

## Chapter 62

### ZONING

#### ARTICLE IX

##### Administration

[Amended X-X-X-2010; by L.L. No. XX]

##### **§ 62-32. Enforcement.**

This ordinance shall be enforced by the Building Inspector, who shall be appointed by the Village Board of Trustees. No building permit or certificate of occupancy shall be issued by him except where all provisions of this ordinance have been complied with.

- A. No other officer, board, agency, or employee of the Village of ~~North Tarrytown~~ Sleepy Hollow shall issue, grant, or approve any permit, license, certificate or other authorization for any erection of any building, structure or for any use of any land or building. Any such permit, license, certificate or other authorization issued, granted or approved in violation of any provisions of this ordinance shall be null and void and of no effect, without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license, certificate or authorization shall be unlawful, and no action shall be taken by any officer, board, agency or employee of the Village of ~~North Tarrytown~~ Sleepy Hollow, including the Board of Appeals, to validate any such violations.

##### **§ 62-33. Building Inspector.**

- A. Powers and duties. The Building Inspector is hereby given the duty, power and authority to enforce the provisions of this ordinance. He shall examine all applications for permits and shall issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with the requirements of this ordinance and for nonconforming uses and buildings existing at the time of passage of this ordinance.
- B. Records to be kept. The Building Inspector shall maintain files of all applications and plans to him and of all permits and certificates of occupancy issued by him and shall maintain records of all actions taken by him pursuant to such applications. He shall keep a record of every identifiable complaint of a violation of any of the provisions of this ordinance and of the action taken consequent on such complaint.
- C. Reports. The Building Inspector shall report to the governing body annually, summarizing for the period since his last previous report all applications approved by him, all permits and certificates of occupancy issued by him and all complaints of violation made to him and the action taken by him thereon. A copy of each such report shall be filed with the Planning Board at the same time that it is filed with the governing

body. The Building Inspector shall also make such reports to the Board of Appeals and the Planning Board as may be required.

**§ 62-34. Building Permits.** [Amended 9-10-1973; 7-7-1987 by L.L. No. 7, 1987; 6-16-1980 by L.L. No. 3, 1980; 7-3-1990 by L.L. No. 6, 1990; 7-7-1992 by L.L. No. 4, 1992; 8-16-1994 by L.L. No. 11, 1994]

In addition to the requirements of §10-4 of this Code, ~~No~~ no person shall erect, alter or convert any structure or building or part thereof, or alter the use of any land, subsequent to the adoption of this ordinance, until a building permit has been issued by the Building Inspector. This provision shall also apply to all repairs exceeding five hundred dollars (\$500.) in value.

A. The procedures and requirements for filing and obtaining a building permit shall conform to the requirements of §10-4 of this Code. ~~Applications. Each application for a building permit shall be submitted in duplicate, accompanied by such plans, also in duplicate, as shall enable the Building Inspector to make his determination concerning the proposed structure or use in terms of this ordinance. Such plans shall be drawn to scale and shall include a site plan showing the actual dimensions of the lot, the location and size of principle and accessory structures, points of access and egress, driveways, parking spaces, loading areas and provisions for drainage. An application for a certificate of occupaney shall be filed at the same time.~~

~~(1) The application for the building permit shall set forth in detail the estimated cost of the project. "Estimated cost" shall mean the reasonable market value of all labor, materials, equipment and professional services entering into and necessary for the completion of the proposed project, including all property improvements, except the cost of the land.~~

~~(2) Where, in the opinion of the Building Inspector, the estimated cost of construction as shown on the building permit does not reflect the actual construction costs. The Building Inspector may require the applicant to submit a notarized affidavit of the final cost of construction, and pay the difference in the amount of the building permit fee.~~

~~A. Issuance of permits. A building permit shall be issued by the Building Inspector if he determines that the proposed structure or use satisfies all the requirements of this ordinance and that all other reviews and actions, if any, called for in other sections of this ordinance have been complied with. One (1) copy of the plans as finally approved shall be returned to the applicant with the permit upon payment of the appropriate permit fee. No permit for the excavation for erection, alteration or repair of a building shall be issued unless an application for a certificate of occupaney is on file.~~

~~Display of permit. All building permits shall be issued in duplicate, and one (1) copy shall be kept conspicuously displayed upon the premises affected, whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such~~

- operation has been displayed as required by this ordinance, nor shall they perform building operations of any kind after notification of the revocation of said building permit
- D. ~~B.~~ Enial of permits. If the Building Inspector determines that the plans as submitted fail to satisfy the requirements of this ordinance, he shall refuse to issue a building permit. The applicant may then apply to the Board of Appeals for the reversal of the decision of the Building Inspector as provided in Article XI of this ordinance
- E. ~~C.~~ Revocation of permits. If it shall appear at any time to the Building Inspector that the application or accompanying plan is in any respect fails or misleading or that work is being done upon the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the Building Inspector. After the building permit has been revoked, the Building Inspector may in his discretion, before issuing a new building permit, require the applicant to file an indemnity bond in favor of the village, with sufficient surety conditioned for compliance with this ordinance and all laws and ordinances then in force and in a sum to cover the cost of removing the structure if it does not so comply.
- F. ~~All building permits issued by the Building Inspector shall be effective for a period not to exceed six (6) months from the date of issuance. If, after the expiration of six (6) months, the applicant shall require an extension to complete the proposed construction, such extension may be granted upon showing of good cause and application to the Building Inspector.~~
- G. ~~As built plans. All plans approved by the Planning board shall be constructed, developed and maintained in accordance with the plans approved. If, after approval, it is necessary to modify or amend an approved plan, it shall be resubmitted to the Planning Board for approval prior to the issuance of a certificate of occupancy. For any approved site plan, the applicant shall submit a copy of an as built plan of the development certified to by a professional engineer, to be filed in the records of the Planning Board and the Village Building Inspector.~~
- H. ~~Performance and maintenance bonds. In general, a certificate of occupancy shall not be issued by the Building Inspector until all improvements have been completed on a particular site plan. However, in phased development or in other instances where the Planning Board desires t assume the ultimate completion of future improvements, the Planning Board may require and establish a bonding procedure pursuant or similar to §7-730 of the Village Law. Said bonding procedure shall be applicable to all elements of the site plan considered by the Planning Board to be integral to the principal use of the site, such as but not limited to utilities, street, sidewalk, parking, access, lighting and landscaping. Similarly, the establishment of maintenance bonding shall ensure adequacy of performance.~~

## § 62-35. Certificates of occupancy.

### A. Certificates of Compliance required.

(1) No land shall be occupied or used and no building hereafter erected, altered or extended shall be occupied, used or changed in use in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector, stating that the structure or use complies with all the provisions of this ordinance.

(2) Occupancy or use after sale or transfer of any improved real property, including an individual condominium unit and an individual cooperative unit which, for the purposes of this section, shall be considered a piece of improved real property. Upon sale or transfer of any such real property, an updated certificate of occupancy, issued no earlier than 60 days before closing, shall be required before the premises or unit may be used or occupied. It shall be the obligation of the seller to apply for and obtain the updated certificate of occupancy unless the parties agree otherwise in their contract of sale.

~~A. Application. A certificate of occupancy shall be applied for at the same time as the application for a building permit.~~

B. The procedures and requirements for filing and issuance of a certificate of occupancy shall conform to the requirements of §10-7 of this Code and;

~~B. Issuance of certificates of occupancy.~~

(1) A certificate of occupancy shall be issued within ten (10) days after the Building Inspector determines that the structure or use, as completed, is in full conformity with the provisions of this ordinance and other applicable codes and ordinances, including but not limited to the New York State Uniform Fire Prevention and Building Code, ~~fire Prevention Code~~, Electrical Code, Plumbing Code, Sanitary Code and Housing Code.<sup>3</sup>

(2) Certificates of occupancy for nonconforming uses. A certificate of occupancy shall be issued, upon application and after inspection, to any nonconforming use which complies with the requirements of other applicable codes and ordinances. However, no nonconforming use shall be renewed, or extended, without a new certificate of occupancy therefor having been issued by the Building Inspector.

~~C. Records. The Building Inspector shall maintain a record of all certificates, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.~~

D. Penalties for offenses. No prior written notice of violation or request to cure shall be required to enforce the provisions of § 62-35 of this ordinance. For any such violation, the owner, general agent or contractor of a building or premises or part thereof where such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who commits, takes part or assists in such violation shall be subject to a penalty of not less than five thousand dollars (\$5,000.) nor more than ten

thousand dollars (\$10,000.) for the first day of each such violation and no less than one thousand dollars (\$1,000.) nor more than five thousand dollars (\$5,000.) for each and every day that any such violation continues thereafter to exist. In addition to the fines and penalties set forth herein, a party convicted of a violation of this chapter shall pay all costs and expenses incurred by the Village in determining such violation.

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