

Chapter 18

BUILDING CONSTRUCTION ADMINISTRATION

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GENERAL REFERENCES

Fire prevention - See Ch. 25.

Flood damage prevention - See Ch. 28.

Planning Commission - See Ch. 42.

Zoning - See Ch. 55.

The New York State Building Code was adopted by resolution of the Board 6-12-1954 and a copy is on file in the office of the Village Clerk

§ 18-1. Title, Enactment, Effective Date, Intent.

- A. This Local Law shall be entitled “Local Law 4 of 2006 Amending Chapter 18, Building Construction Administration, of the Saltaire Village Code.”
- B. Pursuant to Section 10 of the Municipal Home Rule Law, the Executive Law, the General Municipal Law and the Village Law of the State of New York, the Incorporated Village of Saltaire, County of Suffolk and State of New York, hereby enacts by this Local Law 4 of 2006, a Local Law of the Village of Saltaire to amend Chapter 18 of the Village Code of the Village of Saltaire.
- C. This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Saltaire.
- D. The purpose and intent of this Local Law is to amend and restate Chapter 18 of the Saltaire Village Code by amending and re-numbering, and all buildings, structures and premises, regardless of use or occupancy, are subject to the provisions of this local law.

§ 18-2. Findings.

The Board of Trustees of the Village of Saltaire has determined that due to the unique character and environment of the Village of Saltaire, it is in the best interest of its residents to strictly regulate the type, extent and timing of all building and construction that occurs within its borders. The Village of Saltaire is located on a barrier island, access to which is achieved primarily via waterborne transportation. The Village of Saltaire is a residential community with only two commercial establishments, the majority of whose residents use and enjoy their homes primarily during the summer season. All structures in the Village are of wooden construction, are located fairly close to one another on small lots, and are accessed via narrow, elevated wooden boardwalks. The Village has a strong history of strictly regulating and enforcing restrictions on excessive noise in order to preserve the natural peace and tranquility of the beach environment during the summer season when most residents are enjoying their homes. Therefore, the Board of Trustees has determined that the modification of the Chapter 18 is necessary in order to continue to effectively regulate the time period allowed for construction activity so as to allow the peaceful enjoyment by its residents of their homes and surrounding environment during the summer season, to continue to safely and effectively control the flow of building materials on over-burdened and heavily traveled boardwalks during the summer season, to assure that building practices meet the minimum standards of fire and building safety as required by all relevant federal, state and local building Codes, and to assure the effective administration of all construction within the borders of the Village of Saltaire according to the regulations of the Saltaire Village Code.

§ 18-3. Definitions

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The following words and phrases when used in this Chapter shall have the meanings respectively ascribed to them in this section:

ALTERATION – The reconfiguration of any space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment.

APPLICANT – Any homeowner or contractor, builder, architect, engineer or any other person or entity who acts on behalf of the homeowner in making an application for a building permit under this Chapter.

BUILDER OR CONTRACTOR – Any person or entity other than the homeowner who performs any work that is covered under this Chapter on any building or structure in the Village of Saltaire.

CONSTRUCTION – Any work on a structure, accessory structure or related appurtenances.

CONVERSION – Change of occupancy or use of a building or one-family structure.

EQUIPMENT – All piping, ducts, vents, control devices and other components of systems other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings.

LOAD-BEARING ELEMENT – Any column, girder, beam, joist, truss, rafter, wall, floor or roof sheathing that supports any vertical load in addition to its own weight, and/or any lateral load.

MAJOR ALTERATION, RENOVATION OR REPAIR – Any alteration, renovation or repair of same or similar nature with a total cost of \$7,500 or more over any twelve month period.

MINOR ALTERATION, RENOVATION OR REPAIR – Any alteration, renovation, replacement or repair of same or similar nature with a total cost not less than \$500 or more than \$7,500 over any twelve month period.

RECONSTRUCTION – The reconfiguration of a space that affects an exit, a renovation and/or alteration when the work area is not permitted to be occupied because existing means of egress and fire protection, or their equivalent, are not in place or continuously maintained, or the cost of which is 50% or more of the value of the structure prior to the start of the work.

RENOVATION – The change, strengthening or addition of load-bearing elements; and/or the removal and replacement or the covering of existing materials, elements, equipment and/or fixtures using new materials, elements, equipment and or fixtures that serve the same purpose without reconfiguring the space.

REPAIR – The patching, restoration and/or minor replacement of materials, elements, components, equipment and/or fixtures for the purposes of maintaining such materials elements, components, equipment and/or fixtures in good or sound condition.

REPLACEMENT – Replacement in similar or like kind of some or all of the elements of a structure.

§ 18-4. Appointment of Building Inspector/ Acting Building Inspector

- A. The Board may appoint a Building Inspector whose compensation and term of office shall be fixed by the Board.
- B. In the absence of the Building Inspector, or in the case of his inability to act for any reason, the Board may appoint a person to act in his behalf and to exercise all of the powers conferred upon him by this Chapter. The term of appointment for the Acting Building Inspector shall not exceed eighteen (18) months, and any reference hereinafter made to the Building Inspector shall be deemed to include the Acting Building Inspector for the term of his appointment. The term of the Acting Building Inspector shall terminate automatically on the appointment of the Building Inspector.

§ 18-5. Restrictions on Building Inspector.

The Building Inspector shall not engage in any activity inconsistent with his duties or with the interest of the Village; nor shall he, during the term of his appointment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, conversion reconstruction, renovation, replacement, alteration, repair or maintenance of a building or structure, or the preparation of plans or specifications therefor. This provision shall not prohibit the Building Inspector from such activities in connection with the construction of a building or structure owned and to be occupied by him; nor are such activities in conjunction with Village-owned buildings and structures prohibited by this section; nor shall it prohibit any person from holding the office of Building Inspector together with or as an additional duty to any other appointive office of the Village.

§ 18-6. Duties and powers of Building Inspector.

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- A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of law, ordinances and regulations applicable to the construction,, conversion, reconstruction, renovation, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein and thereon and the location, use, occupancy and maintenance thereof.
- B. He shall receive applications and issue permits for the construction, conversion reconstruction, renovation, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein and thereon of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued, for the purpose of ensuring compliance with applicable laws, ordinances and regulations.
- C. He shall review all applications for building permits to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required. [Added 9-29-1979 by L.L. No. 1, 1979]
- D. He shall verify and record the actual elevation, in relation to mean sea level, of the lowest habitable floor of all new or substantially altered structures at such intervals during the construction process as determined by the building inspector at his sole discretion. [Added 9-29-1979 by L.L. No. 1, 1979]
- E. The Building Inspector, along with the Saltaire Village Security Officers, shall have the power to issue violations, summonses and appearance tickets for offenses of Chapters 18 and 55 of the Saltaire Village Code, and the Building Inspector shall issue appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties. The application for and acceptance of a building permit by an applicant shall be deemed to be and shall be consent and permission by that applicant or the owner for whom the applicant is working for the Building Inspector to enter the property that is the subject of the permit for the purpose of making an inspection of the property and work.”[Amended 5-26-2008 by L.L. No. 5, 2008]
- F. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations, he may require the performance of tests in the field by experienced professional persons or by

accredited and authoritative testing laboratories or service bureaus or agencies, the cost of which will be borne by the owner or contractor pursuant to §18-19 of this Chapter.

- G. The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications, together with accompanying documents as prescribed under § 18-8 (D) of this Chapter, and copies of all permits and certificates issued. The clerk of the Village may maintain the official records of the Building Inspector. All such records shall be public records open for inspection during business hours.
- H. The Building Inspector shall submit annually to the Board a written report and summary of all business conducted, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.

§ 18-7. Architectural Review Committee. [Amended 9-29-1979 by L.L. No. 1, 1979; 4-22-07 by L.L. No. 1, 2007]

- A. An Architectural Review Committee, consisting of up to three (3) members to be appointed by the Board of Trustees for terms of three (3) years, is hereby created. The Committee shall review all surveys, building plans and applications for building permits for major alterations, renovations, or repairs, to ascertain compliance with the provisions of this Chapter and Chapter 55, relating to zoning, of this Code. Members of the Architectural Review Committee shall serve without compensation. The Architectural Review Committee shall respond in writing to the Building Inspector within forty-five (45) days of submission to them of request for review of major alterations, renovations, or repairs.
- B. In addition to the Members, there may be up to two Alternate Members of the Architectural Review Committee. The Alternate Members shall be appointed by the Mayor of the Village of Saltaire subject to the approval of the Board of Trustees for terms which shall be established by the Board of Trustees. The chairperson of the Architectural Review Committee, as so designated by the Mayor, may designate an Alternate Member to substitute for a member of the Architectural Review Committee when such member is unable to participate because of a conflict of interest on an application or matter before the Committee or otherwise. When so designated, the Alternate Member shall possess all the powers and responsibilities of a member of the Committee.

§ 18-8. Application for building permits. [Amended 5-27-2002 by L.L. No. 3, 2002]

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- A. No person or entity shall commence or continue the erection, construction, reconstruction, enlargement, removal, improvement, demolition, conversion, alteration, renovation or repair, or change in the nature of the occupancy of any building or structure or appurtenance, or cause the same to be done without first obtaining a separate building permit for each such building or structure or appurtenance, except that no building permit shall be required for the performance of ordinary repairs which satisfy all of the following conditions:
- (1) The materials for which cost less than \$500 in any one instance but no more than an aggregate of \$1,000 for the same or similar work over the course of any twelve month period.
 - (2) Do not effect any load-bearing element.
 - (3) Do not effect sprinklers, required fire separations and exits or any other fire safety feature.
 - (4) Do not involve any additions to or enlargement of the building or appurtenances.
 - (5) Do not involve any change in the use of the building.
- B. Notwithstanding the exceptions for a building permit in subsection (A) of this section, the following work shall require a building permit:
- (1) Installation or replacement of any windows
 - (2) Installation or replacement of any exterior siding
 - (3) Installation or replacement of any wood or tile flooring
 - (4) Replacement of finished roofing in any 12 month period comprising more than 25% of the area of a roof.
 - (5) Installation or replacement of solar panels.
 - (6) Replacement of top deck boards on any deck, platform or ramp in any 12 month period comprising more than 25% of the area of the deck, platform or ramp .
 - (7) Installation or replacement of solid fuel burning heating appliances and associated chimneys and flues.
 - (8) Installation, or extension of electrical systems or system components; or replacement or repair of more than 25% of the existing electrical system or system components in any twelve month period.
 - (9) Installation, or extension of plumbing systems or system components; or replacement or repair of more than 25% of the existing plumbing system or system components in any twelve month period.
 - (10) Installation of electric, oil or geothermal HVAC system or replacement or extension of more than 25% of same.

- C. An application for a building permit shall be made to the Building Inspector, on a form provided by him, by the owner or the builder employed in connection with the proposed work. Chapter 18, Chapter 20, Chapter 28 and Chapter 55 of this Code, shall be deemed to the part of the submittal and shall constitute an integral part of the building application. The application must be signed by the owner or the builder which shall include a statement that Chapter 18, Chapter 20, Chapter 28 and Chapter 55 of this Code are understood by the applicant and the compliance to all of the provisions thereof by the applicant is part of the conditions of the issuance of a building permit. [Amended 4-22-1978 by L.L. No. 3, 1978; 9-29-1979 by L.L. No. 1, 1979; 11-13-1999 by L.L. No.4, 1999]
- D. Each application for a building permit for new construction shall be accompanied by proof of ownership; four (4) copies of a plot survey by a surveyor licensed by the State of New York acceptable at the sole discretion of the Building Inspector as being sufficiently recent for the purpose of reviewing the application, on which are shown the points of highest and lowest elevation base flood elevation in relation to mean sea level, as defined in Chapter 28 of this Code, the height above mean sea level of the highest point of construction as defined in §55-13 of this Code, and the height above mean sea level of the lowest floor of any new or substantially improved structures to be located in FIRM Zones A1-A30, AE, or AH, or Zone A, or, the proposed elevation in relation to mean sea level of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) in the case of structures to be located in any new or substantially improved structure in Zones V1-V30 or VE, or Zone V building line and deck setbacks, the location of all contemplated structures, including but not limited to buildings, decks, entrance walks, sewerage tank, bicycle racks, platform or enclosure for garbage containers; and four (4) copies of plans incorporating such construction detail as called for on the application for building permit form and certificates of insurance as required under § 18-10D of this Chapter.
- E. Each application for a building permit for either new construction or for conversion reconstruction, renovation, alteration, repair, removal and demolition of buildings and structures, or for the installation and use of materials and equipment therein to an existing structure shall indicate:
- (1) The elevations in relation to base flood elevation applicable to the proposed structure as provided in §18-8 (C) of this Chapter. In the event that *base flood elevation* data are unavailable a permit applicant shall comply with the provisions of subdivision (11) of §28-13 of this Code.
 - (2) Plans for walls, if any, to be used to enclose space below the base flood level.
 - (3) Such other information as the Building Inspector may, from time to time, require to enable him to determine compliance with the provisions of this

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Chapter, Chapter 20 relating to Coastal Erosion, Chapter 28, relating to flood damage prevention, Chapter 55, relating to zoning of this Code.

- F. No variations or changes in contemplated work as covered by the original application may take place without the prior submission of an application amendment, payment of appropriate amendment fees and written approval of the Building Inspector.
- G. The application for and acceptance of a building permit by an applicant shall be deemed to be and shall be consent and permission by that applicant or the owner for whom the applicant is working for the Building Inspector to enter the property that is the subject of the permit for the purpose of making an inspection of the property and work.

§ 18-9. Building application fees.

- A. Building application fees and other charges, as the Board may from time to time determine, shall accompany each application for a building permit.
- B. In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of fifty percent (50%) of the fee paid.
- C. All applications for building permits may at the sole discretion of the Building Inspector be accompanied by a deposit in such amount as the Board shall from time to time determine to ensure the clearance of building debris from the site. This sum will be refunded after discarded materials have been removed by the applicant.
- D. In the event that an application is submitted for an alteration, construction, conversion, repair, replacement, or other work that has already been completed or substantially completed in the sole discretion of the Building Inspector at the time of the filing of the application, the relevant fees for that application shall be doubled the amount that the fees otherwise would have been.

§ 18-10. Issuance of building permits.

- A. The effective date of a building permit for new construction, conversion, reconstruction, major alteration, renovations or repairs, replacement, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein shall be the date of its issuance; however, the date for commencing construction pursuant to an issued permit, completed application for which is received after November 30 and before September 15 of the subsequent

year, may be deemed to be September 16 at the sole discretion of the Building Inspector if he determines that there is not reasonable likelihood that the construction will be complete pursuant to §18-12 of this Chapter. [Amended 9-29-1979 by L.L. No. 1, 1979; 7-15-1983 by L.L. No. 5, 1983]

- B. The effective commencement date and completion date of a building permit for minor alterations, renovations or repairs shall be determined on a case-by-case basis by the Building Inspector. [Added 9-29-1979 by L.L. No. 1, 1979]
- C. Upon approval of the application and upon receipt of the prescribed fees therefor, the Building Inspector shall issue a building permit to the applicant upon the form prescribed and shall affix his signature thereto.[Amended 9-29-1979 by L.L. No. 1, 1979]
- D. Upon approval of the application, two sets of plans and specifications shall be endorsed with the word "approved." One (1) set of such approved plans and specifications shall be retained in the files of the Building Inspector, and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site open to inspection by the Building Inspector or his authorized representative.
- E. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the applicable laws, ordinances and regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant.

§ 18-11. Term; applicability of zoning provisions.

- A. A building permit shall authorize the commencement of work in accordance with the application, plans and supporting papers and shall be valid for a period of one (1) year after the date of its issuance, subject to §18-12 of this Chapter. The permit may be renewed for a maximum period of one year from the original termination date of the permit upon application and payment of the necessary fee that has been set by the Board for such renewals. The renewal may only be granted by the Building Inspector if all conditions of the original or amended permit application remain unchanged and in compliance with the conditions of the permit.
- B. The issuance of a building permit shall not constitute a waiver, variance or other change of the applicability of this Chapter or of Chapter 20 relating to Coastal Erosion , or of Chapter 28, relating to flood damage prevention, or of Chapter 55, relating to zoning, of this Code, which Chapters shall remain in full force and effect notwithstanding the issuance of any permit. [Amended 9-29-1979 by L.L. No. 1, 1979; 11-13-99 by L.L. No 4, 1999]

§ 18-12. Limitations, time of construction and delivery of materials.

- A. No work relating to any construction, conversion, reconstruction, renovation, replacement, alteration or repair of any portion of any building, structure or appurtenance outside the enclosed areas of any building or structure or parts thereof, or relating to any removal and demolition of buildings and structures or parts thereof, or relating to the installation and use of materials and equipment on the exterior of buildings or structures or parts thereof, may commence, continue or otherwise be performed from 5:00 p.m. on the Friday preceding Memorial Day through September 15 of any year, without written exception of this section by the Building Inspector for extenuating circumstances or emergency repairs issued at the sole discretion of the Building Inspector. For the purposes of this section, all pilings and any portion of any exterior building wall, roof, deck, privacy wall, platform, ramp, exterior staircase or fencing are deemed to be construction outside the enclosed areas of any building or structure or parts thereof. [Amended 9-29-1979 by L.L. No. 1, 1979; 7-15-1983 by L.L. No. 5, 1983]

- B. Interior finishing work may be continued within any building that is enclosed by finished exterior walls and roofs, and whose interior walls, floors and all construction outside the enclosed areas, including decks, walls and any other platforms are complete in their entirety, or have received a written exception to subsection (A) of this section, provided that all such interior finish work must be completed no later than 5:00 p.m. June 15, and then only within the enclosed area, and only between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday. [Amended 9-29-1979 by L.L. No. 1, 1979; 7-15-1983 by L.L. No. 5, 1983]

- C. No building materials for use in construction,, conversion reconstruction, renovation, replacement, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein or thereon shall be delivered to the site between the Friday preceding Memorial Day of any year and September 15 of the same year, except such materials as, in the opinion of the Building Inspector, constitute finishing materials allowed in subsection (B) of this section, or for use in work allowed by a written exception as provided in subsection (A) of this section, or for use in emergency repair for which a proper building permit was issued by the Building Inspector. No materials shall be delivered at any time for any work that would require a building permit pursuant to §18-8 of this Chapter unless a building permit has been formally issued and is in the possession of the builder or homeowner at the time of such delivery.

- D. Each builder, contractor, plumber or electrician who applies for a permit pursuant to this Chapter or is engaged in construction within the village, must have in force, at the start of such activities and maintained throughout the period that the permit is in effect or extended:

- (1) [Amended 9-29-1979 by L.L. No. 1, 1979] Public liability insurance, which insurance shall name the owner as an insured, in minimum limits as follows:
 - (a) Personal injury, five hundred thousand dollars (\$500,000) per injured person and seven hundred and fifty thousand dollars (\$750,000) per accident;
 - (b) Property damage, five hundred thousand dollars (\$500,000) per accident.
- (2) Workmen's compensation and disability benefits insurance as required by the laws of the State of New York.
- (3) A valid Home Improvement license from the Licensing Bureau of the Suffolk County Division of Consumer Affairs.
- (4) For plumbers and electricians, a valid license from the relevant licensing agency having jurisdiction for those trades.

The name of the insurance carrier or carriers and policy number or numbers shall be stated on the application for a building permit and certificates of coverage filed with the application. Such insurance policies must provide for notice to the Village prior to cancellation thereof.

- E. [Added 9-29-1979 by L.L. No. 1, 1979] Each builder engaged in construction, conversion reconstruction, renovation, replacement, alteration, repair, removal and demolition of buildings and structures, or the installation and use of materials and equipment therein and thereon of buildings or structures or parts thereof and within the village must provide and have accessible on each floor of the building site:
 - (1) A fully charged five-pound or larger ABC fire extinguisher approved by Underwriters' Laboratories, Inc., from the time that lumber or any other inflammable material is brought to the building site; and
 - (2) A fully charged fifteen-pound or larger ABC fire extinguisher approved by Underwriters' Laboratories, Inc., whenever any flammable liquids, including but not limited to gasoline, kerosene, contact cement, oil paint, paint thinner, varnish and solvents, are used or stored on the construction site.
- F. The New York State Uniform Fire Prevention and Building Code currently in effect and as periodically amended and approved by the Department of State will govern the use of building materials, methods and standards, except that the Building Inspector may require stricter standards which in his opinion are deemed

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appropriate to the physical or other needs of the village, which standards will be contained in the building permit. [Amended 9-29-1979 by L.L. No. 1, 1979; 11-2-1985 by L.L. No. 1, 1985]

- G. Except as provided for in subsection §36-4 A of this Code, no outdoor construction of any kind shall be permitted within the village on weekends from May 1 through the Columbus Day weekend, in any year without written exception to this section from the Building Inspector at his sole discretion for extenuating circumstances or emergency repairs. For purposes of this subsection, "weekend" shall be construed as including Saturday and Sunday, plus the Monday or Friday designated as a holiday on the Memorial Day, Fourth of July, Labor Day and Columbus Day weekends. In the event that May 1 shall fall on a Sunday, the provisions of this subsection shall have effect on the Saturday, April 30, in such year. [Added 11-13-1999 by L.L. No. 9, 1999]

§ 18-13. Revocation of building permit.

The Building Inspector may revoke or suspend a building permit theretofore issued and approved where he finds that:

- A. There has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.
- B. The building permit was issued in error and should not have been issued in accordance with the applicable law.
- C. The work performed under the permit is not being completed in accordance with the provisions of the application, plans or specifications.
- D. The person to whom a building permit has been issued fails or refuses to comply with a stop-work order issued by the Building Inspector.
- E. The contractor fails to maintain insurance as specified in §18-12 (D) of this Chapter.
- F. The contractor or owner fails to comply with any provision of this Chapter.

§ 18-14. Stop-work orders.

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being completed or undertaken in violation of applicable 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 work, and any such person shall forthwith stop such work and suspend all building activities until the stop-work order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon the person to whom it is directed either by delivering it 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 to the owner of record and the contractor or builder.

§ 18-15. Certificate of occupancy.

- A. No buildings, structures or appurtenances hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy or temporary certificate of occupancy shall have been issued by the Building Inspector.
- B. No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit, shall continue to be occupied or used for more than thirty (30) days after the completion of the alteration or work unless a certificate of occupancy or temporary certificate of occupancy shall have been issued by the Building Inspector.
- C. No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.
- D. The Building Inspector shall have the power to withhold the issuance of any certificate of occupancy pending the removal of building debris and discarded materials from the building site. If, in the opinion of the Building Inspector, the continued presence of such materials constitutes a hazard to health and safety, he may cause such material to be removed and the deposit required under § 18-9C of the Chapter shall be forfeited. This remedy shall be in addition to any other remedy permitted by law and these ordinances.
- E. The owner or his agent shall make application for a certificate of occupancy. This application shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, that the structure has been erected in accordance with approved plans and, as erected, complies with the law governing building construction except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the application. Such application shall also include any survey, inspection certificate or any other documentation that the Building Inspector deems necessary to complete his review of the application for certificate of occupancy.

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§ 18-16. Inspection.

- A. Before issuing a certificate of occupancy, the Building Inspector shall examine all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy; and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued.
- B. There shall be maintained by the Building Inspector a record of all such examinations and inspections, together with a record of findings of violations of the law.
- C. The application for and acceptance of a building permit by an applicant shall be deemed to be and shall be consent and permission by that applicant or the owner for whom the applicant is working for the Building Inspector to enter the property that is the subject of the permit for the purpose of making an inspection of the property and work.

§ 18-17. Issuance.

- A. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable laws, ordinances and regulations, and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Building Inspector shall issue a certificate of occupancy upon the form provided by him.. If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable laws, ordinances and regulations.
- B. A certificate of occupancy shall be issued, where appropriate, within a reasonable time, and in no event more than sixty (60) days after application therefor is made.
- C. The certificate of occupancy shall certify that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable laws, ordinances and regulations, and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

§ 18-18. Temporary certificate of occupancy.

Upon request, the Building Inspector may issue a temporary certificate of occupancy for not more than 90 days for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided that the applicant provides documentation to the satisfaction of the Building Inspector indicating that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare. At the sole discretion of the Building Inspector, the temporary Certificate of Occupancy may be extended for no more than two additional 90 day periods. Such certificate or extension shall state the length of time such structure may be occupied before a final certificate of occupancy is issued. All temporary Certificates of Occupancy in effect as of September 15, 2006 shall automatically terminate on March 15, 2007.

§ 18-19. Tests.

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform with the requirements of the applicable laws, ordinances and regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance, and the owner and or contractor shall bear the cost of such tests.

§ 18-20. Assurance of building safety.

- A. All buildings or structures which are not provided with adequate egress or are structurally unsafe, unsanitary or otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this section.
- B. The Building Inspector shall examine or cause to be examined every building reported as unsafe or damaged and shall make a written record of such examination. Upon the showing of proper credentials and in the discharge of his duties he may enter any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.
- C. Whenever the Building Inspector shall find any building, structure or portion thereof to be an unsafe building as defined in this section, he shall, in the same manner as provided for the service of stop-work orders in § 18-12 of this Chapter, give to the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated

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time either to complete specified repairs or improvements, or to demolish and remove the building, structure or portion thereof.

- D. If the Building Inspector finds that there is actual and immediate danger of collapse so as to endanger life, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Building Inspector. The Building Inspector shall cause to be posted at each entrance to such building a notice stating "This Building Is Unsafe and Its Use or Occupancy Has Been Prohibited by the Building Inspector." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without written permission of the Building Inspector, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.
- E. In case the owner, agent or other person in control cannot be located, or if such owner, agent or person in control shall fail, neglect or refuse to comply with a notice to repair, rehabilitate or to demolish and remove said building, structure or portion thereof, the Village Attorney shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.
- F. In cases of emergency which in the opinion of the Building Inspector involve immediate danger to human life or health, he shall promptly cause such building, structure or portion thereof to be vacated, made safe or removed. For this purpose, he may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a village or private way.
- G. Costs incurred under subsections E and F of this section shall be paid out of the Village treasury on certificate of the Building Inspector. Such costs shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

§ 18-21. Penalties for offenses.

- A. It shall be unlawful for any person or entity to perform any portion of any construction, conversion, reconstruction, renovation, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein and thereon of buildings or structures or parts thereof in violation of any provision of this Chapter or to fail in any manner to comply with a notice, directive or order of the Building Inspector, or to construct, alter or use and

occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

- B. Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, building, 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 violate any of the applicable provisions of this Chapter, or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder, shall, upon conviction, be punishable as provided in §1-13 of this Code.
- C. This section shall not apply to violations of the provisions of the State Building Construction Code punishable under Section 385 of the Executive Law of the State of New York; nor to violations of the provisions of the Multiple Residence Law punishable under Section 304 of the Multiple Residence Law of the State of New York.
- D. Each and every violation or offense of this Chapter shall be punishable by a fine or two hundred and fifty dollars (\$250) or such higher amount as may be permissible by law, and each and every day that a violation or offense exists shall constitute a separate violation and offense of this Chapter which shall be punishable by a separate and continuing fine or other penalty.
- E. The issuance of a violation or assessment of a penalty or the issuance or commencement of any other prosecution or criminal proceeding by the Village shall not be deemed to be and shall not constitute a waiver of civil or equitable remedies or an exclusive election of remedy by the Village and the Village may additionally or alternatively pursue civil and or equitable remedies with regard to any violation or offense of this Chapter at any time.

§ 18-22. Abatement of violations.

Appropriate actions 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, conduct or business in or about any premises; and these remedies shall be in addition to the penalties prescribed in the preceding section.

§ 18-23. Suspension, denial or revocation of building permits. [Added 9-20-1997 by L.L. No. 2, 1997]

The Board may authorize the Building Inspector to suspend, deny or revoke any and all building permits issued to or requested by any applicant or issued to, or requested by applicant which

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applicant is, at the time of such issuance or request, in violation of any of the provisions of this Code, or who shall have failed to abate any such violations upon previous order of the Board, Building Inspector or determination of the Village Zoning Board of Appeals. The fee for any permit so suspended, denied or revoked shall be returned and such suspension, denial or revocation shall remain in effect until such time as the Board or the Building Inspector determines that any conditions occasioning such violation(s) have been cured or removed, at which time reapplication for such permit or permits shall be accepted.

§ 18-24. Costs of municipal services to be divided. [Added 2/27/01 by L.L. No. 3, 2001]

From the date of adoption of this section, all costs for the provision of municipal services to newly constructed housing within the village, including but not limited to walks and water lines, shall be borne by the Village and the benefited home- or property-owners in the following proportions: one-third (1/3) of the total payable by the Village, and two-thirds (2/3) payable in equal amounts by all affected owners. Property owners who incur a benefit from such installation and construction shall be liable for payment of their equal share of the two-thirds (2/3) of the total costs even though such owners' properties may be unimproved at the time of such installation and construction. Costs shall be calculated to include all labor, materials, and any other expenses related to said construction. The Board may, at its discretion, permit payment by the affected owners to be made in equal installments over such period as the Board shall determine.

§ 18-25. Severability and Validity

In the event that any portion or portions of this Local Law of 2006 shall be determined to be invalid or unenforceable for any reason, the remainder of the Local Law, and its provisions shall remain in full force and effect.