

BILL NO. 15 OF 2019

A Local Law to amend *Russell Gardens Code* Chapter 12 entitled “Building Construction.”

Section One: *Russell Gardens Code* §12-15(A) entitled “Performance of work under building permit” is hereby amended as follows:

A. A building permit shall be effective to authorize the commencement of work in accordance with the application, plans and specifications on which it is based for a period of ~~six months~~ **time as specified herein.** ~~after the date of its issuance, whereupon the permit shall be deemed to have expired by limitation automatically.~~ **The permit will be deemed to have expired by operation of law once the initial permit period expires.** For good cause, the Village Board may, without limitation, grant extensions for periods not exceeding three months each. **The following permit periods apply:**

- (1) New commercial and residential construction: 24 months.
- (2) Commercial and residential alterations: 12 months.
- (3) Commercial and residential renewal for uncompleted work: 3 months.
- (4) Residential addition: 18 months.
- (5) New plumbing, drainage, sprinkler or standpipe system: 24 months.
- (6) Extend or alter any existing plumbing, drainage, or vent stack: 12 months.
- (7) Plumbing renewal for uncompleted work: 3 months.
- (8) Miscellaneous, except temporary structures: 6 months.
- (9) Temporary Structures: 7 days and no renewals.

Section Two: *Russell Gardens Code* Article IV, §12-16 entitled “Fees; deposits and bonds” is hereby repealed in its entirety and replaced by a new Article IV, §12-16 entitled “Fees; deposits and bonds” to read as follows:

- A. A fee schedule shall be established by resolution of the Board of Trustees. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall supersede §45-1 and §45-3, as of January 1, 2020. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected in connection with the issuance of permits under Article IV.
- B. All fees specified in the fee schedule shall be paid to and collected by the Village Clerk simultaneously with the filing of any application. The particular application shall not be deemed filed until said fees shall be paid and until the other requirements of this chapter have been complied with. No permits shall be issued by the Building Inspector until such fees have been paid.
- C. Deposits, as set forth in the fee schedule, shall be paid at the time an application is filed for the permits issued. Deposits shall be applied, to the extent necessary, to the reimbursement of the Village for any expenditures incurred in connections with the issuance of building permits. Any remaining portion of the deposit not needed to reimburse the Village will be returned to the applicant upon receipt of a certificate of occupancy or certificate of completion.
- D. Before the issuance of a permit for all new construction or alterations involving the repair, replacement, alteration to an existing building or structure of 40% or more of its floor area or walls, for both residential and commercial properties, the applicant shall execute and file in the office of the Village Clerk a surety bond in the amount specified in the fee schedule, conditioned upon the performance of the work in accordance with the plan submitted under Article IV, and indemnifying the Village against any damage to Village property. In the event of a default, such bond shall be forfeited to the Village. In lieu of such surety bond, a cash deposit, letter of credit or negotiable securities may be deposited with the Village. Upon issuance of

a Certificate of Occupancy or Certificate of Completion, such bond or cash deposit shall be released by the Village, less any indemnification costs.

- E. If the fee for any type of work for which a permit is required under this chapter is not specified in the fee schedule, the Village Board shall, in such case, determine and fix a reasonable fee therefor consistent with the Village's cost of processing the application and approving said work under the permit. If any of the specifically described work for which a permit fee is required to be paid, as set forth in the fee schedule, is included in an overall application for a building permit, no separate application or fee shall be required under this chapter.
- F. The payment of fees specified in the fee schedule shall not preclude the payment of fees required under other provisions of the Code of the Village of Russell Gardens or Village rules and regulations, or fees required to be paid to any other governmental or quasi-governmental agency or any sewer or water district having jurisdiction in the premises.
- G. The fees specified in the fee schedule shall not be refunded, except when a permit has not been processed by the Village, and a written request for a refund is submitted to and approved by the Board of Trustees.
- H. Determination of value of work. The Building Inspector shall not be bound by any statement of value contained in any application for a permit. His determination of value shall be binding unless the applicant, by proper documentation, i.e., bills, invoices, cost estimates, etc., establishes the fair value of the work to be done and the fee to be charged. If there is any conflict as to the value or estimated cost, the Building Inspector's finding shall prevail. The Building Inspector may consider, among other things, the cost per square foot of different types of construction in arriving at the value or estimated cost of any work.

Section Three: If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate

the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section Four: This local law shall take effect immediately upon filing with the Secretary of State.