

ARTICLE XIV

Administration and Enforcement

1. Enforcement officials; powers and duties of building inspector.

This local law shall be enforced by a Building Inspector and one (1) or more Assistant Building Inspectors, Code Enforcement officers or Fire Inspectors, as the Village Board may appoint and deem necessary, hereinafter collectively referred to throughout this local law as the "Building Inspector." It shall be the duty of the Building Inspector and he is hereby empowered to:

- A. Inspect any building, structure or land to determine whether any violation of this local law, the New York State Uniform Fire Prevention and Building Code, or such other laws, rules and regulations as the Building Inspector shall be chargeable with inspection or enforcement of, has been committed or exist, whether or not such building, structure or land is occupied, whether such occupancy is in conformity with all of the applicable laws, rules and regulations, whether or not a certificate of occupancy or use has been issued,

whether or not occupancy is in conformity with the aforesaid certificates or such other certificates as the Building Inspector shall issue; and otherwise generally inspect and enforce all of the laws, rules and regulations relating to or affecting lots, buildings or structures and their use and occupancy.

- B. Issue such permits and certificates in conformity with the laws, rules and regulations of the State of New York and of this local law and refuse to issue the same in the event of noncompliance, which reason therefor shall be endorsed on the application and notice thereof given to the applicant, as is provided in this local law.

- C. Keep the Village Board advised of all matters as the Village Board shall determine relating to the enforcement of this local law and the appropriate laws, rules and regulations, make and keep all records necessary and appropriate to the office, including the issuance and denial of building permits, certificates of occupancy and/or uses, of formal complaints of violation and the action taken on the same; and keep a record of all permits, certificates of occupancy and

use issued that shall be available for public inspection.

- D. Issue and post notices of violations, stop orders, orders directing the remedying of any condition or omission that is or creates a violation of this local law or other applicable laws, rules and regulations and revoke building permits, certificates of occupancy and certificates of use.
- E. Make such inspections and reports as shall be required by the Village Board for the enforcement, amendment or addition to this local law or of any other applicable rules and regulations.
- F. Apply to the Village Board for authorization to perform such other actions or duties as may be necessary or required to enforce any authority or to invoke any penalty for the violation of this local law and any other applicable rules and regulations.
- G. Have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New

York for the violation of any section of this local law or for any order of the Building Inspector.

2. Adoption of Uniform Fire Safety and Building Code by reference.

The New York State Uniform Fire Prevention and Building Code is hereby adopted and recognized as the official Building Construction Code of the Village for the purposes set forth therein and as it may be amended from time to time.

3. Granting of building permits and certificates of occupancy and/or use.

No building permit, certificate of occupancy or certificate of use shall be issued unless the proposed construction or use is in conformance with all the provisions of this local law and other applicable laws.

4. Noncompliance with orders.

Any person who shall violate any order of the Building Inspector, issued under this local law, shall be deemed to have violated this local law.

5. Building permit required.

A building permit is required for:

- A. The construction, reconstruction, moving, demolition, structural alteration or change in the use of a building or a structure.
 - B. Any change in the bulk of a building, structure or nonbuilding use, but not including ordinary repairs which are not structural in nature.
6. Application procedure.
- A. Application for a building permit shall be made to, on forms provided by the Building Inspector, and shall contain the following information and shall be accompanied with the following documents and material as may be required by the Building Inspector:
 - (1) Each application shall contain the following information:
 - (a) A description agreeing with the Tax Map of the Town of Ramapo of the land on which the proposed work is to be done.
 - (b) A statement of the use or occupancy of all parts of the land and of the building or structure.

- (c) The valuation of the proposed work.
 - (d) The full name and address of the owner and of the applicant, including the names and addresses of each officer and director of any corporation as is deemed necessary.
 - (e) A brief description of the nature of the proposed work.
- (2) Each application for a building permit shall be accompanied by plans and specifications, including plot plans as required drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from plot lines, widths and grades of adjoining streets, walks and alleys and, where required by the Building Inspector, details of structural, mechanical and electrical work, including computations, stress diagrams and other technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings and, if construction is over ten thousand dollars (\$10,000) in value, the

architect's or engineer's signature and New York State license number.

- (3) Application shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.
- (4) Any amendment to the application or to the plans and specifications accompanying the same must be filed and approved by the Building Inspector prior to the completion of the work, and such amendments shall comply with the provisions of this local law. The refusal of such an amendment by the Building Inspector shall be in writing.
- (1) Every application for a building permit pursuant to this local law shall be accompanied by payment of a fee in accordance with the Standard Schedule of Fees.

B. The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. The Building Inspector shall approve or disapprove of the application within one (1) month from the receipt of the completed application accompanied by all appropriate documents and fees.

(1) Upon approval of the application, the Building Inspector shall issue a permit upon the prescribed form and shall affix his signature or cause his signature to be affixed thereto and endorse the plans and specifications to show approval.

(2) If the application is disapproved by the Building Inspector, the Building Inspector shall return the plans and specifications to the applicant and otherwise comply with Section 1 of this Article and file each disapproval in the office of the Building Inspector.

(C) One (1) set of such approved plans and specifications shall be retained in the files of the Building Inspector for such time as shall be mandated by state law, but not less than two (2) years. The applicant shall, at all times, keep one (1) set of the approved plans and

specifications, together with the building permit, at the building site and open to inspection by the Building Inspector at all reasonable times.

7. Expiration of permits.

- A. Every building permit shall expire at the end of two (2) years from the date of its issuance and shall be void and of no effect, subject to the extension provision of Subsection B and C of this section.

- B. If construction has been commenced within two (2) years from the issuance of the building permit but has not been completed, the holder of the permit may apply to the Building Inspector for an extension not to exceed one (1) year. Upon the payment of one-half ($\frac{1}{2}$) of the fee required for the issuance of the original building permit, the Building Inspector may, in his discretion and for due cause, extend the permit for a period not to exceed one (1) year from the date of its expiration.

- C. If construction has not been commenced, the holder of the permit may apply to the Board of Appeals for an extension not to exceed one (1) year from the expiration of the permit, upon the payment of one-half ($\frac{1}{2}$) of the original building permit fee and such other

fee or fees as may be payable upon any application to the Board of Appeals.

- D. Failure to complete the work within the time prescribed shall require that a new building permit application be filed and a new permit issued before any work may commence or continue.

8. Revocation of permits.

The Building Inspector may revoke a building permit issued in any one (1) of the following circumstances:

- A. There has been a false statement or misrepresentation as to a material fact in the application, plans, specifications or other accompanying documents upon 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 laws.
- C. The holder or the applicant has failed to meet the requirements of an approved site development plan, subdivision plat, special permit, conditional use

permit, variance, zone change or other permit or approval. (Amended March 17, 1988.)

B. The work being performed under the permit is not in accordance with the provision of the application, the permit, the plans or specifications.

E. The holder of the permit has failed or refused to comply with a stop order issued by the Building Inspector under Section 9 of this Article.

9. Stop work orders.

Whenever the Building Inspector shall determine that work on any building or structure is being or has been conducted in violation of any of the provisions of the State Building Code, state, federal, county or village laws, rules or regulations or has failed to meet or violates any requirement of an approved site plan or subdivision plat, including but not limited to the required drainage, grade or elevation plans, sewer and septic plans, approved road profile plans and such other plans or specifications upon which a building permit was issued, or that any work is being conducted in a dangerous or unsafe manner, then the Building Inspector shall notify the owner of the property,

or the owner's agent, or the person performing the work, to suspend and halt work. Such direction by the Building Inspector (a stop-work order) shall be in writing and delivered to the owner, or the owner's agent, or the person performing the work or affixed to any part of said structure. Such stop-work order shall state the reasons therefor and the conditions under which the work may be resumed. Should work continue in violation of the stop-work order, the Building Inspector may, without further notice, revoke the building permit and, if there is a certificate of occupancy or use, revoke the same.

10. Certificates of occupancy and/or use.

A. Except for buildings constructed prior to February 5, 1930, no building shall be used or occupied in whole or in part unless or until a certificate of use or a certificate of occupancy, as appropriate, shall have been issued by the Building Inspector of the Village or Town, as the case may be, and then only in conformity with said certificate(s).

B. Partial certificate of occupancy or use. A partial certificate of occupancy or use for periods of ninety

(90) days, but not more than one (1) year in the aggregate, for a building, structure or part thereof shall be issued before the entire work shall have been completed; provided, nonetheless, that such portion or portions for which the certificate is issued may be occupied safely. The Building Inspector shall require a cash deposit or an irrevocable letter of credit drawn on a bank and in a form satisfactory to the Village Attorney to ensure and guarantee the completion of the structure. The Building Inspector shall determine the sum of said cash or letter of credit.

- C. No change shall be made in the use or occupancy of a building or structure unless a certificate of occupancy authorizing the change of use shall have been issued. A change in use shall include, but not be limited to, a change in or of the type, class, nature or scope of the goods, services or operation.

11. Issuance of certificates of occupancy and/or use.

- A. A certificate of occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it

applies for the purposes therein stated.

B. Before issuing a certificate:

- (1) The owner or his agent shall make application for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plans, or of the registered architect or licensed professional engineer who supervised the construction of the work. This affidavit 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 this local law and these regulations and the requirements of any approved subdivision plat or site plan except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.
- (2) The Building Inspector shall examine or cause to be examined all buildings, structures and sites for which the application has been filed.

C. If the Building Inspector shall determine that the improvement, construction, etc., was made in conformity with the building permit and any other applicable rules and regulations, the Building Inspector shall issue a certificate of occupancy or use as the case may be.

12. Revocation of certificates of occupancy and/or use.

If after the issuance of a certificate of occupancy or use, the Building Inspector shall determine that there has been a violation of the preceding section or that there has been a violation or set of circumstances which would authorize the revocation of a building permit pursuant to Section 8 or Section 9 of this Article, the Building Inspector may revoke the certificate of occupancy or use that had been issued.

13. Right of entry.

The Building Inspector or his authorized agent, upon the showing of proper credentials and in the discharge of his duties, may enter upon any land or building or structure at any reasonable hour, subject to all applicable laws.

14. Penalties for offenses.

Any person who shall violate any provision of this local law, or who shall build or alter any structure or use any

land in violation of any statement or plan submitted and approved thereunder, or who shall knowingly assist therein, shall be liable to a fine of no more than five thousand dollars (\$5,000) or imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment. Each day's continued violation shall constitute a separate and additional violation. In addition to the foregoing provisions, the Village shall have such other remedies for any violation or threatened violation of this local law as is not or may hereafter be provided by law.

15. Prosecution under statutory provisions.

Nothing contained herein shall be deemed to limit or prevent prosecution pursuant to the Laws of the State of New York.

16. Appeals from decisions of Building Inspector.

Whenever the Building Inspector shall approve or disapprove, act or fail to act or otherwise perform any of his duties and shall render a decision thereon, such decision shall be reviewable by appeal to the Board of Appeals from the Building Inspector's decision. Such appeal shall be taken not more than thirty (30) days after the filing of the decision of the Building Inspector in the office of the Building Inspector.

17. Escrow Accounts to cover specific and non-general costs and expenses.

A. Applicability. Any and all such specific and non-general costs or expenses incurred by the Village in reviewing any application or petition for any zone change, special permit, license, franchise agreement, site plan, subdivision, variance, SEQRA review, amendments to any approved map or tax map or text of the Village Code, as well as any other submissions to the Village Board of Trustees, the Village Zoning Board of Appeals or Village Planning Board, ARB, or CDRC or otherwise enforcing the rights of the Village regarding a specific applicant or property owner which require the use or employment of Village Counsel, Special Legal Counsel, Bond Counsel, Transactional Counsel or other legal advice or representation, planning consultants, zoning consultants, engineers, experts, accountants, appraisers or other professionals or persons that may be deemed reasonably necessary by the Village to review, act upon or otherwise provide advice on any such matter shall be charged to and paid solely by the applicant or petitioner as well as property owner involved or other person seeking relief or otherwise responsible to the Village that makes such specific and

non-general action or review by the Village appropriate or necessary.

(B). Escrow Account. The payment of such costs shall be deducted from an escrow account to be established at the time any such application is made, in amount determined by the Village in accordance with the Village's fee schedule or as determined by Resolution of the Village Board of Trustees. Such escrow account must be maintained in an amount sufficient to pay such fees or costs at the time they are incurred and must be replenished as directed by the Village Treasurer. No land use application shall be placed on an agenda for consideration or approval unless the escrow account is up to date, and no building permit or certificate of occupancy shall issue until all applicable costs referenced in this local law have been paid in full.

(C). Nature of costs. Any such costs paid or incurred by the Village that are reasonable and customary in the County of Rockland regarding the foregoing shall be charged to and paid by the applicant as well as property owner involved provided that the applicant as well as property owner involved are seeking a benefit

or other relief or approval from the Village, and further provided that said costs are necessary expenditures, and not expenditures for the convenience of a Board in fulfillment of its own decision-making responsibilities.

(D). Maximum legal expense. Notwithstanding anything else set forth in this section, any legal costs billed against an escrow account established pursuant to this local law shall be reasonable in amount and shall not exceed five (5%) percent of the cost of the fair market value of the estimated cost of construction or the infrastructure and other site improvements involved in said application.

(E). Appeal Rights. The person or entity required to pay said costs pursuant to this Local Law has a right to contest any obligation to pay any or all of such costs or fees by notifying the Village in writing within 30 days of being advised of such cost or the obligation to pay. The Village shall properly supply written documentation to the person or entity from whom such

costs are sought to be paid. That person or entity has thirty (30) days from the date of transmittal of such documentation to object in writing to part or all of the costs or fees sought to be paid to the Village. If within that thirty (30) day period of time the entity or person objects to payment of some or all of the cost or fees to be imposed, the person or entity shall file in writing a detailed appeal to the Village Board of Trustees specifying the basis for any objection to said payment. Within ninety (90) days of the date of receipt of the appeal, the Village Board of Trustees shall determine the appeal and decide what costs or fees, if any, shall be paid by the person or entity making the appeal. In the event that the Village Board of Trustees requires payment of some or all of the costs or fees to be imposed, the person or entity shall have the right to file an appeal to the Supreme Court for the County of Rockland pursuant to Article 78 to challenge any such determination by the Village Board. Where a person or entity objects to any payment by the filing of an Article 78 proceeding, such amount shall remain in, but not be deducted from escrow until such time as the Supreme Court for the County of Rockland makes a determination regarding the same, if such an Article 78

proceeding is brought by the person or entity regarding said costs. In the event the escrow is insufficient to cover any disputed amount, the applicant must replenish the escrow account with an amount sufficient to cover the disputed expense (in addition to any other ongoing expenses) until such dispute is resolved or otherwise determined by the Supreme Court for the County of Rockland. After any review by the Rockland County Supreme Court, the applicant or other entity shall have a right to pursue an appeal to the Appellate Division, Second Department. Notwithstanding the same, the amount determined to be due from the applicant by the Rockland County Supreme Court shall be deducted from escrow, or paid by the applicant if the escrow is insufficient, unless a stay from a Court of competent jurisdiction is issued restraining the Village from regarding making such payment.

(F). Severability. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

(G). Additional Rights of Village. Nothing herein shall diminish or eliminate the right of the Village to

obtain reimbursement of costs or expenses as provided for in any other law, rule or regulation.

(H). Alternative Agreements. Nothing herein shall prohibit the Village and any applicant from entering into an agreement as to the payment of professional fees where such application is unique or otherwise different and where the amount of an escrow for payment of reasonable costs may be difficult to ascertain. If the parties do not mutually assent to a written agreement concerning such fees in said situation, then provisions of this local law shall control.