

**INCORPORATED VILLAGE OF EAST HILLS
BOARD OF TRUSTEES**

PROPOSED LOCAL LAW NO. __ OF YEAR 2017

**A LOCAL LAW TO UPDATE BUILDING CONSTRUCTION PROVISIONS IN THE CODE
OF THE VILLAGE OF EAST HILLS IN ORDER TO ENSURE FAIR AND PROPER
REGULATION OF BUILDING CONSTRUCTION**

The Board of Trustees of the Incorporated Village of East Hills, by these amendments, additions, and modifications to Chapter 223 of the Code of the Village of East Hills, does enact the following provisions.

Section 1.

I. The following comprehensive provisions are changed, altered, amended, replaced, modified or added as followed:

**Chapter 223
Building
Construction**

[HISTORY: Adopted by the Board of Trustees of the Village of East Hills 1-21-1997 by L.L. No. 3-1997. Amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets— See Ch. 9.

Amusement devices— See Ch. 63.

Electrical standards— See Ch. 85.

Excavations— See Ch. 89.

Fire prevention— See Ch. 97.

Plumbing— See Ch. 145.

Satellite dish antennas— See Ch. 165.

Administration and enforcement of Building and Zoning Codes— See Ch. 217.

Unsafe buildings— See Ch. 227.

Zoning— See Ch. 271.

§ 223-1. Definitions.

[Amended 10-18-2004 by L.L. No. 10-2004; 6-27-2005 by L.L. No. 7-2005^[1]]

As used in this chapter, the following terms shall have the meanings indicated:

1. BUILDING INSPECTOR

A code enforcement officer who is authorized to enforce all provisions or any regulations without

prior directives.

2. **CODE ENFORCEMENT OFFICER**

A person authorized to enforce provisions or regulations upon directives given by the Mayor and Board of Trustees.

3. **ENGINEERED LUMBER**

Any number of manufactured wood products made by bonding together dimensional lumber, wood strands, fibers, veneer or sheets with adhesives and intended as a substitute for structural dimensional lumber. For purposes of this definition, laminated veneer lumber (LVL), plywood, oriented strand board (OSB), medium-density fiberboard (MDF) and particleboard are excluded.

4. **TRUSS**

An assembly of straight members of wood and/or metal, supported at two points, designed to transmit vertical loads across a clear span to its points of support.

- [1] *Editor's Note: The Village petitioned the New York State Uniform Fire Prevention and Building Code Council for acceptance of the standards set forth in L.L. No. 7-2005 as a higher or more restrictive local standard. The Council denied the request in the petition at its meeting of 12-14-2005.*

ARTICLE II. § 223-2. Controlling provisions.

The New York State Uniform Fire Prevention and Building Code shall be the controlling standard for building construction in the Village.^[1]

[1] *Editor's Note: Minimum standards for administration and enforcement are contained in 19 NYCRR 1203.*

ARTICLE III. § 223-3. Appointment of Code Enforcement Officer.

There is hereby designated in the Village of East Hills a public official to be known as the "Code Enforcement Officer," who shall be appointed by the Mayor with approval of the Board of Trustees at a compensation to be fixed by it.

ARTICLE IV. § 223-4. Designation of Code Enforcement Officer.

The Building Inspector shall be designated as the Code Enforcement Officer.

ARTICLE V. § 223-5. Acting Code Enforcement Officer.

In the absence of the Building Inspector or in the case of his or her inability to act for any reason, the duties of the Code Enforcement Officer shall be carried out by the officer so appointed by special resolution of the Board of Trustees or, in the event that no special resolution is adopted, the Village Clerk and, in his or her absence, the Mayor.

ARTICLE VI. § 223-6. Records to be kept.

The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him or her, including all applications received, plans approved, permits, notices, orders and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him or her and approved by the Board of Trustees and notices and orders issued. All such records shall be public records open to public inspection during normal business hours.

ARTICLE VII. § 223-7. Powers and duties of Code Enforcement Officer.

A. Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Code Enforcement Officer shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code, the Nassau County Fire Prevention Code^[1] and other laws, ordinances, rules, zoning and regulations applicable to plans, specifications, permits for demolition, construction, addition, alteration, repair or maintenance of buildings and structures, and the installation and use of materials and equipment therein, and the location and use and occupancy thereof and the administration of Chapter 271, Zoning.

[1] *Editor's Note: See Ch. 97, Fire Prevention.*

B. The Code Enforcement Officer shall receive applications, approve plans and specifications and issue permits for the demolition, construction, addition, alteration, repair or maintenance of buildings and structures or parts thereof and shall examine the premises for which such applications have been received or plans approved or for which such permits have been issued for the purpose of ensuring compliance with such approved plans and specifications, laws, ordinances, rules and regulations.

C. The Code Enforcement Officer shall issue, in writing, all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards and to ensure compliance, during the entire

course of work, with the approved plans and specifications and the requirements of applicable laws, ordinances, rules and regulations. Such notices or orders may be served upon the property owner or his or her agent personally or by sending, by certified mail, a copy of such order to the owner and the applicant or their agents at the address set forth in the application for permission for the demolition, construction, addition, alteration, repair or maintenance of such building or structure and by posting the same upon a conspicuous portion of the premises to which the notice applies.

- D. The Code Enforcement Officer shall make inspections which are necessary or proper for the carrying out of his or her duties, except that he or she may accept written reports of inspection from generally recognized and authoritative services and inspection bureaus or agencies, provided that the same are certified by a responsible official thereof.
- E. The Code Enforcement Officer shall issue a certificate of occupancy where appropriate for a building constructed or altered in accordance with the provisions of this chapter.

ARTICLE VIII. § 223-8. Right of entry.

The Code Enforcement Officer and any person authorized pursuant to § 223-5, upon the showing of proper credentials and in the discharge of their duties, shall be permitted to enter upon any building, structure or premises without interference during reasonable working hours or at any other time in the event of an emergency situation. (See § 223-10 for applicable fines and penalties.)

ARTICLE IX. § 223-9. Compliance required regardless of oversights.

No oversight or dereliction of duty on the part of the Code Enforcement Officer or on the part of any employee of the Building Department shall legalize the erection, construction, alteration, removal of, use or occupancy of a building or structure that does not conform to the applicable building law, ordinances or regulations or that does not conform with the provisions of an application, plans or specifications on the basis of which a permit was issued, or that does not conform to the applicable provisions of the Code of the Village of East Hills.

ARTICLE X. § 223-10. Penalties for offenses.

In accordance with § 383 of Article 18 of the Executive Law of the State of New York:

- A. It shall be unlawful for any person, firm or corporation to demolish, construct, make addition to, alter, repair, maintain, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of law or ordinance, as well as any regulation or rule promulgated by the Code Enforcement Officer in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer or his or her representative, 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, firm or corporation who shall fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or 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 Code Enforcement Officer made thereunder, shall be punishable, pursuant to the provisions of § 382 of the Executive Law, by a maximum fine of \$1,000 per day of violation or by imprisonment not exceeding one year, or both, or if a violation of the Code of the Village of East Hills, shall be punishable by an

additional sum of \$5,000 per day of violation.
[Amended 11-22-2004 by L.L. No. 12-2004]

- C. In addition to all other remedies provided by law which may be imposed, the failure to strictly comply and conform with the terms and conditions expressly contained in a building permit shall render the violator subject to a fine of \$2,500 per day for each and every day that the violation remains unabated.
[Added 11-21-2005 by L.L. No. 4-2005]

ARTICLE XI. § 223-11. Additional remedies; abatement of violations.

Appropriate actions and proceedings may be taken 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.

ARTICLE XII. § 223-12. Application for building permits.

- A. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the improvement, demolition, removal, placement, construction, addition, alteration, maintenance or repair of any structure or accessory structure or any portion or subsystem thereof (including but not limited to those affecting fire safety or structural features, plumbing, electric, heating/ventilating equipment, elevators, solid-fuel-burning heating apparatus, chimneys or flues, retaining walls, pools or other accessory structures as listed in Chapter 271, Zoning) without first having obtained a building permit from the Code Enforcement Officer.
- B. Repairs of a minor nature, other than those described in this chapter, shall not require a permit from the Code Enforcement Officer, if:
- (1) On properties other than those zoned residential, repairs shall be of a minor nature where no more than 50% of any subsystem is to be replaced to match those existing;
 - (2) On residential properties, repairs shall be of a minor nature and shall be less than \$500 in value of goods and services, or any amount less than the prescribed amount requiring compliance with the State Lien Law §71-a, subdivision 4, as may be amended.
- C. Applications for a permit and accompanying documents, plans, specifications, property surveys, etc., shall be submitted in duplicate and shall contain sufficient information, including any and all testing and reports as may be required to permit a determination that the documents presented and the intended work described in the documents meet with the requirements of the applicable laws and the Code of the Village of East Hills.
- D. Any documents or plans (including plot plan or specifications) which comprise a portion of the application, whether submitted subsequently or upon requirement by the Code Enforcement Officer, shall be stamped with a seal of an architect or professional engineer or land surveyor licensed in this state.
- E. The applicant shall notify the Code Enforcement Officer, in writing, of any changes in the information contained in the application during the period for which the permit is applied for and is in effect and shall submit amended application and documents (including the professionally stamped and sealed documents) to indicate those changes and to receive approval from the Code Enforcement Officer prior to the commencement of such change of work.
- F. The application shall be in the form prescribed by resolution of the Board of Trustees, and such

completed application shall be signed by such applicant and his or her authorized agent.

- G. The Design Professional shall include the following statement on the cover page of all drawing sets, and certify each set issued to the Building Department:

I, (insert name), am the design professional for the property owner. I am licensed by New York State to design single family residences, and all documents, drawings and submissions have been prepared in accordance with the requirements of NYS Office of Professions, with requisite services related to the design and construction of buildings and the spaces around them, where the safeguarding of life, health, property, and public welfare is concerned. These drawings have been prepared with my professional oversight and I certify that all dimensions, areas, uses are described accurately, and that all calculations are truthful, accurate and have been personally verified.

- H. The design professional understands that an incomplete application set shall be rejected without full review. The design professional will be able to resubmit a total of 2 additional times, without penalty. Additional permit application submittals, beyond the total of 3 per building permit application, due to revisions, additions, or changes of any kind which require resubmittal for more than three times as requested by Code Enforcement Officer for illustrating compliance with Village and State Codes, shall be charged additional review fees of \$2,500 per review, to be paid by the design professional. (It is the intent of this chapter to reduce the Village's staff time identifying incomplete application flaws and wasting valuable Village resources).
- I. Prior to the issuance of a Certificate of Occupancy, the design professional shall be required to provide a signed and sealed letter certifying that all construction work, after completion by the Contractor, has been performed in accordance with permit drawings and all gross floor areas and uses have been verified by the design professional as compliant with the issued permit drawings.
- J. If the Village finds that a design professional has submitted three or more separate applications for different clients within a period of 12 months containing incomplete applications, falsified calculations, or similar deficiencies standard of the design professions, the Village shall notify the Design Professional in writing with a copy sent to the Homeowner (first notice). If another offense occurs, the Village will notify the Design Profession and copy the homeowner and NYS Office of Professions for an opinion. Once the design professional is notified three times on three different applications within 12 months, the design professional will be notified in writing with copy to all current East Hills homeowners under representation of that professional that he/ she is barred from practicing in East Hills for a one year term.

ARTICLE XIII. § 223-13. Issuance or denial of building and demolition permits.

The Code Enforcement Officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He or she shall approve or disapprove the application within 60 days from the date of submission of a complete application.

A. Issuance.

- (1) Upon approval of the application and upon receipt of the fees as set forth from time to time by resolution of the Board of Trustees in the Fee Schedule,^[1] the Code Enforcement Officer shall issue a permit to the applicant upon the form prescribed and shall affix his or her signature or cause his or her signature to be affixed thereto.

[1] *Editor's Note: The current Fee Schedule is on file in the Village offices; see also § 271-138 for building permit fees.*

- (2) Upon approval of the application, both sets of plans, specifications and other documents shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Building Department, and the other set shall be returned to the applicant together with the permit and shall be kept at the site of the proposed work and shall be open to inspection by the Code Enforcement Officer or his or her representative at all reasonable times.

B. Disapproval.

- (1) If the application, together with the plans, specifications and other documents filed therewith describing the proposed work, does not conform to all of the requirements of the Code of the Village of East Hills and all other applicable regulations, the Code Enforcement Officer shall disapprove the same and shall return the plans, specifications and other documents to the applicant. Upon the written request of the applicant, the Code Enforcement Officer shall transmit the reasons for such disapproval, in writing.
- (2) In the event that an application for a permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided that no work has commenced.

C. Emergency issuance.

- (1) Where the applicant can demonstrate a potential for substantial harm should the permit not be granted sooner than 60 days, the applicant shall demonstrate the nature of the emergency and the potential harm.
- (2) Where the applicant has demonstrated an emergency, the Code Enforcement Officer shall approve or deny the application within 14 days from the date of submission of the application.
- (3) In the event that an emergency application is granted and no work has been commenced within seven days of issuance, the approval shall be deemed revoked and the applicant shall forfeit the fee paid.

D. Demolition Permit.

- (1) Demolition permits for removal of existing structures shall not be issued until a permit for the new home, replacing the demolished structure, is approved and pending issuance. However, in cases where the existing structure to be demolished poses health, safety, welfare concerns, as determined by the Code Enforcement Officer, the Code Enforcement Officer may issue a demolition permit prior to the approval of the new home with the condition that the entire structure (including all subgrade structures) shall be fully removed, properly filled with clean

compacted soil (95% compaction), and that the property is promptly seeded, and maintained in a parklike condition thereafter.

- (2) The fee for a demolition permit is provided in §271-138.
- (3) A demolition permit is valid for a period of 30 days, with an option to renew prior to expiration, and for an additional fee, for an additional 30 days.

ARTICLE XIV. § 223-14. Performance of work under building and demolition permits.

- A. Building permits shall be effective to authorize the commencing and performance of work within a period of one year after the date of their issuance. For good cause, the Code Enforcement Officer may allow a maximum of one extension to a building permit for a period not to exceed one year.
- B. Demolition permits shall be effective for a period of 30 days. For good cause, the Code Enforcement Officer may allow a maximum of one extension to a demolition permit for a period of 30 days.
- C. In the case of unforeseen circumstances which result in delays in demolition, the Building Inspector shall have the discretion to extend the deadline for a demolition permit commensurate with the resulting delay. Upon discovery of the condition, the Building Department shall be notified within 48 hours with a request for inspection to initiate extension if deemed acceptable.
- D. In instances where a project that has an active permit is stalled due to unique circumstances related to grievances or a legitimate legal issue, the Board of Trustees or Village Attorney shall have the authority to extend the time period on a building permit commensurate with the period of delay resulting from the issue. In such cases, the owner or agent shall notify the Board of Trustees or Village Attorney in writing by registered mail of the issue, indicating the date the permit will expire, and request action for resolution of same. At the discretion of the Board of Trustees or Village Attorney, all fees and charges will not be incurred by the owner during a period of legitimate delay occasioned by unique circumstances or legal issue, and all time periods tabled until resolved.

- A. Performance. All work shall conform to the approved application, plans and specifications and shall be in accordance with the applicable laws, ordinances, rules and regulations.
- B. Abandonment. A project shall be deemed abandoned if work is not commenced within the specified effective time of the permit. It shall be unlawful to work on such project except upon the issuance of a new permit.
- C. Posting of permit. Building permits shall be prominently displayed on the job site at all times during the progress of the work so as to be readily seen from adjacent thoroughfares.
- D. After a building permit has been extended to the maximum amount of renewals, the building permit will terminate and a new permit must be applied for, to maintain the existing construction, update to new codes and require new permit fees in the same amount as originally required.
- E. During an active building permit, the permit holder shall at all times:
 - (1) Be responsible for notifying the Building Department of any change in contractor/subcontractor.
 - (2) Maintain a clean site, free of debris.
 - (3) Maintain all rubbish containers on the parcel and empty regularly to keep from overflowing.
 - (4) Install and maintain a fence at the site utilizing 6 ft. chain-link construction fencing surrounding the total area of disturbance on the property. Fenced area shall be equipped with a lock and site shall be locked at the end of each day and for periods when no activity is occurring on the site.
 - (5) Install and maintain all stormwater and erosion control features as required.
 - (6) Install temporary solar powered LED lighting on each side of the building for site safety. Lighting must conform to the requirements contained in Chapter 117 Lighting.
 - (7) Maintain all trees and lawn areas not within the primary disturbance areas and protect trees in the manner proscribed by the permit conditions.
 - (8) Utilize methods for dust control so that airborne particulate matter does not impact neighboring homes and properties.
 - (9) Construction vehicles should be primarily parked on site.
 - (10) Maintain roadway in front of parcel free of mud, debris, gravel, and any loose material that may impact a passing vehicle or runoff into the Village stormwater system.
 - (11) Honor hours of construction operations per permit requirements.

ARTICLE XV. § 223-15. Supervision of construction.

- A. No Certificate of Occupancy shall be issued for a building unless all required certificates are issued to the Building Department.
- B. Components and/or systems of the original structure that are intended to be re-used shall be certified by a duly licensed design professional and inspected by the Building Inspector prior to the commencement of any construction. If, in the opinion of the Building Inspector, such components do not meet minimum standards or are not structurally sound or in good condition, the Building Inspector may request that a report from an engineer, hired by the Village, at the property owner's expense.
- C. It is the responsibility of the permit holder or general contractor to ensure that all required inspections as required by the Village of East Hills and State of New York are performed at the appropriate times and in a timely fashion.

ARTICLE XVI.

ARTICLE XVII.§ 223-16. Abandonment.

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 or her agent or duly authorized representative to backfill any open excavation up to the street or ground level, seed and irrigate a maintained lawn. In the case where construction has proceeded beyond the cellar excavation, all uncompleted structures or openings shall be completely boarded up so as to prevent access to the building or structure. If the Code Enforcement Officer determines such structure to be unsafe, Chapter 227, Buildings, Unsafe, of the Code shall be applicable. See 223-17, E for terms of revocation of building permits.

ARTICLE XVIII.§ 223-17. Revocation of building permits.

The Code Enforcement Officer shall have authority to revoke permits theretofore issued in the following instances:

- A. Where he or she finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the permit was based.
- B. Where he or she finds that the permit was issued in error and should not have been issued in accordance with the applicable law.
- C. Where he or she finds that the work performed under the permit is not in accordance with the provisions of the application or in conformity with the approved plans and specifications.
- D. Where the person to whom a permit has been issued fails to comply with a stop order issued by the Code Enforcement Officer.
- E. If the construction involved with the building permit is not substantially started and reasonably continuing within 4 months of issuance, as determined by and at the sole discretion of, the Code Enforcement Officer.

ARTICLE XIX. § 223-18. Stop orders.

Whenever the Code Enforcement Officer has reasonable grounds to believe that work on or in any building or structure is proceeding in violation of the provisions of the applicable laws, ordinances or regulations, or not in conformity with the provisions of the application, plans or specifications on the basis of which a permit was issued, or in an unsafe and dangerous manner, he or she shall notify the owner of the property, or the owner's agent or the person performing the work, to suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which work may be resumed and may be served upon the person to whom it is directed either by delivering it personally to him or her or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered or certified mail.

ARTICLE XX. § 223-19. Required means of building construction.

[Added 10-18-2004 by L.L. No. 10-2004; amended 6-27-2005 by L.L. No. 7-2005^[1]

In all building and construction the following means, methods and materials must be provided:

- A. Engineered lumber shall only be permitted as horizontal framing members in attic areas and only when such areas are not utilized as habitable space.
- B. Trusses shall only be permitted when the individual structural members comprising the truss are fastened together by positive mechanical means, such as through-bolting of steel gusset plates (of such thickness as may be required by loading conditions) or, in the case of structural steel trusses, by bolting, riveting or welding. In no event shall lightweight gauge sheet steel formed members be utilized for truss or roof construction. Plate-type fasteners relying upon punched cleats or crimping for bonding shall not be permitted. Trusses may only be utilized when drawings and structural calculations, signed and sealed by a professional engineer or registered architect, have been submitted for review and approval prior to issuance of a building permit.

[1] *Editor's Note: The Village petitioned the New York State Uniform Fire Prevention and Building Code Council for acceptance of the standards set forth in L.L. No. 7-2005 as a higher or more restrictive local standard. The Council denied the request in the petition at its meeting of 12-14-2005.*

ARTICLE XXI. § 223-20. Bond required for demolition work to be performed.

[Added 12-13-2004 by L.L. No. 15-2004]

Whenever any building is demolished or substantially altered, the person to whom the building permit is to be issued shall also execute and file with the Village Clerk a bond approved by the Village Board of Trustees in an amount to be fixed by the Village Board of Trustees, but not less than \$25,000 for owner-occupied residences and \$50,000 for all others, with a surety company authorized to do business in the State of New York as a surety and conditioned for the faithful performance of the terms and conditions contained in this chapter, the observance of all municipal ordinances and to indemnify the Village for any damage to the Village roads, trees, property, facilities and other damages suffered and costs incurred by the Village of East Hills in connection with the work performed.

ARTICLE XXII. § 223-21. Temporary certificate of occupancy.

[Added 5-16-2005 by L.L. No. 6-2005]

- A. Where a building is substantially completed and the applicant can demonstrate to the satisfaction of the Board of Trustees that an emergency exists or overwhelming hardship would occur without the

issuance of a temporary certificate of occupancy and that the occupancy of the building will not endanger life or property, then the Board of Trustees may direct the Building Inspector to issue a temporary certificate of occupancy; providing, however, that the applicant has proven or provided the following:

- (1) Inspection certificates, installation certifications, underwriters' certificate and approvals deemed required by the Building Inspector;
 - (2) Sufficient proof, to the satisfaction of the Board of Trustees, that the remaining work will be completed in a timely manner;
 - (3) A bond or cash payment of \$25,000, or an amount determined adequate by the Board of Trustees, and to be held by the Village to insure compliance. Permission freely given for the Village to use the bond or cash payment to complete all work not finished within the time period provided, to retain any and all general contractors, contractors or subcontractors to finish the work to the satisfaction of the Village;
 - (4) A properly executed harmless agreement from the applicant, in favor of the Village, that the Village will be held harmless from any and all liability, cost or expense, including attorney's fees for any action or work performed or any accident, injury or claim which arises from or occurs during or subsequently to the time the temporary certificate of occupancy is in effect;
 - (5) Proof that sufficient insurance is in place by the contractors performing the work;
 - (6) Permission granted in writing for the Village, its Building Inspector, Code Enforcement Officers, employees, independent contractors, general contractors, contractors, engineers and architects to enter the premises at any time deemed necessary and without prior notice to inspect, repair, construct, supervise or perform any other necessary activity;
 - (7) A properly executed document holding the Village harmless for any and all action and work performed to complete the work deemed necessarily by the Village;
 - (8) An application fee of \$2,500 shall be paid, together with reasonable attorney's fees and any other additional costs which are incurred by the Village, whether through additional time required by its Building Inspector, Code Enforcement Officer, any other staff member, whether security or otherwise, and its agents, or independent contractors which are retained;
 - (9) A personal guarantee by all owners of the residence that they will pay any and all funds which become due and necessary within five days of demand by the Village which are in addition to the bond or cash payment which may be set and required by the Village;
 - (10) A guaranty that, within five days from demand given by certified mail, return receipt requested, the applicant will provide any and all other documents, permissions and authority which the Village, in its sole discretion, deems necessary; and
 - (11) Agreement by the applicant that the issuance of a temporary certificate of occupancy does not replace, waive or eliminate any other provision of the Code which is required and does not reduce or eliminate any other requirement, charge, application, fee or cost which is otherwise set or imposed in the Code for the issuance of a certificate of occupancy.
- B. A temporary certificate of occupancy may be issued for a maximum period of two months and then shall be void. Except that the Board of Trustees may allow a maximum of two extensions, each for two months. Before each extension may be granted, the applicant shall comply with all of the provisions in §223-21A and shall pay to the Village the sum of \$2,500 as a fee for each extension granted.
- C. If the applicant fails to complete the work required to gain a certificate of occupancy within the time allowed in the temporary certificate of occupancy and any extension(s), a fine of \$1,000 per day shall

be assessed and may be taken out of the bond or cash deposit received. If there are insufficient amounts which remain on deposit, the applicant shall supplement the balance retained on deposit so that the funds which are owed will be paid to the Village.

- D. With regard to any work and services performed by the Village and for which the costs or expenses remain unpaid for 15 or more days, the funds owed shall be added to the tax bill and become a lien on the residence where the work or services were provided.

Section 3: Separability.

If any section, subsection, sentence, clause or phrase of this local law is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this local law.

Section 4: Effective Date.

This local law shall take effect immediately on the filing with the Secretary of State as provided by law.