

Chapter 48

BUILDING CONSTRUCTION AND FIRE PREVENTION

[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock: Art. I, 12-2-1987 as L.L. No. 2-1987; Art. II, 12-2-1987 as L.L. No. 3-1987; Art. III, 10-2-1991 as L.L. No. 4-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing -- See Ch. 118.

Zoning -- See Ch. 150.

Fees -- See Ch. A156.

ARTICLE I

Applicability of Standards

[Adopted 12-2-1987 as L.L. No. 2-1987]

~ 48-1. Confirmation of applicability; repeal of prior standards.

A. The Village of Saddle Rock hereby confirms that the Uniform Fire Prevention and Building Code of the State of New York shall be applicable in the village.

B. The Building Code of the Village of Saddle Rock, as heretofore adopted and amended, is hereby repealed.

ARTICLE II

Administration of Standards

[Adopted 12-2-1987 as L.L. No. 3-1987]

~ 48-2. Purpose.

It is the purpose of this Article to provide for the effective administration of the Uniform Fire Prevention and Building Code of the State of New York in order to fulfill responsibilities of the village toward the public health, safety and general welfare. Any reference to the "Building Code" shall be deemed to be a reference to the Uniform Fire Prevention and Building Code of the State of New York.

~ 48-3. Designation of enforcement official.

There is hereby designated in the village a public official, to be known as the "Code Official" or "Building Official," who shall be appointed by the Mayor with the approval of the Village

Board, at a compensation to be fixed by the Board. The term "Code Official" or "Building Official," as used in this Article, shall refer to the individual charged with the enforcement of the Building Code.

~ 48-4. Appointment of building inspectors.

The Mayor may appoint one or more building inspectors, as the need may appear, to act under the supervision of the Building Official and to exercise any portion of his powers and duties. The compensation of such building inspectors shall be fixed by the Village Board.

~ 48-5. Restrictions on village employees.

No officer or employee of the village shall engage in any activity inconsistent with his duties or with the interests of the village, nor shall he, during the term of his employment, engage directly in any building construction or alteration or building repair business in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the village, except that this provision shall not prohibit any employee from such activities in connection with the construction, alteration or repair of a building or structure owned by him and not constructed for sale.

~ 48-6. Powers and duties of enforcement official.

Except as otherwise specifically provided by law, ordinance or regulation or except as herein otherwise provided, the Building Official shall:

A. Administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof.

B. Have the power to adopt rules and, from time to time, to alter, amend, change or revoke such rules, to secure the intent and purpose of this Article and a proper enforcement of the laws, ordinances and regulations governing building construction.

C. Receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof, including plumbing, drainage, air conditioning, ventilation and heating, and examine the premises for which such applications have been received or such permits have been issued, for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction.

D. Issue all appropriate notices or orders to remove illegal or unsafe conditions and to require the necessary safeguards during construction and, to ensure compliance during the entire course of construction with the requirements of such laws, ordinances and regulations, make all inspections which, in his judgment, are necessary or proper for the carrying out of his duties, except that written reports of inspection from building inspectors or other employees of the village or from generally recognized and authoritative service and inspection bureaus, provided that the same are certified by the responsible official thereof, may be accepted in lieu of any such inspections.

E. Have the right to require the performance of tests in the field by experienced professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction.

F. Receive and examine and approve or disapprove, within a reasonable time after receipt thereof, applications to install any new plumbing or drainage work in a building or structure or to extend or alter any existing plumbing or drainage work, whether such work is to be connected with a sewer or not.

G. Have the right to enter any building or premises in the village at any reasonable hour upon showing his badge of office, so far as may be necessary for the performance of his duties.

H. Have all the powers of a peace officer of the village, including the power of arrest.

~ 48-7. Records to be kept; annual reports.

A. The Building Official shall keep official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected and inspection reports and notices or orders issued in accordance with New York State Education Department laws.

B. The Building Official shall yearly submit to the Village Board a written report and summary of all business conducted by him, including permits and certificates issued, fees collected, summonses issued and appeals or litigation pending.

~ 48-8. Cooperation of departments.

The Building Official may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the appropriate Police, Fire and Health Departments and of all municipal or other officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

~ 48-9. Permit required; application procedure.

A. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Building Official for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

B. Contents of application; procedure.

(1) Application for a building permit shall be made to the Building Official on forms provided by him and shall contain the following information:

(a) A description 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 the proposed building or structure.

(c) The valuation of the proposed work.

(d) The full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations.

(e) A brief description of the nature of the proposed work.

(f) A duplicate set of plans and specifications, as set forth in Subsection C of this section.

(g) Such other information as may reasonably be required by the Building Official to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.

(2) Applications 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. The Building Official shall require a separate application to be filed for an elevator installation, but, in case such separate application is filed by the same applicant in connection with and relating to an application to construct or alter a building or structure, it shall not be necessary to duplicate information contained in the application to construct or alter. Nothing in this section shall prevent the Building Official from requiring such additional information as may be necessary to an intelligent understanding of any proposed work.

C. Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan and property survey, 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; the distance from lot lines; the relationship of structures on adjoining property, including the grades thereof, widths and grades of adjoining streets, walks and alleys; and, where required by the Building Official, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Each application shall also be accompanied by a recent tax bill. Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by Education Law ~ 7302, as amended, the seal of a licensed architect or a licensed professional engineer. The Building Official may waive the requirement for filing plans and specifications for minor alterations.

D. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the village and approval received from the Building Official prior to the commencement of such change of work.

E. No permit shall be issued until proof, in a form satisfactory to the Industrial Commissioner of the State of New York and the Building Official, that workers' compensation

insurance covering all operations on the building for which a permit is required has been submitted to the Building Official and recorded by him for inspection by representatives of the New York State Department of Labor.

~ 48-10. Issuance of permit; disapproval.

A. The Building Official shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within a reasonable time.

B. Upon approval of the application and upon receipt by the Village Clerk-Treasurer of the legal fees therefor, the Building Official shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Building Official, 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 Official or his authorized representative at all reasonable times.

C. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable building regulations, the Building Official shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Official shall cause such disapproval, together with the reasons therefor, to be transmitted to the applicant in writing.

~ 48-11. Conditions of permit.

A. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six months after the date of its issuance and to actively continue construction until completion. A lapse of construction of more than 60 days shall constitute an abandonment unless extended by the Building Official. For good cause, the Building Official may allow a maximum of two extensions for periods not exceeding three months each.

B. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building laws, ordinances or regulations. All work shall conform to the approved application, plans and specifications.

C. The building permit card shall be displayed prominently on the job site at all times during the progress of construction so as to be readily seen from adjacent thoroughfares.

D. No building permit may be transferred, assigned or otherwise dealt with to permit its use by a person other than the person to whom it was originally issued, without the prior consent of the Board of Trustees upon written application in such form as may be required by the Building Official.

~ 48-12. Revocation of permit.

The Building Official may revoke a building permit previously issued in the following instances:

- A. Where he finds that 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. Where he finds that the building permit was issued in error and should not have been issued, in accordance with applicable laws.
- C. Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
- D. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Official.

~ 48-13. Dangerous and unsafe buildings and conditions.

A. Demolition.

(1) No building shall be demolished in whole or in part before a permit therefor is obtained from the Building Official upon an application, in writing, executed by the owner or a person authorized in writing by the owner, setting forth the full name and residence of each of the owners of the building to be demolished, the name and business address of the person who is to do the work and such other information with respect to the building as the building inspector may require. Such application shall be submitted not less than 48 hours before the work of demolition is to be commenced, and the applicant shall notify the Building Official and the Nassau County Health Department at least 24 hours before starting work.

(2) Any demolition permit issued hereunder shall expire at the end of six months from the date of issuance.

(3) In granting any demolition permit hereunder, the Building Official may impose reasonable conditions where necessary to protect the public health, safety or general welfare.

B. Removal or repair. Any structure, part of a structure or premises which may at any time become structurally dangerous or unsafe or which, in the opinion of the Building Official, or is likely to become a fire hazard shall be taken down promptly and removed or made safe and secure. Any vacant or abandoned building unguarded or open at a door or window shall be deemed dangerous, unsafe and a fire hazard within the meaning of this subsection.

C. Inspection. Upon receipt of information which forms the basis for a reasonable belief that a structure or part of a structure or premises is unsafe or dangerous, it shall be the duty of the Building Official to make an inspection thereof and cause a written report to be entered with respect thereto in the office of the Village Clerk as a permanent record of the Village of Saddle Rock.

D. Notice or order to abate. In the event that the Building Inspector determines, after investigation and inspection, that a structure or part thereof or any premises is structurally unsafe or dangerous or creates a fire hazard, a notice to that effect shall be served on the owner or the owner's executors, legal representatives, agents or lessees or any executors, legal representatives, agents or lessees or any other person having a vested or contingent interest in the structure or premises. Such notice shall be served either personally or by certified mail addressed to the last known address of the owner or one of the owner's executors, legal representatives, agents or lessees or any other person having a vested or contingent interest in said structure or premises. Such service shall be deemed sufficient if made either personally or by certified mail to the person whose name appears upon the last assessment roll completed and filed in the office of the Village Clerk. In the event that such service shall be made by certified mail, a copy thereof shall be posted on the premises affected. Such notice shall contain a statement of the particulars in which the building or structure is unsafe or dangerous and shall also contain an order requiring the same to be made safe and secure or removed and may establish a date by which such repair, alteration or removal shall be completed.

~ 48-14. Stop-work orders.

Whenever the Building Official has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building 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 persons 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 reason for the stop order and the conditions under which the work may be resumed and may be served upon the person to whom it is directed, either by delivering them personally to him or by posting the same upon a conspicuous portion of the building under construction or being worked upon and sending a copy of the same by certified mail to said person.

~ 48-15. Abandonment of project.

In the event of the abandonment of any building project, it shall be the duty of the holder of the permit or the owner of the premises, his agent or duly authorized representative to backfill any open excavation up to the street or ground level. In case the construction of the building or structure has proceeded beyond the cellar excavation, all incompleated structures or openings shall be completely boarded up in a manner satisfactory to the Building Official so as to prevent access to the building or structure, in order to limit and prevent danger to persons or property and possible fire hazards and to present a neat appearance.

~ 48-16. Supervision of construction.

A. No building which is to have a total floor area in excess of 500 square feet shall be constructed except under the supervision of a professional engineer or architect licensed or registered in the State of New York. The affidavit shall be signed and sworn to by the engineer or architect who will supervise the construction of such building and shall have his professional seal affixed. In the event that such engineer or architect shall, for any reason, discontinue his

supervision of the construction of the building at any time prior to the completion, he shall notify the Building Official of such fact immediately, and thereupon the building permit issued for such construction shall be suspended, and no further work shall be done thereunder until another such affidavit shall be filed with the Building Official certifying that supervision of the construction has been resumed by another or the same engineer or architect.

B. No certificate of occupancy will be issued for a building having a total floor area in excess of 500 square feet until as-built plans and a final certificate by the engineer or architect who supervised the construction are filed with the Building Official, establishing and certifying that the building was, in fact, erected in conformity with the plans therefor filed with the Building Official.

~ 48-16.1. Application prior to earthmoving or change of grade. [Added 7-3-1996 by L.L. No. 3-1996¹; amended 10-2-1996 by L.L. No. 4-1996]

No person or entity shall cause or permit any bulldozer, tractor or earthmoving machine or other machine or equipment to be used on any land within the village nor add any fill or change any grade in excess of one foot, unless a permit for such activity has been granted by the Building Inspector or Board of Trustees.

A. No such permit shall be granted except upon written application, stating in detail the work proposed to be done and the equipment proposed to be used, together with a plot plan and survey showing the grades at commencement and completion of work and such other details as may reasonably be required by the Building Inspector or Board of Trustees, as the case may be.

B. As a condition of approval of any such permit, the permitting authority may require that the applicant and the owner of the property where the activity is to be conducted agree, in writing, and provide a sufficient bond or undertaking to construct terraces, abutments and retaining walls and to grade the premises in such manner as the permitting authority may deem adequate and appropriate to prevent hazard to the premises being built upon or to adjacent buildings or premises.

~ 48-17. Plumbers to be licensed.

No person shall engage in the business of plumbing or do any plumbing work within the village unless he shall be duly licensed by and have a proper bond on file with the Town of North Hempstead.

~ 48-18. Certification for lead content in solder.

The Code Official may, in his discretion, require certification from an applicant or his agent, pursuant to Section 905.5 of the New York State Uniform Fire Prevention and Building Code, that the lead content of solder complies with applicable law. Where such certification has been

¹ Editor's Note: This local law amended and renumbered former ~ 150-17 as ~ 48-16.1. Original ~ 150-17 was added 6-13-1996.

requested and has not been supplied, the Code Official shall not issue any certificate of occupancy or certificate of completion for the premises.

~ 48-19. Leaders to be provided.

All buildings hereafter constructed shall be provided with proper leaders for conducting water from the roofs. In no case shall the water from leaders be allowed to flow upon the sidewalk or public roads. The water from the leaders shall be conducted by proper pipe or pipes below the surface to a dry well. In new buildings, leaders may be placed inside of a wall.

~ 48-20. Street encroachments.

A. General. Except as otherwise provided by law, no part of a building hereafter erected or altered shall project beyond the property line.

B. Projection permits revocable. Any permission, expressed or implied, to construct part of a structure so as to project beyond the building line is revocable at will by the Board of Trustees.

C. Areas. Every area existing when this Article becomes effective that is open at the top and that projects into any street or public walk shall be covered at the top with an iron or steel grating set flush with the sidewalk.

D. Cellar stairs and cellar doors. Every entrance or stairs leading to a cellar, existing when this Article becomes operative and which projects beyond the building line and into the public highway, shall have such opening covered with a flush-type door or doors. When such entrance is covered by a door or doors, it shall not be permitted to remain open except when in actual use for ingress to and egress from such cellar. All such entrances and stairs shall have adequate safeguards as determined by the Building Official.

E. Projection prohibited by other law not legalized. Nothing in this Article shall be deemed to authorize any projection beyond the property line that is prohibited by any other law or ordinance.

~ 48-21. Excavations.

A. When excavation does not exceed four feet. If such excavation is not intended to be or shall not be carried to a depth of more than four feet below the curb, the owner of any wall, building or structure, the safety of which may be affected by said excavation, shall preserve and protect the same from injury and support the same by proper foundation and, when necessary for that purpose, shall be permitted to enter upon the premises where such excavation is to be made. In case such wall, building or structure, however, is so located that the curb to which it is properly referred is at a higher level than the curb to which the excavation is referred, such part of any necessary underpinning or foundation as may be due to the difference in curb level shall be made and maintained at the joint expense of the person causing the excavation to be made and the owner of such wall, building or structure.

B. Building Official may act. If the person whose duty it shall be under the provisions of this Article to properly guard and protect an excavation or to prevent adjoining earth from caving in or to preserve or protect any wall, building or structure from injury shall neglect or fail to do so after having had a notice from the Building Official, such Official may enter upon the premises and employ such labor and furnish such materials and take such steps as, in his judgment, may be necessary to prevent adjoining earth from caving in or to make such wall, building or structure safe and secure or to prevent the same from becoming unsafe and dangerous, at the expense of the person whose duty it is to keep the same safe and secure.

~ 48-22. Certificate of occupancy required.

A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Official. No improvement to property shall be used or occupied in whole or in part until a certificate of completion shall have been issued by the Building Official. Whenever the term "certificate of occupancy" is used in this Article, the provisions hereof shall be applicable to a certificate of completion.

B. No building or improvement 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 10 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Official.

C. No change shall be made in the use or type of occupancy of an existing building or improvement unless a certificate of occupancy authorizing such change shall have been issued by the Building Official.

D. 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 for new construction and/or major alterations involving structural change, there shall be filed with the Building Official 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 or of the superintendent of construction who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought and that the structure has been erected in accordance with the 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 affidavit. There shall also be filed an affidavit of final cost, a final survey and a New York Board of Fire Underwriters' certificate.

E. In addition to the certification, when required by this section, as to compliance with approved plans and specifications and with provisions of the law, all certificates of occupancy shall state the purpose for which the building(s) shall be used in the several parts, the maximum permissible live loads on the several floors, the number of persons that may be accommodated in the several stories in case such number is limited by any provision of all applicable ordinances or the approved specifications and all stipulations of the permit, if any.

~ 48-23. Inspection.

Before issuing a certificate of occupancy, the Building Official shall examine or cause to be examined 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. There shall be maintained in the Village Office a record of all such examinations and inspections, together with a record of findings of violation of the law.

~ 48-24. Issuance of certificate of occupancy.

A. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building 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 Official shall issue a certificate of occupancy.

B. 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 building and zoning 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.

~ 48-25. Temporary certificate of occupancy.

Upon request, the Building Official may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good cause, the Board of Trustees may allow a maximum of two extensions for periods not exceeding three months each.

~ 48-26. Tests for compliance.

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not comply with the requirements of the applicable building laws, ordinances or regulations, the Building Official may require the same to be subjected to tests, at the applicants expense, in order to furnish proof of such compliance.

~ 48-27. Penalties for offenses.

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provisions of law or rules promulgated by the Building Official in accordance with applicable laws or to fail in any manner to comply with a notice, directive or order of the Building Official or to construct, alter, use or 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 Official within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or his agents, or any other person taking part in assisting in the construction or use of any building, who shall knowingly violate any of the applicable provisions of law or any lawful order, notice, directive, permit or certificate of the Building Official made thereunder shall be guilty of a violation, which shall be punishable by a fine of not more than \$500 or 30 days' imprisonment, or both. Each day that a violation continues shall be deemed a separate offense.

~ 48-28. Abatement.

Appropriate actions and proceedings may be taken by the village 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 penalties otherwise prescribed by law.

~ 48-29. Oversight or dereliction of enforcement officer.

No oversight or dereliction of duty on the part of the Building Official or on the part of any employee of the village shall legalize the erection, construction, alteration, removal, use or occupancy of a building or structure that does not conform to the applicable building or plumbing laws, ordinances or regulations or that does not conform to the provisions of an application, plans or specifications on the basis of which a building permit or plumbing permit was issued or that does not conform to the applicable provisions of the Building Zone Ordinance.²

~ 48-30. Electrical installations. [Amended 5-5-1999 by L.L. No. 2-1999]

A. All electrical installations shall be made in conformity with the requirements of the National Electrical Code, except where the provisions of the Village Code shall prescribe otherwise. The requirements of the National Electrical Code shall be those known as "National Fire Association Pamphlet Number 70," as approved and adopted by the American Standards Association, or any then current subsequent version thereof.

B. The Board of Trustees may designate one or more qualified persons or entities as the duly appointed Electrical Inspector(s) of the village to make inspections of all electrical installations and to approve or disapprove the same. Such designations shall be for a period of one official year or until a successor designation is made, whichever is later. The cost or expense for any such inspection may be established by the village, but such cost or expense shall be paid by or on behalf of the owner of the property where the installation is made, and in no event shall such cost or expense be a charge against the village.

~ 48-31. Repair of damaged structures.

² Editor's Note: See Ch. 150, Zoning.

A. When prohibited. Within the fire limits, any existing frame, wood or other combustible structure which, in the judgment of the Building Official, may be damaged from any cause whatsoever to an amount greater than 1/2 of its value, exclusive of foundations, shall not be repaired or rebuilt but shall be taken down, except that, if said frame building shall have been occupied exclusively as a one-family residence when said building is damaged by fire or otherwise as mentioned above, the amount of permissible damage shall be increased to 75%.

B. In case the owner or owners of the structure which may be damaged or in need of repairs shall be dissatisfied with the decision of the Building Official as to the extent of such damage or required repairs, the extent shall be determined by competent engineers, architects or builders of at least 10 years' experience, one appointed by the Building Official, one by the owner or owners of the structure and, in case these two do not agree, one selected by them jointly. The report of these shall be reduced to writing and, when signed by any two of them, shall be conclusive. No building which is the subject of a survey shall be in any manner repaired, altered or rebuilt until after the decision of the surveyors shall have been rendered. The expense of the expert appointed by the owner shall be paid by him; the expense of the expert appointed by the Building Official shall be paid by the village; and the expense of the third expert shall be paid in equal parts by the owner and the village.

~ 48-32. Elevators.

A. It shall be the duty of the owner of the building to place a mirror or mirrors in the rear of elevators so as to make the interior thereof visible to a person prior to entering such elevator, such mirror to be of a design and size prescribed by the Building Official so as to ensure proper safety, and to supply the Building Official with a certificate of inspection from an acceptable elevator company or insurance company. The required inspection and testing shall be made at intervals as follows:

- (1) Six months for power passenger elevators.
- (2) Six months for escalators and power freight elevators.
- (3) Twelve months for hand elevators, self-powered elevators and dumbwaiters.

B. The certificate shall indicate that the elevator, escalator and/or dumbwaiter is in proper working order and complies with the regulations of the Building Code and generally accepted standards.

C. If the owner fails to supply the certificates as required, the Building Official shall have said elevator or escalator inspected. The fee for such inspection shall be at the levels fixed from time to time by resolution of the Board of Trustees. Such fee shall be paid by the owner of the building.

D. Any person who knowingly and willfully violates any of the provisions of this section or violates or fails to comply with any order or requirements of an inspector or other official charged with the duty of inspecting elevators shall be guilty of a violation punishable to the maximum extent provided by law, but not to exceed \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment.

~ 48-33. Fees.

A. All fees prescribed in this section shall be collected by the Building Official and promptly remitted to the Village Clerk/Treasurer, and no permits shall be issued by the Building Official until such fees have been paid. The Building Official is authorized to fix, by regulation, a schedule of square feet and/or cubic feet for buildings or structures of varying types of construction and classes of occupancy to serve as the basis for determining estimated costs. The estimated cost, which shall be the amount of money that would ordinarily be expended for good, safe construction in the erection of the complete building or structure, exclusive of interior decoration of the structure, shall be determined by the Building Official.

B. Any fee for a permit or license not otherwise provided for by law may be established by resolution of the Board of Trustees.

C. Except as otherwise provided by law, every license shall expire on the 31st day of December of the year in which it is issued but may be renewed without examination for each succeeding year upon payment, on or before January 31 of such succeeding year, of such fee as may be fixed by law.

~ 48-34. Interpretation of provisions.

The powers enumerated in this Article shall be interpreted liberally to effectuate the purposes thereof and shall not be construed as limitations of powers.

~ 48-35. Conflicts with other legislation.

In any case where a provision of this Article is found to be in conflict with the provisions of any building, fire, safety or health law, ordinance or code of this village existing on the effective date of this Article, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail. In any case where a provision of this Article is found to be in conflict with the provision of any other law, ordinance or code of this village existing on the effective date of this Article which establishes a lower standard for the promotion and protection of the health, safety and welfare of the people, the provision of this Article shall be deemed to prevail, and such other laws, ordinances or codes are hereby declared to be repealed to the extent that they may be in conflict with this Article.

ARTICLE III

Site Plan Requirements

[Adopted 10-2-1991 as L.L. No. 4-1991]

~ 48-36. Purpose and findings.

It is the intent of this Article to promote the health, safety and general welfare of the residents and property owners of the Village of Saddle Rock. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the village, and, in addition, such an environment is deemed essential to the maintenance of the quality of life and the general welfare of such inhabitants. It is further the intent of this Article to ensure the

optimum overall conservation, protection, preservation, development and use of the natural and human-related resources of the village by regulating land use activity within the village through review and approval of site plans. It is not the intent of this Article to permit or prohibit per se any land use activity or to alter or amend other provisions of this Code regarding permitted uses of land, but to allow those permitted land use activities, provided that the same meet the standards set forth in this Article and elsewhere in this Code.

~ 48-37. Definitions and word usage.

As used in this Article, the following words or terms shall have the indicated meanings. The definitions of terms in Chapter 150 of this Code shall also be applicable to this Article, unless a different definition appears herein. Any term which is not otherwise so defined shall carry its usual and customary meaning unless the context otherwise dictates.

ACCESSORY STRUCTURE -- Any structure designed to accommodate an accessory use but detached from the principal structure, such as a freestanding garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility.

LAND USE ACTIVITY -- Any construction or other activity which changes the use or appearance of land, a structure, accessory structure or off-shore structure, or the intensity of use of land or structure. "Land use activity" shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansion of existing uses or roads, driveways, paved or artificially covered land and/or excavations.

SHORELINE -- The high-water mark of any lake, pond, stream, river or other body of tidal water.

STRUCTURE -- Any object constructed, installed or placed on land to facilitate land use and/or development and/or subdivision of land, such as buildings, sheds, signs, tanks and any fixtures or alterations thereof.

~ 48-38. Applicability of review requirements.

A. No person, firm, partnership, association, corporation or other entity shall commence any land use activity in the village, nor shall any permit be issued for the same, without first obtaining site plan approval pursuant to this Article.

B. Notwithstanding the provisions of Subsection A of this section, the following land use activities shall not require site plan approval pursuant to this Article:

(1) Construction or exterior alteration, renovation or reconstruction of structures ordinarily accessory to a single-family dwelling, where the Board of Trustees determines that no site plan approval is required.

(2) Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this Article.

(3) Ordinary repair or maintenance or interior alterations to existing structures or uses.

C. Any person uncertain of the applicability of this Article to a given land use activity may apply in writing to the Building Inspector for a written jurisdictional determination.

~ 48-39. Effect on existing uses.

This Article does not apply to uses and structures which are lawfully in existence as of the date this Article becomes effective. Any use which would otherwise be subject to this Article which has been discontinued for a period of six months or more shall be subject to review pursuant to the terms of this Article before such use is resumed. Any otherwise lawful permitted use or structure shall be considered to be in existence, provided that the same has been substantially commenced as of the effective date of this Article and fully constructed and completed within one year from the effective date of this Article.

~ 48-40. Effect on other provisions.

This Article shall in no manner affect the provisions or requirements of any other federal, state or local law or regulation. Where this Article is in conflict with any other law or regulation, the more restrictive shall apply.

~ 48-41. General review procedures.

Applicants for site plan approval may follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this Article.

~ 48-42. Sketch plan.

Upon the request of an applicant, a sketch plan conference shall be held between the Board of Trustees or its designee (including but not limited to a committee of the Board, the Code Official or Village Engineer) and the applicant prior to the preparation and submission of a formal site plan. The intent of such conference is to enable the applicant to inform the Board of Trustees of the nature and scope of the applicants proposal prior to the preparation of a detailed site plan and for the Board of Trustees to review the basic site design concept, advise the applicant as to potential problems and concerns and generally to determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following at the time of the request for a sketch plan conference:

A. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, existing and proposed vegetation and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations.

B. An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel.

C. A topographic or contour map of adequate scale and detail to show site topography.

~ 48-43. Application requirements.

An application for site plan approval shall be made in writing to the Board of Trustees and shall be accompanied by the information required by this section. Where a sketch plan conference is held, the Board of Trustees shall determine which of the provisions otherwise required by this section will not be required for the application. Required information shall include:

A. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.

B. North arrow, scale and date.

C. Boundaries of the property, plotted to scale.

D. Existing buildings on the property.

E. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics and watercourses.

F. Location, design, type of construction, proposed use and exterior dimensions of all buildings.

G. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, bulkheads, pools and fences (where permitted by law).

H. Location, design and construction materials of all energy distribution facilities, including electrical, gas, petroleum and solar energy and all proposed air-conditioning and/or heating units, all outdoor mechanical equipment and/or antennas.

I. Location and proposed development of all buffer areas, including existing vegetative cover.

J. Location and design of outdoor lighting facilities.

K. General landscaping plan and planting schedule.

L. An estimated project construction schedule.

M. Identification of permits required from all other governmental bodies and record of application for and status of all necessary permits from other governmental bodies.

N. Other elements integral to the proposed land use as may be considered necessary by the Board of Trustees in the particular case.

~ 48-44. Fee.

An application for site plan approval shall be accompanied by a fee in an amount determined by the Board of Trustees for such applications.

~ 48-45. Reimbursable costs.

Costs incurred by the Board of Trustees for consultation fees or other extraordinary services in connection with the review of a proposed site plan shall be charged to the applicant, not to exceed a total of \$1,500.

~ 48-46. General standards and considerations.

The Board's review of the site plan shall include, as appropriate, but is not limited to the following general considerations:

A. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

B. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

C. Adequacy of stormwater and drainage facilities.

D. Adequacy of water supply and sewage disposal facilities.

E. Off-street parking.

F. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicants and adjoining lands, including the maximum retention of existing vegetation.

G. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

H. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

I. Overall impact on the neighborhood, including compatibility of design considerations.

J. Environmental impact upon air, water, earth and humans.

~ 48-47. Shoreline standards and considerations.

The following specific standards shall apply in conjunction with the subject uses or in the designated areas:

A. All construction on any shoreline lot shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline and adjacent land and waterways.

B. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an adequate and environmentally satisfactory disposal system.

C. Any dock facility or any storage of petroleum products within 100 feet or reasonable setback, as determined necessary by the Board of Trustees, from the shoreline shall include adequate provisions for ensuring that any leak, rupture or spill will be contained and not be introduced into or affect the adjacent land and/or waterway. In particular, a raised earthen or paved berm or dyke and catch basin shall be constructed in such manner so as to afford adequate protection.

D. Any paved or otherwise improved parking area within 100 feet of any shoreline or road shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway or road.

~ 48-48. Public hearing.

The Board of Trustees may conduct a public hearing on the site plan if considered desirable by a majority of its members. Such hearing shall be commenced within 60 days of the receipt of application for site plan review, or at the next regular meeting of the Board of Trustees following such sixty-day period as the Board may determine, and shall be advertised in the village's official newspaper at least five days before the public hearing.

~ 48-49. Board decision.

Within 60 days of receipt of the application for site plan approval, or if a public hearing is held within 60 days following the conclusion of the public hearing, the Board of Trustees shall render a decision. In its decision the Board of Trustees may approve, approve with modifications or disapprove the site plan. The time period in which the Board of Trustees must render its decision can be extended by mutual consent of the applicant and the Board of Trustees.

A. Approval. Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the village, the Board of Trustees shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Village Clerk and Code Official. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.

B. Approval with modifications. The Board of Trustees may conditionally approve the final site plan. A copy of written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the Board of Trustees that all conditions have been met and payment by the applicant of all fees and reimbursable costs due the village, the Board of trustees

shall endorse its approval on a copy of the site plan and shall file the site plan and written statement of approval with the Village Clerk and Code Official forthwith. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.

C. Disapproval. Upon disapproval of the site plan the decision of the Board of Trustees shall immediately be filed with the Village Clerk and Code Official, and a copy thereof mailed to the applicant by certified mail, return receipt requested. The decision disapproving a site plan shall include the Board of Trustees' reasons for disapproval.

~ 48-50. Appeal procedure.

Any person aggrieved by any decision of the Board of Trustees or any officer, department, board or bureau of the village, under this Article, may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the office of the Village Clerk.

~ 48-51. Enforcement officer.

The Board of Trustees may appoint or designate one or more enforcement officers to carry out the duties assigned by this Article. If appointed, the enforcement officers shall be responsible for the overall inspection of site improvements, including coordination with the Board of Trustees and other officials and agencies, as appropriate.

~ 48-52. Further regulations by Board.

The Board of Trustees may, after a public hearing, adopt by resolution such further rules and regulations as it deems reasonably necessary to carry out the provisions of this Article.

~ 48-53. Integration of procedures.

Whenever the circumstances of proposed development require compliance with this Article and with any other local law, ordinance or requirement of the village, the Board of Trustees shall attempt to integrate, as appropriate, site plan review as required by this Article with the procedural and submission requirements for such other compliance.

~ 48-54. Enforcement.

Any person, firm, corporation, partnership, association or other legal entity, whether formal or informal, who shall violate any of the provisions of this Article or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine of not more than \$1,000 or by penalty of \$1,000 to be recovered by the Village in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

~ 48-55. Severability.

The provisions of this Article are severable. If any section, paragraph or provision of this Article shall be invalid, such invalidity shall apply only to the section, paragraph or provision(s) adjudged invalid, and the rest of this Article shall remain valid and effective.