

TOWN OF NORTH CASTLE

Local Law No. 4 for the Year 2020 Adopted June 10, 2020

A local law entitled “Inspection Fee Town Code Modifications” regarding Town Code Amendments to Chapter 127, Building Code Administration and Enforcement, and Chapter 275, Subdivision of Land, to permit the Building Department to require escrow accounts for the cost of inspections by Town engineering consultants and professionals.

Section 1. Amend Section 127-17 of the Town Code as follows:

§ 127-17 Inspections.

The Building Inspector in the review of any construction activity shall refer any active construction site to such engineering consultant, or professionals(s) employed by the Town, as the Building Department shall deem reasonably necessary to enable it to inspect such building permit activity as required by law. The fee for one- and two-family residential projects shall be 20% of the building permit fee. For all other projects, the following provisions shall apply.

Charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead. All such charges shall be paid on submission of a Town voucher. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher, in accordance with the escrow account procedure set forth below.

Escrow accounts. At the time of submission of a building permit, 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. 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 application. 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 within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Building Department may suspend its inspection of the project. A building permit, certificate of occupancy or use or certificate of compliance 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. Amend Section 275-18.C of the Town Code as follows:

§ 275-18 Inspection of improvements.

- C. The Building Inspector in the review of any construction activity shall refer any active construction site to such engineering consultant, or professionals(s) employed by the Town, as the Building Department shall deem reasonably necessary to enable it to inspect such building permit activity as required by law. Charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead. All such charges shall be paid on submission of a Town voucher. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher, in accordance with the escrow account procedure set forth below.

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Section 3. Amend Section 275-38 of the Town Code as follows:

§ 275-38 Inspection fees.

The Building Inspector in the review of any construction activity shall refer any active construction site to such engineering consultant, or professionals(s) employed by the Town, as the Building Department shall deem reasonably necessary to enable it to inspect such building permit activity as required by law. Charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead. All such charges shall be paid on submission of a Town voucher. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher, in accordance with the escrow account procedure set forth below.

Escrow accounts. At the time of submission of a building permit, 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. 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 application. 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 within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Building Department may suspend its inspection of the project. A building permit, certificate of occupancy or use or certificate of compliance 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 4. 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 5. 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 6. Effective Date.

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