

ARTICLE 8  
ADMINISTRATION AND ENFORCEMENT

§ 8.1 Building Inspector

The Town Board shall provide for the services of a Building Inspector to simultaneously enforce the provisions of this Law and the Uniform Fire Prevention and Building Code Enforcement Law. Such Building Inspector shall examine all applications for permits, issue permits and/or certificates of occupancy for construction and uses which are in accordance with the requirements of this Law, record and file all applications for permits with accompanying plans and documents and make such reports as may be required including, at a minimum, a written monthly activity report to the Town Board. Permits requiring site plan review and Special Use approval, however, shall only be issued with approval of the Town of Deerpark Planning Board. Likewise, permits requiring variances of this law shall only be issued with approval of the Town of Deerpark Zoning Board of Appeals.

§ 8.2 Permit Requirements

1. No person shall construct, erect, alter, convert, or use any building or structure, or part thereof, nor change the use of any land, subsequent to the adoption of this law, until a building permit and/or Certificate of Occupancy has been issued by the Building Inspector. This shall specifically include, but not be limited to, wells, sewage disposal systems, enlargements, alterations, building demolitions and removals, conversions, electrical installations, plumbing installations, pools, sheds (metal or wood), fences, roofing, siding, and signs. Applications for such permits shall be made to the Building Inspector prior to any construction activity and/or change in the use of land. The Officer shall review such applications and act upon them according to the requirements of this law, taking no action, however, until the Planning Board and/or Zoning Board of Appeals has first taken action, should the approval of either Board be required. A building permit shall authorize the applicant to proceed with construction proposed.
2. Prior to use of the structure or the change in use of the lands, a Certificate of Occupancy shall be required and shall be issued by the Officer, provided all construction has been in accord with the building permit granted and/or the proposed use is in compliance with this law. The Building Inspector shall be authorized to make such inspections as he deems necessary to ensure that construction does, in fact, comply with this law.
3. The Building Inspector, with approval of the Town Board, may issue a temporary permit for an otherwise non-conforming structure or use which will promote public health, safety, or welfare, provided such permit shall be of limited duration and the use or structure shall be completely removed within ninety (90) days of expiration of the activity for which it was granted. A temporary permit shall not be valid beyond this period or three (3) years from the date of issuance, whichever is shorter.
4. The Building Inspector shall ensure that all water supply and sewage disposal facilities proposed in connection with any building permit or Certificate of Occupancy application shall conform with New York State Department of Health guidelines.
5. It shall be the duty of the Building Inspector to issue a building permit, provided that he is satisfied that the structure, building, sign, and the proposed use conform with all requirements of this law, and that all other reviews and actions, if any, called for in this law have been complied with and all necessary approvals secured therefore.
6. When the Building Inspector is not satisfied that the applicant's proposed development will meet the requirements of this law, he shall refuse to issue a building permit or Certificate of Occupancy, as the case may be, and the applicant may appeal to the Zoning Board of Appeals.

7. A building permit or Certificate of Occupancy may be revoked by the Building Inspector upon a finding that information provided in the application was inaccurate or invalid or that the construction or use has proceeded in a manner not consistent with the permit(s) granted.
8. No change of use shall be made in any building, structure, or premises now or hereafter erected or altered that is not consistent with the requirements of this law. Any person desiring to change the use of his premises shall apply to the Building Inspector for a Certificate of Occupancy. No owner, tenant, or other person shall use or occupy any building or structure or premises thereafter erected or altered, the use of which shall be changed after the passage of this law, without first procuring a Certificate of Occupancy; provided, however, that a Certificate of Occupancy, once granted, shall continue in effect so long as there is no change of use, regardless of change in tenants or occupants.
9. Though compliance with the development and use standards of this Law will still be required, the following activities shall not demand permits, except as may be required by the New York State Uniform Fire Prevention and Building Code:
  - a. Above ground swimming pools of two (2) feet or less in depth.
  - b. Portable structures of less than one-hundred-forty-four (144) square feet in size which are unoccupied and intended for storage.
  - c. Patios, farm livestock fences, and landscape improvements.
  - d. All nonstructural accessory uses of a residential or temporary nature (30 days or less).
10. All applications shall be made on forms as shall be developed and periodically updated by the Building Inspector. Applications shall include plot plans and such other information as is required to determine compliance with the requirements of this law.
11. A zoning permit shall expire after twenty-four (24) months if the applicant fails to complete the improvements as approved. An extension may be approved by the Building Inspector for good cause (such as seasonal weather conditions) provided that any extension of more than twelve (12) months of subsequent extension of any length shall require approval of the Town Board.
12. Accessory building permits shall not be issued in advance of permits for principal permitted or Special Uses or without an existing principal use in place and being operated on an on-going basis. Passive uses such as forestry shall not qualify for this purpose. However, accessory uses for other agricultural activities or in connection with seasonal occupations (e.g. structures used to store equipment or hunting camp structures) may be permitted as Special Uses. Accessory uses permitted under such circumstances shall be limited to those with the tangible and primary purpose of serving the principal use.
13. The Building Inspector may issue a Certificate of Occupancy and/or Compliance to any legally existing use, provided the owner thereof so certifies and the Officer's investigations do not indicate otherwise.
14. No permits shall be issued for any new uses where there are un-remedied existing violations.

### § 8.3 State Environmental Quality Review Act Compliance

All actions taken with respect to this law shall comply with the New York State Environmental Quality Review Act ("SEQRA") and applicants shall be responsible for providing such data as may be required to determine the significance of any environmental impacts associated with such actions.

§ 8.4 Violations and Penalties

1. Whenever a violation of this law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Inspector, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. Nothing herein shall, however, restrict the right of the Building Inspector to act on a violation absent a complaint.
2. Should any building or structure be erected, constructed, re-constructed, altered, repaired, converted, or maintained, or any building, structure, or land be used in violation of this law, the Town Board or the Building Inspector, in addition to other remedies, may institute an appropriate action or proceedings to prevent such unlawful erection, construction, re-construction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business, or use in or about such premises.
3. Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Inspector, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. The Town Board shall be responsible for directing further enforcement.
4. Should any building or structure be erected, constructed, re-constructed, altered, repaired, converted, or maintained, or any building, structure, or land be used in violation of this Law, the Town Board or the Building Inspector, in addition to other remedies, may institute an appropriate action or proceedings to prevent such unlawful erection, construction, re-construction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business, or use in or about such premises.
5. A violation of this Law is hereby declared to be an offense punishable by a fine not exceeding three-hundred –fifty (\$350) dollars; for conviction of a second offense, punishable by a fine of not less than three-hundred-fifty (\$350) dollars nor more than seven-hundred (\$700) dollars; and upon conviction for a third or subsequent offense, punishable by a fine not less than seven-hundred (\$700) dollars nor more than one-thousand (\$1,000) dollars. Each day’s continued violation shall constitute a separate additional violation.
6. The Building Inspector or acting Building Inspector, as the case may be, is hereby authorized to issue appearance tickets pursuant to the Criminal Procedure Law in the enforcement of this or any related laws of the Town of Deerpark.

§ 8.5 Fees

The Town Board shall, by resolution, establish and periodically update a schedule of uniform fees, charges and expenses associated with the administration and enforcement of this law. Such schedule may provide for the assessment to applicants of professional costs incurred in the processing and/or review of the applications made pursuant to this law.