

CHAPTER 230-ZONING
ARTICLE XV, Administration and Enforcement

§ 230-170. Building permits.

No building or structure in any district shall be erected or structurally altered without a building permit duly issued upon application to the Village Engineer in conformance with all requirements set forth in Article I of Chapter 86, Building Construction, and the following:

A. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this chapter and other applicable ordinances and local laws of the Village of Croton-on-Hudson. Any building permit issued in violation of the provisions of this chapter shall be null and void and of no effect, without the necessity for any proceedings for revocations or nullification thereof, and any work undertaken or use established pursuant to any such permit shall be unlawful.

B. No building permit shall be issued for the construction or alteration of any building upon a lot without frontage upon a public street improved to the satisfaction of the Planning Board.

C. No building permit shall be issued for any building where the site plan of such building is subject to approval by the Planning Board in conformity with the plans approved by said Board.

D. No building permit shall be issued for a building to be used for any use in any district where such use is allowed by special permit of the Village Board of Trustees or the Board of Appeals unless and until such special permit has been duly issued by the appropriate Board.

E. No building permit shall be issued for a building to be used for any use in any district unless the applicant for the building permit has provided or undertakes to provide, at no expense to the village, facilities satisfactory to the Village Engineer for the supply of water and the removal or treatment of sewage. An undertaking for the future provision of such facilities shall be supported by a one-hundred-percent performance bond. Where approval of the subdivision plat or site development plan by the Planning Board is required, particulars of such facilities shall be indicated on the plat or plan.

§ 230-171. Certificate of occupancy.

A. In addition to the regulations set forth in § 86-16 of Chapter 86, Building Construction, the following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Village Engineer:

(1) Occupancy, use or any change in the use of any land.

(2) Any change in use of a nonconforming use.

B. No certificate of occupancy shall be issued for any use of a building or of land allowed by special permit as specified in §§ 230-9 and 230-162B of this chapter unless and until such special permit has been duly issued by said Board. Every certificate of occupancy for which a special permit has been issued or in connection with which a variance has been granted shall contain a detailed statement of such special permit or variance and of any conditions to which the same is subject.

C. Every application for a certificate of occupancy shall state that the building or the proposed use of a building or land complies with all applicable provisions of this chapter. EN

§ 230-172. Duties of Village Engineer.

A. It shall be the duty of the Village Engineer, in addition to those duties set forth in Article I of Chapter 86, Building Construction, to enforce the provisions of this chapter and of all rules, conditions and requirements adopted or specified pursuant thereto.

B. Said Village Engineer shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter, and of the action taken consequent on each such complaint, which records shall be public records.

C. If, in the judgment of the Village Engineer, a building under construction is sited so close to a required setback line as to create a reasonable possibility that in the construction process the building will intrude upon the required setback, then the Village Engineer is empowered to require the owner to provide an as-built survey after the foundation is poured and before any additional construction proceeds; and his notice to that effect to the owner or builder shall operate to suspend construction until such as-built survey is furnished to him and he determines that no intrusion into the required setback or other violation has occurred. [Added 9-8-1998 by L.L. No. 4-1998]

§ 230-173. Enforcement.

A. All the duties, powers rights of inspection, power to issue stop orders, right to revoke permits and other rights, powers and duties which are conferred upon the Village Engineer by Article I of Chapter 86, Building Construction, as the same may from time to time be amended, are hereby conferred upon the Village Engineer with respect to the enforcement of this chapter as it may from time to time be amended.

B. Should any condition arising from the violation of any provision of this chapter be required by considerations of health, safety, morals or the general welfare of the community to be abated, the Board of Trustees of the village may cause to be served upon the owner and/or the person in control of the premises where such condition exists a notice stating that such condition so arising must be abated and the manner in which it must be abated to comply with this chapter. Said notice shall further state a reasonable time, to be also fixed by the Board of Trustees of the village, within which work to abate said condition must be started, and failure to comply with said notice shall be a violation of this chapter. § 230-174. Penalties for offenses.

A. It shall be unlawful for any person, including the owner, lessee or tenant of the premises or any part thereof and the general building contractor, general agent, architect, engineer or any other person who owns, permits, takes part or assists in or who maintains any premises in which any violation of this chapter shall exist, to violate any provisions of this chapter, the requirements of the Village Engineer, the Board of Appeals, the Planning Board or the Board of Trustees pursuant to this chapter and the acts of the Village Engineer pursuant to this chapter and Article I of Chapter 86, Building Construction.

B. Every person who shall violate this chapter shall be subject to a penalty of not to exceed \$250 or imprisonment for a term not exceeding 15 days, or both such fine and imprisonment.

C. The imposition of the penalties herein prescribed shall not preclude the taking of any appropriate action 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 stop an illegal act, disorderly conduct, business or use of a building, structure or premises.

D. No provision of this chapter shall be construed to deprive the village or the Board of Trustees or any citizen or taxpayer thereof of any other available remedy for the enforcement of this chapter or the punishment or abatement of violations thereof, and all such remedies shall be cumulative and not exclusive.

E. The supplementing and amendment of the 1961 Croton-on-Hudson Zoning Ordinance, as amended by the substitution therefor of this chapter, shall be prospective only and shall not affect or abate penalties applicable to prior violations.