

**VILLAGE OF GARDEN CITY
BOARD OF TRUSTEES**

Local Law No. 4-2017

A Local Law to Amend the Village
Code With Respect to Building
Construction Administration.

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Garden City, as follows:

Section 1. Chapter 68 of the Village of Garden City Code, entitled “Building Construction Administration” is hereby amended as follows:

§68-1 Building permits required.

No person or entity shall commence or carry on any building or construction work within the Village of Garden City, whether for the erection of new buildings or structures or for the alteration, enlargement or demolition of any existing buildings or structures, without first obtaining a building permit from the Building Department.

§68-2 Application for permit.

- A. No permit shall be granted pursuant to §68-1 unless the person or entity applying therefor has filed an application with the Building Department along with duplicate copies of the plans and specifications, and electronic submissions if required pursuant to Building Department policy, and a non-refundable application fee in the amount set by the Board of Trustees. The specific materials and information required for a complete application shall be determined by the Superintendent of Buildings. The Superintendent shall review and approve or deny each application received based on compliance with the Village Code and all other applicable laws, codes and regulations.
- B. No permit for the erection, alteration, enlargement or demolition of a building or structure shall be granted unless and until the applicant receives all board approvals, if any, necessary for the work. The Superintendent of Buildings, upon review of a given application, shall refer same to the appropriate board or boards for consideration.
- C. No building or structure shall be used or occupied, in whole or in part, for any purpose whatsoever until a Certificate of Occupancy, Certificate of Completion or Letter in Lieu shall have been issued by the Building Department.
- D. A permit application shall be deemed abandoned if the applicant fails to respond within one year from the date of a request by the Building Department for additional information or documents concerning the application. Resubmission of an abandoned application shall be deemed a new application, subject to all applicable fees, and shall require submission of updated plans and materials.

§68-3 Permit expiration and extension.

- A. Building permits for Major Construction projects shall expire six months after their date of issuance unless the Superintendent of Buildings, or their designee, determines that: a) in the case of a new building, structure or addition, the permit holder has made substantial progress on the construction of the foundation or framing for the project; or b) in the case of reconstruction or interior renovation not involving a new foundation, the permit holder has made substantial progress on the framing for the project. If the Superintendent finds that there has been substantial progress in the work, the building permit shall continue to be valid for eighteen months from the date of issuance. For purposes of this subsection, Major Construction shall mean: (i) construction of a new building or structure; and (ii) alteration to an existing building or structure which changes the Certificate of Occupancy by: (a) adding or expanding the building or structure; (b) converting the building or structure from commercial to residential use, or vice versa; (c) changing the specific use(s) of the building or structure; (d) adds a dormer to a residence; or (e) increases the maximum occupancy of a building, structure, or space therein. Ambiguity as to whether a project qualifies as a Major Construction project shall be resolved by the Superintendent of Buildings.

- B. Building permits for Minor Construction projects shall expire six months after their date of issuance unless the Superintendent of Buildings, or their designee, determines that the permit holder has made substantial progress toward completion of the work. If the Superintendent finds there has been substantial progress in the work, the building permit shall continue to be valid for one year from the date of issuance. For purposes of this subsection, Minor Construction shall mean the alteration of an existing building or structure that does not change the Certificate of Occupancy, use or maximum occupancy therefor, but which requires multiple forms or separate areas of work. Ambiguity as to whether a project qualifies as a Minor Construction project shall be resolved by the Superintendent of Buildings.

- C. A permit issued for plumbing, drainage, air-conditioning, ventilation, refrigeration or electrical work pursuant to §68-4 shall expire six months from the date of issuance unless issued in conjunction with a building permit for Major Construction or Minor Construction, in which case the permit shall be subject to the same expiration date(s) as the Major or Minor Construction permit.

- D. A permit issued pursuant to this Chapter may be extended twice for up to three months at a time upon written application to the Building Department made within 30 days after the then current permit-expiration date. It shall be the obligation of the permit holder alone to monitor the expiration date of their permit and to contact the Building Department in advance of that date to apply for an extension. The Superintendent of Buildings shall review each application for extension and shall grant same if the Superintendent finds that: 1) the request for extension was timely made; 2) the permit holder has demonstrated good cause for the need for the extension; and 3) the permitted work has been substantially completed. No permit extension shall be granted unless and until the permit holder pays a permit extension fee to the Building Department. A permit which has expired without extension or for which all permitted

extensions have been exhausted shall require submission of a new permit application and payment of all applicable application fees.

- E. All permits issued pursuant to this Chapter shall require a close out inspection, which shall also be a prerequisite to issuance of a Certificate of Occupancy, Certificate of Completion or any other certification or approval for the permitted work. A permit holder's failure to properly close out or extend a permit prior to its expiration shall result in forfeiture of the permit deposit and shall constitute a violation of this Chapter which, upon conviction, shall be punishable by a fine of \$1,500 for a first offense, \$3,000 for a second offense occurring within eighteen months of a first offense, and \$5,000 for a third or subsequent offense occurring within eighteen months of a first offense.
- F. Continuation of work after a permit has expired shall constitute a violation of this Chapter for performance of work without a permit.

§68-4 Plumbing, drainage, heating, air-conditioning, ventilating, refrigeration or electrical work.

- A. No person or entity shall commence or carry on any plumbing, drainage, heating, air-conditioning, ventilating, refrigeration or electrical work, or the installation of incinerators, generators or elevators, within the Village of Garden City, unless such person or entity first obtains a permit from the Building Department. Applications submitted pursuant to this section shall be filed with the Building Department along with duplicate copies of the plans and specifications, and electronic submissions if required pursuant to Building Department policy, and a non-refundable application fee in the amount set by the Board of Trustees. The specific materials and information required for a complete application shall be determined by the Superintendent of Buildings. The Building Superintendent shall review and approve or deny each application received based on compliance with the Village Code and all other applicable laws, codes and regulations.

§68-5 Fees.

The Building Department shall be entitled to collect the fees set forth below in addition to any other fees authorized under this Code or by law. Unless otherwise specified, the amount of each fee listed shall be established, and may be amended from time to time, by resolution of the Board of Trustees. All permit fees are non-refundable.

- A. Inspection Fee. Except as otherwise stated herein, the Building Department shall perform routine site and work inspections free of charge. The Building Department shall charge inspection fees for any project which is to be built in separate phases or stages. The Building Department may, in the discretion of the Building Superintendent, charge an inspection fee for any inspection: (i) requested specially by the permit holder and which the Building Department would not have ordinarily required; (ii) which is made necessary as an inspection or re-inspection of work that was done incorrectly or without prior approvals; or (iii) which is a third or subsequent re-inspection of work that failed prior inspection. The fees charged for inspections shall be set by resolution of the Board of Trustees.
- B. Certificate of Occupancy/Completion Fee. Prior to issuing a Certificate of Occupancy for any building, structure or work, the Superintendent of Buildings, or their designated agent, shall

conduct a final inspection of all work completed. Upon approval, a Certificate of Occupancy shall be issued. No Certificate of Occupancy shall be issued until the permit holder pays the Building Department a Certificate of Occupancy (final inspection) fee. The same fee shall be collected prior to issuance of a Certificate of Completion or a Letter in Lieu of a Certificate of Occupancy or Certificate of Completion.

- C. Permit Extension Fee. Whenever an applicant seeks to extend a permit issued pursuant to this Chapter, the permit holder shall first pay the Building Department a permit extension fee.
- D. Legalization Fee. Whenever a permit holder seeks to legalize work performed without a permit required under this Chapter, they shall pay a legalization fee equal to three times the application fee. The legalization fee shall be in addition to any and all other application and inspection fees charged by the Department. No Certificate of Occupancy, Certificate of Completion or Letter in Lieu shall be issued until the legalization fee and all other applicable fees are paid in full.
- E. Permit Expiration Fee. The Building Department may collect this fee whenever a permit holder seeks to close out a permit which they failed to close out prior to its expiration.

§68-6 Fences and walls.

Permits issued pursuant to Chapter 99 of this Code shall expire six (6) months after their date of issuance. The Superintendent of Buildings may extend such permits for an additional six (6) months upon written request submitted prior to the original permit-expiration date.

§68-8 On-Site Storage of Materials and Debris.

The following conditions shall apply to all permits issued under this Chapter. All permits issued under this Chapter shall make explicit reference to this section of the Code.

- A. Materials, tools, equipment and structures brought onto a work site may be stored in the front yard of the site only after a permit or permits have been issued and while construction activities are on-going. If work has not commenced within 30 days after the date of permit issuance, or if work stops for 30 days thereafter, all materials, tools, equipment and structures shall be removed from the site or relocated to the rear yard, or side yard(s) if adequately screened, in such a manner that they are not visible from any public place. Notwithstanding the preceding sentence, storage containers and pods shall be removed or relocated after ten (10) days of inactivity on a work site.
- B. Construction and demolition debris, if stored on-site, shall be stored in dumpsters and/or contractors bags of suitable quality that they do not break or release the contents stored inside. Dumpsters and contractors bags may be stored in the front yard of a work site only while demolition activities are on-going. If demolition stops for 30 days or more, all dumpsters and contractors bags shall be removed from the site or relocated to the rear yard, or side yard(s) if adequately screened, in such a manner that they are not visible from any public place.
- C. Intermittent and immaterial activities on a work site shall not excuse compliance with Subdivisions A or B herein. In determining whether compliance with Subdivision A or B

is required in a given case, it shall be the discretion of the Superintendent of Buildings, or designated Village enforcement official, to decide whether meaningful construction and/or demolition activities have taken place or have reinitiated on a given work site.

§68-9 Open Permits.

All outstanding permits issued before January 1, 2015 shall be expire on October 31, 2018, and shall not thereafter be eligible for any extension under 68-3. All outstanding permits issued on or after January 1, 2015 but prior to the enactment of this legislation shall expire on October 31, 2018, unless extended under 68-3. The Building Department shall publish notice of the enactment of this law on at least two occasions or before December 8, 2017. In addition, written notice of the enactment of this law shall be mailed to all known permit holders and permit applicants on at least one occasion on or before December 8, 2017. In the event any permit covered by this provision expires without evidence of completion of the permitted work, all deposits and other fees shall be deemed forfeited and the permit holder may be declared in violation of §68-3(E) of this Code.