

**INCORPORATED VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES  
LL 02-2021**

**A LOCAL LAW AMENDING CHAPTER 121 OF THE CODE OF THE  
VILLAGE OF OLD FIELD AS IT RELATES TO THE ISSUANCE OF  
BUILDING AND ZONING PERMITS**

**BE IT HEREBY ENACTED**, by the Board of Trustees of the Village of Old Field, as follows:

**Section 1. Amendment.**

Chapter 121 (Zoning), Article X (Administration, Permits and Enforcement) of the Village Code is hereby amended as follows:

**§ 121-52. Interpretation.**

- A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Village.
- B. It is not intended by this chapter to amend, repeal, abrogate, annul, impair or interfere with covenants, easements or restrictions between persons, nor to rescind a building permit heretofore issued where vested rights have been secured thereunder. However, no provision in any such covenant, deed restriction, permit or contract shall be deemed to justify noncompliance with any provision of this chapter.

**§ 121-53. Enforcement; records.**

- A. The Building Inspector or any other person duly authorized by the Board of Trustees shall have the duty to, and is authorized to, enforce the provisions of the Uniform Code, the Energy Code, and this Code. Such person shall have the authority to enter any building or premises at any reasonable hour in accordance with law to discharge his or her duties and to issue notices of violation and appearance tickets for violations of the Uniform Code, the Energy Code, and this Code.
- B. It shall be the duty of the Village Clerk to file and safely keep a record of all applications for permits and certificates and a record of all permits and certificates issued, with a notation of any special conditions involved. The Village Clerk shall also file and safely keep copies of all plans and plot plan surveys submitted, and the same shall form a part of the records of the office and shall be available for the use of the Board of Trustees and of other officials of the Village.

**§ 121-54. Application for and issuance of permits.**

- A. Applications for building permits shall be submitted to the Village Clerk in the manner prescribed herein.
- B. Building permits shall be issued by the Village Clerk following the review and approval of all plans by the Building Inspector.
- C. No building permit shall be issued for any building, structure, occupancy, work or use which does not conform to the Uniform Code, the Energy Code, the provisions of this chapter and any other applicable Village ordinances or local laws.
- D. Where an application for a building permit proposes work that requires discretionary review and approval by the Board of Trustees, Zoning Board of Appeals or Planning Board, or an approval by any Federal, State, County or other local authority, no building permit shall be issued until said approvals have been granted.
- E. Conditional use permits are covered under Article VII of this chapter.

**§ 121-55. Zoning permits required.**

- A. It shall be unlawful for any person to commence any work in connection with the following until after the issuance of a zoning permit as provided herein:
  - (1) The construction, erection or alteration of any sign greater than four square feet in area.
  - (2) The excavation, filling or grading of land, or the removal of existing ground cover. Material that exists on the premises shall be used for site work whenever possible. No material to be used as fill in excess of 100 cubic yards per acre of lot area shall be permitted to be imported from sources off of the premises.
- B. No zoning permit shall be required where:
  - (1) Prior approval has been given by the Board of Appeals under Article VII hereof or by the Planning Board in connection with final approval of a subdivision map or plot; and
  - (2) Such work is included in the work to be done under a building permit and is set forth in the application for such building permit in the detail required by § 121-57, provided that material that exists on the premises shall be used for site work whenever possible. No material to be used for fill in excess of 100 cubic yards per acre of lot area shall be permitted to be imported from sources off of the premises.

**§ 121-56. Information required for application for zoning permit.**

- A. Applications for a zoning permit shall be made in writing by the owner or his or her authorized agent and shall include a statement of the use or intended use of the land and the work proposed to be done thereon.

- B. Applications for a zoning permit shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the location, dimensions of lot and existing buildings, structures and natural features thereon and the character and extent of and the lines within which the proposed work is contemplated. Such plot plan shall be drawn by a surveyor, architect or professional engineer registered or licensed by the State of New York.
- C. The applicant shall also furnish such additional pertinent information respecting the proposed use or work as the Village Clerk, Building Inspector or Village Engineer may request as necessary to determine the propriety of the issuance of a zoning permit.
- D. No zoning permit shall be granted where the upland portions of the applicant's lots do not conform to the minimum area requirements of §§ 121-19 and 121-20 or where, on the effective date of this chapter or thereafter, the applicant is the owner of lands adjoining the tract, lot or parcel for which a zoning permit is requested which, when aggregated with such latter tract, lot or parcel, will be of at least the minimum size required by said §§ 121-19 and 121-20.

**§ 121-57. Building permits.**

- A. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code, the Energy Code, and the provisions of this chapter, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof or the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit.
- B. A building permit shall not be required to construct or alter any structure with an area of 100 square feet or less, provided that said structure has no foundation or permanent attachment to the ground. An owner qualifying under this exception shall submit a survey or plot plan siting the structure. (This need not be by a licensed surveyor.) Notwithstanding the foregoing, a permit must be obtained for any plumbing, and a certification from an authorized electrical inspection agency that the work performed complies with the electrical provisions of the Uniform Code and the Energy Code must be submitted for any electrical work.
- C. An exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code, or the provisions of this chapter.
- D. Applications for a building permit.
  - (1) Applications for a building permit shall be made in writing on a form provided by the Village Clerk and shall include such information as required by the Village Clerk, Building Inspector and Village Engineer as sufficient to permit a determination that the

intended work complies with all applicable requirements of the Uniform Code, the Energy Code, and the provisions of this chapter.

(2) Said application shall be signed by the owner of the property where the work is to be performed and contain a description of the proposed work, the Tax Map number and street address of the property where the work is to be performed, the occupancy classification of any affected building or structure, a statement of special inspections prepared in accordance with the provisions of the Uniform Code, and accompanied by building plans which:

- (a) Define the scope of the proposed work;
- (b) Are prepared by a New York State registered architect or professional engineer registered or licensed by the State of New York;
- (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
- (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
- (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, the distances between the buildings and structures and the lot lines, and any other information required by Article XI of this chapter.

E. Driveways that are new, reconstructed, relocated or topped with a material different from the original require a building permit and are subject to the following conditions:

- (1) Any driveway shall, to the extent feasible, be located to provide safe access to the adjacent roadway.
- (2) The driveway access strip across the right-of-way between the paved road and the property line may be paved by the abutting property owner. If so paved, it shall be paved with a suitable material that initially or with the passage of time will not result in a road hazard.
- (3) The property owner utilizing the abutting access strip between the paved road and the property line shall assume all liability and costs of construction and maintenance thereof. The Village may request the property owner to remove or modify any material used on the access strip that the Village believes may create a hazard or if the access strip is to be utilized by the Village. If the property owner fails to comply within the period specified, the Village may remove or modify the material, the cost of which shall be assessed to the property owner. In all cases, the Village shall be held harmless

by the property owner as a result of construction or maintenance of the driveway access strip.

- (4) Water and soil shall not be permitted by the abutting property owner to flow onto the roadway from the property (whether from the driveway or otherwise). To this end, special temporary erosion and water control measures may be required by the Village during the construction period, and permanent erosion and water control measures also may be required as part of the construction process. The property owner shall bear the cost of construction and maintenance of such measures and shall have the liability for any claims or damage arising from any such construction on Village property.
- F. A Building permit shall be issued by the Village Clerk following a determination by the Building Inspector that the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code, and the provisions of this chapter.
  - G. Building plans which are accepted as part of the application for a building permit shall be maintained by the Village Clerk. One set of the accepted building plans shall be returned to the applicant to be kept at the work site so as to be available for use by the Building Inspector or a person duly authorized by the Board of Trustees to enforce the provisions of the Uniform Code, the Energy Code, and this Code.
  - H. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
  - I. All work shall be performed in accordance with the approved building plans and site plan which formed the basis for the issuance of a building permit. The permittee shall immediately notify the Building Inspector of any change occurring during the course of the work. If the Building Inspector determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
  - J. Building permits shall expire one year from the date of issuance. A building permit may be renewed as follows:
    1. Building permits may be renewed for up to three additional six-month periods on payment of a renewal fee for each period, provided that there has been substantial work or construction done pursuant to the permit during the initial term and any renewal terms of the building permit.
    2. Building permits may be renewed for additional six-month periods with the prior approval of the Board of Trustees which, upon application and reasonable cause shown by the applicant, may authorize additional building permit renewals at its discretion.
  - K. If substantial work or construction has not taken place prior to the expiration of the initial building permit and any renewal period, or a certificate of occupancy has not been issued during the initial permit term or any renewal period, then the building permit shall be

deemed void and may not be renewed. In the case of reissuing a void permit, a new building permit must be issued in compliance with all current requirements, including payment of all fees.

- J. Fees for all building permits and renewals shall be determined by resolution of the Board of Trustees and are payable in advance to the “Village of Old Field.” Building permit fees shall be doubled if any construction is commenced prior to a permit application being filed or prior to a building permit being issued.

**§ 121-58. (Reserved)**

**§ 121-59. Additional information.**

The applicant also shall furnish such additional pertinent information respecting the proposed use or work as may be required by the Village Clerk, Building Inspector or Village Engineer as necessary to determine the propriety of the issuance of a permit.

**§ 121-60. Requirements for permits involving excavation, filling or grading.**

- A. Whenever proposed excavation or grading is involved in building construction or work enumerated in § 121-55(A)(2), the applicant shall also furnish a topographical map conforming to the requirements of Chapter 95, which map shall also show the existing and proposed topography of the area covered by the proposed excavation or grading and such area surrounding the area as the Village Engineer may require in order to determine the effects of the proposed work, as well as the ownership of all contiguous lands. Material that exists on the premises shall be used for site work whenever possible. No material to be used as fill in excess of 100 cubic yards per acre of lot area shall be permitted from outside sources.
- B. No permit shall be issued unless the Village Engineer has certified that:
  - (1) That the proposed work conforms to all federal, state and local laws, rules and regulations and generally accepted engineering standards.
  - (2) In appropriate cases, that the proposed grading of land conforms to a grading plan duly approved by the Planning Board in connection with a subdivision plat.
  - (3) That said work will not create any undue hazard on the land in question, on any abutting road or drainage system or on adjacent property due to excess drainage, soil erosion, silting or other conditions resulting from improper excavation or grading or disturbance of existing topography, ground cover or other natural features.
  - (4) That the proposed work does not constitute any development of a subdivision (as defined in Chapter 95, Subdivision of Land) heretofore disapproved or pending before the Planning Board.

- (5) That if fill is proposed to be placed on the land, following such action, the land will have a soil-bearing capacity sufficient for a use permitted thereon under this chapter.
- (6) That the proposed change in existing condition will not materially adversely affect the value of adjacent property or property in the immediate neighborhood thereof due to excess drainage, soil erosion, silting or other conditions resulting from disturbance of topography, ground cover or other natural features.

C. All operations done under such a permit shall be done in accordance with the following:

- (1) Where fill is required and approved in the permit, the soil must be clean and compatible with good drainage and soil stability.
- (2) Removal of material and redepositing and storage of any materials must not undermine, weaken or deprive of support the lands in the vicinity.
- (3) Excavating, filling and grading must not:
  - (a) Adversely affect the waterways within the Village limits or adjacent lands and water;
  - (b) Substantially change the course of any channel or the natural movement or flow of any water; or
  - (c) Cause or accelerate the drift of underwater soil, fill, gravel, bog or mud.
- (4) All excavating, filling and grading shall be only the minimum required for the authorized improvement.

**§ 121-61. Restrictions on permit issuance.**

- A. No building permit shall be issued for the construction or alteration of any building or structure unless the street giving access to the lot on which such building or structure is proposed to be erected or altered has been duly placed on the Official Map of the Village and has been suitably improved or, in the case of a subdivision, a performance bond for such street improvement has been approved by the Planning Board and has been furnished to the Village.
- B. No building permit or zoning permit shall be issued for any property which does not have a valid certificate of occupancy/certificate of compliance or certificate of existing use for all existing buildings, structures and uses on the lot.

**§ 121-61.1. Revocation or suspension of building permits.**

If the Building Inspector determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information or that the work for which a building permit was issued

violates the applicable requirements of the Uniform Code, the Energy Code, and the provisions of this chapter, the building permit shall be revoked or suspended until such time as the permittee demonstrates that:

- A. All work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code, and the provisions of this chapter; and
- B. All work then proposed to be completed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code, and the provisions of this chapter.

**§ 121-62. (Reserved)**

**§ 121-63. Construction inspections.**

- A. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector. The permittee shall notify the Building Inspector when any element of work described in Subsection B of this section is ready for inspection.
- B. The following elements of the construction process shall be inspected, where applicable:
  - (1) Work site prior to the issuance of a building permit;
  - (2) Footing and foundation;
  - (3) Preparation for concrete slab;
  - (4) Framing;
  - (5) Building systems, including underground and rough-in;
  - (6) Fire-resistant construction;
  - (7) Fire-resistant penetrations;
  - (8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
  - (9) Energy Code compliance; and
  - (10) A final inspection after all work authorized by the building permit has been completed.
- C. Inspection of foundation; conformity with grading plan.
  - (1) After issuance of a building permit and upon completion of the foundation wall of a building, the owner or his authorized agent shall submit to the Village Clerk, for review and approval by the Building Inspector, a certified plot plan, prepared by a land

surveyor licensed to practice in the State of New York, showing the location of the building on the property.

- (2) No building shall hereafter be constructed above the foundation walls until the said plot plan survey has been approved by the Building Inspector as complying with the provisions of this chapter.
- (3) No certificate of occupancy shall be issued for any building fronting on a Village street or Village drainage system unless the Village Engineer has inspected the property and certifies that the completed work conforms to grading plans theretofore approved as aforesaid.

**§ 121-64. (Reserved)**

**§ 121-65. Certificate of occupancy/certificate of compliance or certificate of existing use required.**

- A. A certificate of occupancy/certificate of compliance or certificate of existing use shall be required prior to any of the following:
  - (1) Any work which is the subject of a building permit.
  - (2) Change in use of an existing building.
  - (3) Occupancy and use of unimproved or vacant land, except for farming, as defined herein.
  - (4) Change in the use of land to a use of a different classification, except for farming.
  - (5) Any change in the occupancy or use of a vested nonconforming use.
- B. No such occupancy, use or change of use shall take place until after issuance of a certificate of occupancy/certificate of compliance as provided by this chapter. The Village Clerk may also issue a certificate of existing use, subject to the review and approval by the Building Inspector, to record the status of a vested nonconforming use and or to certify the conformity of a conditional use.

**§ 121-66. Application for certificate of occupancy/certificate of compliance or certificate of existing use.**

An application for a certificate of occupancy/certificate of compliance or certificate of existing use shall be made, in writing, by the owner or his authorized agent upon forms provided by the Village Clerk.

**§ 121-67. Fees for certificate of occupancy/certificate of compliance or certificate of existing use.**

The fee for a certificate of occupancy/certificate of compliance or certificate of existing use shall be determined by the Board of Trustees. Such fee shall be paid to the “Village of Old Field” upon application for such certificate or copy thereof.

**§ 121-68. Issuance of certificate of occupancy/certificate of compliance or certificate of existing use.**

- A. The Village Clerk shall issue a certificate of occupancy/certificate of compliance following a determination by the Building Inspector that the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code, the Energy Code, and this chapter and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code, the Energy Code, and this chapter. The Building Inspector shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the applicant, shall be provided to the Village Clerk prior to the issuance of the certificate of occupancy/certificate of compliance:
- (1) A written statement of structural observations and/or a final report of special inspections;
  - (2) Certification from an authorized electrical inspection agency that the work performed complies with the electrical provisions of the Uniform Code and the Energy Code;
  - (3) Flood hazard certifications; and
  - (4) A written statement from the Village Engineer certifying that the work performed complies with the approved site plan.
- B. A certificate of occupancy/certificate of compliance shall contain the following information:
- (1) The building permit number, if any;
  - (2) The date of issuance of the building permit, if any;
  - (3) The name, address and Tax Map number of the property;
  - (4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;

- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The assembly occupant load of the structure, if any;
- (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) Any special conditions imposed in connection with the issuance of the building permit; and
- (10) The signature of the Building Inspector and the date of issuance.

- C. If a request to issue a certificate of occupancy/certificate of compliance is denied, the reason for the denial shall be stated upon the application and one copy thereof returned to the applicant.
- D. For the purpose of recording the status of an existing vested nonconforming use or of certifying the conformity of an existing conditional use, the Village Clerk, upon approval of the Building Inspector, may issue a certificate of existing use which shall state the character and extent of each lawful conformity and nonconformity and the facts upon which the lawfulness of any nonconformity are based as found upon inspection by the Building Inspector, and the Building Inspector shall issue such orders as the circumstances may require with respect to any unlawful nonconformities so found.
- E. If the Building Inspector determines that a certificate of occupancy/certificate of compliance or certificate of existing use was issued in error because of incorrect, inaccurate or incomplete information and if the relevant deficiencies are not corrected within such period of time specified by the Building Inspector, the certificate of occupancy/certificate of compliance or certificate of existing use shall be revoked or suspended.

**§ 121-69. (Reserved)**

**§ 121-70. Unlawful actions.**

- A. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, convert, maintain or use any building, structure or land, or permit any building, structure or land to be used or occupied, in violation of this chapter and any other applicable Village laws and ordinances, the Uniform Code, the Energy Code, and any condition imposed or covenant required by the Board of Trustees, Zoning Board of Appeals or Planning Board as a condition of approval of any change of zone, permit, special permit, variance, grant, subdivision or site plan. Such unlawful actions shall be deemed a violation punishable under the provisions of § 121-71.

- B. It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties of the Village of Old Field until an application for inspection has been filed with the New York Board of Fire Underwriters. It shall be a violation of this chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate of compliance by the New York Board of Fire Underwriters.

**§ 121-71. Remedies and penalties for offenses.**

- A. Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.
- B. If any person fails to abate any violation of this chapter within 10 calendar days after written notice has been served to said person or within 15 days after written notice has been sent to said person by registered or certified mail at his home or business address, said person shall be subject to a civil penalty of \$500 for each and every day that each and every violation continues, recoverable by suit brought by the Village.
- C. Any person who shall make a false statement as to any material fact on any application made or required to be made hereunder or who shall omit in his application any material information required hereby shall be subject to a fine of not more than \$500 and shall be liable for damages to such persons who shall have been adversely affected by the issuance of a permit based, in whole or in part, upon a false statement or statements and by work done upon such applicant's land in reliance upon such permit.
- D. No occupancy permit which shall have been issued as a result of inaccurate, incomplete or false statements in any application therefor or in any application for a zoning permit or building permit filed precedent to or concurrent with the application for an occupancy permit shall be valid, and no person may claim any vested rights based thereon, despite any other provision of law.
- E. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used or any land is divided into lots, blocks or sites in violation of this chapter or of any local law or other regulation made under authority conferred thereby, the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or division of

land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct of business or use in or about such premises. All issues in any action or proceedings for any of the purposes herein stated shall have preference over all other civil actions and proceedings.

- F. The remedies provided herein shall be cumulative and shall be in addition to any other remedies provided by law.

**§ 121-72. Electrical inspections.**

- A. No electrical inspection agency may conduct electrical inspections in the Village unless said agency is licensed by Suffolk County and said agency's chief electrical inspector and all subordinate electrical inspectors have been certified by the International Association of Electrical Inspectors. In no event shall the cost or expense of inspections or reinspections as described in this chapter be a charge against the Village of Old Field.
- B. It shall be the duty of any electrical inspector conducting electrical inspections in the Village to report, in writing, to the Village Clerk and Building Inspector all violations or deviations from or omissions of the electrical provisions of the Uniform Code, the Energy Code, and the provisions of this chapter, insofar as any of the same apply to electrical wiring. An authorized electrical inspector shall make inspections and reinspections of electrical installations in and on properties in the Village upon the written request of an authorized official of the Village of Old Field, or as herein provided, and is authorized to make inspections and reinspections of electrical installations in and on properties in the Village where he or she deems it necessary for the protection of life and property. In the event of an emergency, it is the duty of an authorized electrical inspector to make electrical inspections upon the oral request of an official or officer of the Village of Old Field.

**Section 2. Severability.**

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof declared by said court to be invalid.

**Section 3. Effective Date.**

This local law shall take effect immediately upon filing with the Office of the New York Secretary of State.