation basis for the grandstands and bleachers, to be determined in accordance with the provisions of Subsection (13) of Section 5 of this Local Law, the minimum charge being one thousand dollars (\$1,000).
- (11) For wood stoves and gas stoves, the charge for the permit shall be \$100.

- (12) For private residential swimming pools, the charge for the permit shall be \$75 for above-ground pools, and \$150 for in-ground pools.
- (13) The rates for structures not hereinbefore classified, such as but not limited to hotels, motels, overnight cabins, advertising signs exceeding six (6) square feet in area, open-air grandstands or bleachers, radio, microwave or telecommunications towers, electrical transmission-line towers, outdoor projection screens, docks or piers, oil or gas bulk stations, terminals and tank farms, electrical substations and other constructions not herein specifically enumerated or classified, shall be based on the total cost of construction of the work, and such permit fee shall be in accordance with the following schedule:
- (a) Where the total cost of construction of the work is five thousand dollars (\$5,000) or less: one hundred dollars (\$100).
 - (b) For each additional one thousand dollars (\$1,000) or fraction thereof over five thousand dollars (\$5,000), up to and including twenty-five thousand dollars (\$25,000): fifteen dollars (\$15).
 - (c) For each additional one thousand dollars (\$1,000) or fraction thereof over twenty-five thousand dollars (\$25,000), up to and including fifty thousand dollars (\$100,000): twelve dollars (\$12).
 - (d) For each additional one thousand dollars (\$1,000) or fraction thereof over fifty thousand dollars (\$50,000), up to and including one hundred thousand dollars (\$100,000): ten dollars (\$10).
 - (e) For each additional one thousand dollars (\$1,000) or fraction thereof exceeding one hundred thousand dollars (\$100,000): five dollars (\$5).

Section 6. Fine; Levy. Any person who fails to obtain the necessary permit in violation of this Local Law shall be subject to fine of \$100.00 or the price of the building permit, whichever is greater, plus the cost of the building permit.

After demand via regular mail to the applicant and/or the property owner at the address listed on the last assessment roll and the passage of 30 days, any fine which is unpaid shall be assessed against the land of the applicant and/or property owner, and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy. However, prior to the imposition of the levy, the applicant and/or the property owner shall be provided an additional notice via regular mail to the address listed on the last assessment roll of the potential levy and an opportunity for a hearing before the Town Board which shall be on 10 days' notice.

Section 7. Before receiving a building permit, the applicant and/or property owner shall pay the building permit fee in accordance with the schedule of fees duly adopted by the Pittstown Town Board. Where a building permit has been issued and the applicant requests

a refund of the fee paid, the request must be an appropriate claim. The building permit fee shall be refunded to the applicant only if no construction has been commenced under the permit and the permit has not expired or is surrendered to the Building Inspector, but in either of such events, the Town shall retain the minimum building permit fee set forth on such schedule of fees. The minimum fee would be 50% of the original filing fee.

Section 8. Definitions. As used in this Local Law, the following words shall have the following respective meanings:

- a. "Municipal Home Rule Law" means the Municipal Home Rule Law of the State of New York in effect as of the effective date of this Local Law, as may be amended from time to time.
- b. "Town" means the Town of Pittstown.
- c. "Town Board" means the Town Board of the Town of Pittstown.
- d. "Resident" means any individual who maintains a residence within the Town of Pittstown.
- e. "Supervisor" means the Supervisor of the Town of Pittstown.

Section 9. Separability. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 10. Effective Date. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.