Chapter 64

BUILDING CONSTRUCTION

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ARTICLE II
New York State Uniform Fire Prevention and Building Code

§ 64-39. Provisions controlling.

[HISTORY: Adopted by the Board of Trustees of the Village of Kensington 11-20-1968 as Ch. 3, Arts. 1 and 2, of the Code of Ordinances (1968). Amendments noted where applicable.]

GENERAL REFERENCES

Fences and walls — See Ch. 77.
Flood damage prevention — See Ch. 80.
Planning — See Ch. 114.
Plumbing and services — See Ch. 117.
Zoning — See Ch. 151.

ARTICLE I
Administration

§ 64-1. Title.

This chapter shall be known and may be cited as the "Building Code of the Village of Kensington."

§ 64-2. Matters covered. [Amended 3-21-1990 by L.L. No. 3-1990; 7-25-2012 by L.L. No. 4-2012]

This chapter presumptively provides for all matters concerning, affecting and relating to the construction, alteration, repair, removal, demolition, equipment, use, occupancy, location and maintenance of buildings or structures erected or to be erected in the Village of Kensington, except insofar as such matters are otherwise provided for under the Village Law or in other statutes or in other ordinances of the Village of Kensington, and particularly as provided under the Building Zone Ordinance and Planning Ordinance of this Village.[1] The chapter is also intended to provide for a minimum level of protection from the hazards of fire in the Village. The provisions of this chapter shall be complied with in addition to the provisions of such other statutes and ordinances, including the New York State Fire Prevention and Building Code.

§ 64-3. Provisions remedial.

This chapter is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes

1. Editor's Note: See Ch. 114, Planning, and Ch. 151, Zoning.

thereof, which are public safety, health and welfare through structural strength and stability, adequate light and ventilation, and safety to life and property from fire and hazards incident to the construction, maintenance, occupancy, alteration, repair, removal or demolition of buildings or structures.

§ 64-4. Conformity with standards.

No building or structure shall hereafter be constructed, altered, repaired or removed, nor shall the equipment of a building, structure or premises be installed, altered, repaired or removed, except in conformity with the provisions of this chapter and in conformity with the provisions of every authorized rule, regulation and condition made and issued hereunder by the Building Inspector.

§ 64-5. Unlawful actions.

It shall be unlawful to maintain, occupy or use a building or structure or part thereof which has been constructed, altered or repaired in violation of the provisions of this chapter.

§ 64-6. Applicability.

The provisions of this chapter apply to all buildings or structures by whomsoever owned, constructed, maintained, occupied or used and wheresoever situated, including constructions such as vaults, areas or street encroachments, however placed. Such provisions shall apply with equal force to municipal, school, county or state buildings as they do to private buildings.

§ 64-7. Appointment of Building Inspector.

The office of Building Inspector is hereby created. The Building Inspector shall be appointed by the Board of Trustees at its

annual meeting or as soon thereafter as may be practicable and shall continue to hold such office at the pleasure of the Board of

Trustees. Any Village official, including an elected official, may hold the position of Building Inspector in addition to such other official position. In case of the temporary absence or disability of the Building Inspector or his disqualification to act in a particular matter, the Mayor may designate a substitute to act in matters that require prompt, official attention.

§ 64-8. Qualifications of Inspector.

The Building Inspector shall be a person generally informed on the quality and strength of building materials, on the prevailing methods of building construction, on good practice in fire prevention, on the accepted requirements for safe exit facilities and on the proper installation of plumbing, electric wiring, elevators and other installations for the safety, comfort and convenience of occupants. He shall be in good health and physically capable of making the necessary examinations and inspections of buildings in the course of construction.

§ 64-9. Inspector's duties.

The Building Inspector shall receive applications required by this chapter, issue permits and furnish all prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law and Village ordinances are complied with and that the construction is prosecuted safely and in accordance with permits previously granted. He shall enforce laws, ordinances and regulations relating to the construction, alteration, repair, removal, demolition, equipment, location, maintenance, occupancy or use of buildings and structures, except as may be otherwise provided for. He shall, when requested by the Mayor or the Board of Trustees or when the interests of the Village shall require, make investigations in connection with matters referred to in this chapter and render written reports on the same. He shall issue such notices or orders as may be necessary to enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary

safeguards during construction or to require adequate exit facilities in existing buildings and structures.

§ 64-10. Inspections.

A. Inspections required under the provisions of this chapter shall be made by the Building Inspector or by a duly appointed and qualified assistant, provided that the Building Inspector may accept reports of inspectors of recognized inspection services after investigation of their qualifications and reliability. But no certificate called for by any provision of this chapter shall be based on such reports unless the same are in writing and certified by a responsible officer of such service.

B. At least 24 hours' notice shall be given to the Building Inspector before work is started under a permit, and a like notice shall be given before any work requiring inspection has been enclosed or covered.

C. The Building Inspector may require a guaranteed survey showing the premises and the location of the building and its various parts and may also require that the surveyor stake out the corners and lines of the building and of the lot, all expenses to be borne by the owner.

§ 64-11. Rules and regulations.

A. For carrying into effect its provisions, the Building Inspector may adopt regulations, not inconsistent with this chapter or rules to be followed in a particular case, it being the intent of this requirement that the standards of federal or state bureaus, national technical organizations or fire underwriters, as the same may be amended from time to time, shall serve as a guide in fixing the miniumum requirements of this chapter.

B. For the purpose of securing to the public the benefits of new developments in the building industry and of ensuring

public safety, the Building Inspector may make or cause to be made investigations, or may accept duly authenticated reports from reliable sources, of new materials or modes of construction intended for use in the construction of buildings or structures in the municipality which are not provided for in this chapter, and may adopt regulations setting forth the conditions under which such materials or modes of construction may be used.

C. Regulations adopted by the Building Inspector shall be reported by him to the Board of Trustees at its next regular meeting and, if approved by the Board of Trustees, shall have the same force and effect as if a part of this chapter.

§ 64-12. Records.

The Building Inspector shall keep on file in the Village Office careful and comprehensive records of application made and permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the Village Office.

§ 64-13. Right of entry.

The Building Inspector, in the discharge of his duties, shall have authority to enter any building, structure or premises at any reasonable hour. He shall also have authority to take samples and to make tests and, in case any work may have been performed or covered without his inspection, he shall have the right to require the owner, architect, engineer or contractor to remove and demolish such work as may be necessary in order to permit the Building Inspector to make a proper examination and test.

§ 64-14. Application for permit.

A. Except as provided in Subsection C, it shall be unlawful to construct, alter, repair, remove or demolish, or to commence the construction, alteration, repair, replacement, removal or demolition of, a building or structure without first filing with the Building Inspector an application in writing and obtaining a permit therefor. **[Amended 7-25-2012 by L.L. No. 4-2012]**

B. A permit is required, among other things, for the construction or alteration of patios and recreational facilities such as tennis courts, basketball courts, swimming pools and the like and for the installation of any paved surface, such as concrete or asphalt, or the use of any other material, such as gravel, stone or compacted soil, to create, alter or enlarge a driveway or any other area used for the parking of vehicles of any kind. Alterations for which a permit is required include any alteration to windows, room sizes, removal of partitions, vestibules or covered porches and any changes in the plumbing system or the installation of a central air-conditioning system, the installation of a fence or the installation of siding or veneer or any structure on the exterior portion of the building. **[Amended 2-13-1985 by L.L. No. 2-1985; 9-21-1994 by L.L. No. 1-1994]**

C. Ordinary repairs. Repairs include only the patching or restoration or replacement of damaged materials, elements, equipment or fixtures for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements. Repairs may be made without filing an application or obtaining a permit. Window repairs shall require a permit and shall not be treated as a repair as defined in this section. **[Amended 7-21-2010 by L.L. No. 3-2010; 7-25-2012 by L.L. No. 4-2012]**

D. Roof repair. **[Added 11-15-2006 by L.L. No. 1-2006]**

(1) The repair to the roof of a building or structure shall be made with material that is the same as the material of the remaining portion of the roof.

(2) In the event that the repair of the roof of a building or structure heretofore has been made with materials that are not the same as the material of the remaining part of the roof, and for which neither Architectural Review Board approval nor a building permit has been issued, within 60 days of the date of the adoption of this subsection, the material used for the repair shall be removed and the roof repaired in accordance with Subsection D(1) hereof.

§ 64-15. Form of application.

A. An application for a permit shall be submitted in such form as the Building Inspector may require.

B. Such application shall be made by the owner or lessee or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Where the work costs more than $5,000 or the building has more than 15,000 cubic feet in volume, or where the work, in the opinion of the Building Inspector, may involve the structural safety of the building, the plans shall be prepared by a registered architect or a registered engineer or under his supervision and shall bear his certificate and official seal.

C. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.

D. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Building Inspector for the intelligent understanding of the proposed work. It shall contain a certificate that the proposed work complies with all of the provisions of this chapter, the Building Zone Ordinance[2] and all other applicable statutes, ordinances, rules and regulations, any exceptions being specifically noted.

E. Such application shall also comply with all of the requirements of the Building Zone Ordinance.[3]

F. In addition to the foregoing requirements, an application for a permit to demolish an existing dwelling or structure shall include: **[Added 11-20-1997 by L.L. No. 4-1997]**

(1) Engineer's report on the condition of the dwelling or structure, including the existence of any toxic or hazardous materials or conditions, and the manner in which they will be removed prior to demolition in accordance with federal, state and local laws.

(2) Arborist's report identifying and locating on a survey all trees with a diameter of three inches or more at chest height.

(3) Topographical survey.

(4) Plan to use property after demolition:

2. **Editor's Note: See Ch. 151, Zoning.**

3. **Editor's Note: See CH. 151, Zoning.**

(a) In the event that the applicant proposes new construction, construction plans for a new dwelling or structure approved by the Building Inspector must be submitted. Plans to replicate the footprint, location, materials, floor area ratio and style of a nonconforming dwelling or structure may be approved by the Building Inspector notwithstanding the need for variances, provided that the plans are certified by the Board of Trustees as a substantial replication of the prior dwelling or structure.

(b) In the event that the applicant proposes no new construction, the applicant must promptly grade and seed the property so as to prevent erosion. The, Building Inspector must certify that the property has been graded and seeded to his satisfaction. Further, a demolition permit shall not be issued prior to 30 days from the date the application for demolition is submitted.

(c) In the event that the applicant for a demolition permit represents that no new construction of a dwelling or structure is proposed and grades and seeds the property pursuant to Subsection F(4)(b), the Building Inspector shall not review any construction plans for a dwelling or structure submitted subsequent to demolition for at least six months after demolition has been completed, and the applicant shall not be entitled to the continuation of a nonconforming status as set forth in Subsection F(4)(a).

(d) If the property is to be used for the purpose of enlarging a dwelling on a contiguous property, plans for the enlargement of the dwelling, approved by the Building Inspector, and a landscaping plan, approved by the

Architectural Review Board, shall be submitted.

§ 64-16. Examination of application.

It shall be the duty of the Building Inspector to examine the application for a permit within a reasonable time after filing and payment of the fees hereinafter provided. If after examination he finds no objection to the same and it appears that the proposed work will be in compliance with the laws, ordinances and regulations applicable thereto and the proposed construction or work will be safe, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, he will reject such application, noting his findings in a report to be attached to the application and sending a copy to the applicant.

§ 64-17. Partial approval.

Nothing in this article shall be construed to prevent the Building Inspector from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted, if adequate plans and detailed statements have been presented for the said part and have been found to comply with this chapter.

§ 64-18. Permit to move building.

No permit to move a building or structure shall be granted until notice of application therefor shall have been given to the owners of land adjoining the lot or parcel to which said building or structure is to be removed, and to the owners of poles, wires or other impediments, the temporary removal of which will be necessary, and an opportunity has been given said owners to be heard upon such application; nor until a bond in a sum fixed by the Building Inspector has been filed with the Village to cover all damage to public property and to indemnify and save

harmless the Village for damages and claims for damages arising out of the work. The Building Inspector may designate the route to be covered, the hours of moving and the portions of the streets to remain unobstructed and may impose such other conditions as he may deem advisable. He is hereby authorized to deny the permit if he determines that the moving of the building or structure would cause excessive injury or inconvenience to the public or to the Village.

§ 64-19. Conditions for work.

All work performed under a permit issued by the Building Inspector shall conform to the approved application and plans and approved amendments thereof. The location all new construction as shown on the approved plat diagram or an approved amendment thereof shall be strictly adhered to. The work shall comply with all the requirements of this chapter and of the Building Zone Ordinance.[4]

§ 64-20. Signing of permit.

Every permit issued under the provisions of this chapter shall be signed by the Building Inspector.

§ 64-21. Expiration of permit. [Amended 4-30-2003 by L.L. No. 3-2003]

A permit under which no work has been commenced within three months after issuance shall expire by limitation.

§ 64-22. Posting of permit.

A copy of the permit shall be posted on the premises at a place available at all times for public inspection during the prosecution of the work and until the completion of the same. The Building Inspector may require a certified copy of the

4. **Editor's Note: See Ch. 151, Zoning.**

approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

§ 64-23. Permit not assignable.

No permit issued under this chapter shall be assignable or transferable.

§ 64-24. Fees for permits. [Amended 3-21-1990 by L.L. No. 3-1990]

A. Upon the filing of an application for a permit under this chapter, including a building permit for the construction, alteration or repair of a building or other structure, and including plumbing and incidental structures, there shall be paid to the Village the fees established in resolution of the Board of Trustees and on file in the office of the Village Clerk.

B. No additional fees shall be required for the issuance of the original certificate of occupancy. A fee established by resolution of the Board of Trustees shall be charged for each additional copy thereafter or for a search and certification that none has been issued. In case any permit under this chapter shall include within its terms a permit as required by the Building Zone Ordinance of the Village,[5] the amount of the fee shall be either as provided in a resolution establishing fees for building permits or as provided for in a resolution of the Board of Trustees establishing fees under the Building Zone Ordinance, whichever is greater, but two fees shall not be required.

C. Where a proposed construction or alteration of a dwelling will exceed 40% of its floor area ratio, a cash deposit of $25,000 shall be deposited with the Village Clerk with the building permit application to guarantee site restoration and the repair and restoration of Village property,

5. **Editor's Note: See Ch. 151, Zoning.**

including, but not limited to, curbs, sidewalks and landscaping. The cash deposit, or any unused portion of it, shall be refunded upon certification by the Building Inspector that all restoration and repair work has been completed satisfactorily. **[Added 4-30-2003 by L.L. No. 3-2003; amended 7-25-2012 by L.L. No. 4-2012]**

§ 64-25. Certificates of occupancy; new buildings.

No building or structure hereafter constructed shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector certifying that such building or structure conforms to the provisions of this chapter.

§ 64-26. Building alterations.

No building or structure hereafter enlarged or extended or so altered, wholly or in part, as to change its classification, and no building hereafter altered for which a certificate of occupancy has not been heretofore issued, shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector certifying that the work for which the permit was issued has been completed in accordance with the provisions of this chapter provided that if the occupancy or use of such building was not discontinued during the work of alteration, the occupancy or use of the building shall not continue for more than 30 days after completion of the alterations unless such certificate shall have been issued.

§ 64-27. Certificates for installations in buildings.

When a certificate is specifically required by a provision of this chapter for an installation, alteration, repair or removal of an elevator or elevator equipment, plumbing, gas piping, electric wiring, heating system or other installation, it shall be unlawful to use or permit the use thereof until the appropriate certificate has been issued.

§ 64-28. Existing buildings.

In the case of a building or structure completed prior to the adoption of this chapter, the Building Inspector shall, upon written application therefor and upon payment of the fee provided and upon payment of an amount which he estimates to be the reasonable cost of making the inspection applied for, cause an inspection to be made sufficient to ascertain whether or not the building or structure as it then exists complies with the requirements of this chapter. The applicant shall make the building or structure available to him for such purpose and shall, if the Building Inspector so requires, remove portions of the construction that conceal or cover the work to be inspected. He shall also, if requested, furnish a placement survey and such other information as the Building Inspector may require. If as a result of the inspection the Building Inspector is satisfied that the building or structure complies with this chapter, he shall issue a certificate of compliance to such effect. The Building Inspector may, in other cases and upon similar conditions, make inspections of completed buildings and structures and issue similar certificates of compliance.

§ 64-29. Contents of certificates.

In addition to the certification as to compliance with the provisions of this chapter, such certificate may, if warranted by the facts, also contain the matters required for a certificate of occupancy under the Building Zone Ordinance,[6] and in such case, the certificate of occupancy shall constitute the certificate of occupancy required both by this chapter and by the Building Zone Ordinance.

6. **Editor's Note: See Ch. 151, Zoning.**

§ 64-30. Application for certificates.

Applications to the Building Inspector for a certificate of occupancy for a new building costing more than $10,000 shall be accompanied by the affidavit of a licensed architect or licensed professional engineer who supervised the construction work or by the affidavit of a superintendent of construction who supervised the construction work and who had had at least 10 years' experience in supervising building construction work, which affidavit shall be to the effect that deponent has examined the approved plans of the structure for which the certificate of occupancy is sought and that to the best of his knowledge and belief the structure has been erected or altered in accordance with the approved plans and, as erected or altered, complies with the statutes, ordinances, rules and regulations governing building construction or use, except insofar as variances therefrom have been legally authorized, such variances to be specified in the affidavit. Where electrical work is involved, an electrical certificate from the Board of Fire Underwriters is required, but if such certificate is not immediately available, a temporary certificate may be issued, valid for not more than 60 days.

§ 64-31. Change of occupancy. [Amended 2-13-1985 by L.L. No. 3-1985; 7-21-1999 by L.L. No. 3-1998]

No change of occupancy or use shall be made in a building or structure unless the owner of the building obtains from the Building Inspector a certificate of occupancy or certificate of compliance certifying that the building or structure and the use thereof conform to the provisions of the laws of the Village of Kensington and this chapter[8] and the Fire Prevention Code applicable to the building or structure.

8. Editor's Note: See § 64-39.

§ 64-32. Unsafe buildings.

In the case of any dangerous or unsafe buildings or structures, the following provisions shall apply:

A. It shall be the duty of the Building Inspector or such other official as may be duly appointed by the Board of Trustees for the purpose, to make an inspection of any building or structure reported to him as being dangerous or unsafe to the public or which he deems to be dangerous or unsafe to the public from any cause. For such purpose, he shall have full right of entry in and about said building or structure and the premises on which it is situated.

B. Upon completion of his inspection he shall prepare a report thereof, stating the facts and his findings and conclusions. He shall file one copy with the Village Clerk, which shall be open for public inspection during regular business hours. He shall retain another copy in the Building Department files.

C. If he shall find that the building or structure is dangerous or unsafe to the public, he shall serve upon the owner of the premises on which such building or structure is situated, or upon some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk, a notice containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the same to be made safe and secure or removed within a time specified in the order. Such order may direct that temporary measures be taken forthwith for the protection of the public. The time specified shall be a reasonable time commensurate with the danger to the public and the nature and extent of the work required.

D. Such notice and order may be served either personally or by registered mail, addressed to the last known address of

the person served. If such service is made by registered mail, a copy of such notice shall be posted on the premises.

E. In case the person served with such notice and order should neglect or refuse to comply with the same within the time stated, the Board of Trustees shall cause a survey to be made by an official of the Village and a practical builder, engineer or architect named by the Board of Trustees for the purpose and a practical builder, engineer or architect appointed by the person notified as above. The Board shall cause the said surveyors to be paid a reasonable compensation for these services.

F. Such person shall be notified to appoint a practical builder, engineer or architect for the purpose of such survey. Said notice shall also state that if the building or structure should be reported unsafe or dangerous under such survey, an application will be made at a special term of the Supreme Court, Nassau County, not less than five, nor more than 10 days thereafter for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

G. In the event that such person should refuse or neglect to appoint a practical builder, engineer or architect for the purpose of such survey, the two surveyors named by the Board of Trustees shall make the survey and report.

H. Copies of the report of the surveyors shall be delivered to the parties participating in the survey and a signed copy shall be posted on the building or structure.

I. In the event that an application should be made to the Supreme Court as aforesaid and an order should be made determining the building or other structure to be a public nuisance and directing that it be repaired and secured or taken down and removed, the Board of Trustees may cause the said building or structure to be repaired and secured or taken down and removed.

J. The Board of Trustees may assess against the land on which said building or structure is located all costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure. Such assessments shall be determined, levied and collected in the same manner as a local assessment under § 168 of the Village Law.

§ 64-33. Emergency work.

A. In case there shall be, in the opinion of the Building Inspector, actual or immediate danger of the falling of a building or structure so as to endanger life or property, he shall cause the necessary work to be done to render said building or structure or part thereof temporarily safe, whether the procedure prescribed for unsafe buildings has been instituted or not.

B. When a building or structure is in an unsafe condition so that life is endangered thereby, the Building Inspector may order and require the inmates and occupants to vacate the same forthwith. He may, if he deems it necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure and prohibit the same from being used.

C. For the purpose of this section, the Building Inspector is hereby authorized to employ such laborers and materials as may be necessary.

D. The Village Attorney shall institute appropriate actions against the owner of premises where the unsafe building or structure was located for the recovery of the expenses incurred by the Building Inspector or by the Village in the performance of such emergency work.

§ 64-34. Interpretation.

The provisions of §§ 64-32 and 64-33 shall be in addition to the powers and procedures provided elsewhere in this chapter and not in limitation thereof.

§ 64-35. Suspension of permit.

The Building Inspector may suspend a permit or approval issued under the provisions of this chapter in case he shall be satisfied that there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based, or that any of the work has been or is about to be performed or materials furnished which do not comply with this chapter or with the terms of the permit, or that in any respect the provisions of this chapter or of the Building Zone Ordinance[9] have been violated or have not been complied with.

§ 64-36. Stopping work.

Whenever in the opinion of the Building Inspector, by reason of defective or illegal work in violation of a provision or requirement of this chapter, the continuance of a building operation is contrary to public welfare, he may order, either orally or in writing, all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

§ 64-37. Review by Board of Trustees.

The Building Inspector shall report the matter to the Board of Trustees at its next regular meeting and the holder of the permit so suspended shall have the opportunity to appear before the Board of Trustees at said meeting or at some other time fixed by the Board. The Board of Trustees may thereupon continue the suspension of such permit or approval until the

9. Editor's Note: See Ch. 151, Zoning.

holder has complied with all matters giving rise to such suspension, or, in its discretion, the Board of Trustees may revoke the permit.

§ 64-38. Notice of violation.

A. Whenever the Building Inspector is satisfied that a building or structure or any work in connection therewith, the construction, alteration, repair, demolition or use of which is regulated, permitted or forbidden by this chapter, is being constructed, altered, repaired, demolished or used in violation of the provisions or requirements of this chapter or in violation of a detailed statement or plan submitted and approved hereunder or of a permit or certificate issued hereunder, he may serve a written notice or order upon the person responsible therefor directing discontinuance of such illegal action and the remedying of the condition that is in violation of the provisions or requirements of this chapter.

B. In case such notice or order is not promptly complied with, the Building Inspector shall request the Village Attorney to institute an appropriate action or proceeding at law or in equity to restrain, correct or remove such violation or the execution of work thereon, or to restrain or correct the construction, alteration, repair or use of, or to require the removal of, or to prevent the occupation or use of, the building or structure constructed, altered, repaired or used in violation of or not in compliance with the provisions of this chapter or with respect to which the requirements thereof or of any order or direction made pursuant to provisions contained therein shall not have been complied with.

§ 64-38.1. Penalties for offenses. [Added 11-20-1997 by L.L. No. 4-1997]

A. Failure to comply with the terms and conditions of a demolition permit shall constitute a violation of this

chapter. Each person who violates any provision of this chapter shall, for each and every day that said violation continues, be subject to a fine of not more than $1,000 or imprisonment for a period not to exceed six months, or both such fine and imprisonment.

B. In addition to any other remedies available to the Village, the Building Inspector shall not issue a certificate of completion or a certificate of occupancy until all work done in accordance with the terms and conditions of the demolition permit, and any other permit, has been completed.

ARTICLE II
New York State Uniform Fire Prevention and Building Code

§ 64-39. Provisions controlling. [Amended 5-17-1989 by L.L. No. 4-1989; 1-21-2004 by L.L. No. 2-2004]

The construction, alteration, repair and removal of every building or structure and the installation, alteration, repair or removal of the equipment of every building, structure or premises shall hereafter conform to the provisions of the New York State Building Code and any other applicable provisions of the laws and regulations of the Village of Kensington.