

TOWN OF NORTH CASTLE

Local Law No. 12 For the Year 2013 **Adopted December 11, 2013**

A local law to amend Section 10-4 of the Town Code to permit the establishment of an escrow account for Town Engineer site inspections of commercial site plans.

Section 1. Amend Section 10-4 of the Town Code as follows:

- A. A fee shall be charged in connection with the review of all Building and Highway Department applications described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule. All fees as required by this section shall be doubled whenever the work which is subject to a fee is commenced or completed prior to the issuance of the appropriate permit.
- B. Inspection fee. To offset the costs incurred by the Town in conducting inspections, all applicants for approval of non-residential site plans shall be required to submit an inspection fee, in such amount as set forth in the Master Fee Schedule.

The Building Department may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Town for the cost of consultant fees and professional staff services for non-residential site plan inspection fees. The applicant shall then provide funds to the Town for deposit into such account, in the amount to be determined by the Building Department based upon its evaluation of the nature and complexity of the inspection. The applicant shall be provided with copies of any Town voucher for consultant fees as they are submitted to the Town and with Town staff time records for services for which reimbursement is sought. When the balance in such escrow account is reduced to 1/3 of its initial amount, the applicant shall deposit additional funds into such account to restore the balance in such account to the amount of the initial deposit. If such account is not replenished in 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Town may suspend its inspection. A certificate of occupancy or use shall not be issued unless all such applicant's costs have been reimbursed to the Town. After all pertinent costs have been paid, the Town shall refund to the applicant any funds remaining on deposit.

Section 2. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 4. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: December 11, 2013