

**ARTICLE XIII
ADMINISTRATION AND ENFORCEMENT**

A. The Zoning Administrator: Powers and Duties

1. General: This Ordinance shall be administered and enforced by the Town Zoning Administrator except where otherwise specifically provided herein. This person shall be appointed by the Town Board of the Town of Northumberland. The Town Board may fix the salary or remuneration of such person and provide for the payment thereof. Except where otherwise required by this Ordinance, whenever any permit is required, the same shall be applied for and shall be issued in the first instance from the office of the Zoning Administrator in accordance with the requirements of this Ordinance and applicable regulations governing building construction and the issuance of building permits.
2. General Administration: The Zoning Administrator shall review all Planning Board and Zoning Board of Appeals applications for completeness, including compliance with SEQRA, collect all applicable fees, and forward all complete applications to the appropriate board.
3. Building Permits:
 - a. The Zoning Administrator receives all applications for building permits. Where required, a driveway permit shall always be obtained prior to the issuance of a building permit. Except as provided herein, the following activities shall not be undertaken until the Zoning Administrator has issued a building permit stating that the proposed use and/or structure complies with all applicable provisions of this Ordinance:
 - (1) Erection, structural alteration, reconstruction or enlargement of any building or structure, including antennae;
 - (2) Excavation in preparation of building;
 - (3) Construction of, substantial alteration of, or additions to sewage disposal systems, electrical systems or water supply systems, including plumbing or drainage facilities;
 - (4) Construction of, substantial alteration of, or additions to driveways or parking lots, with the exception of those used solely for one-family dwellings and two-family dwellings;
 - (5) Movement of a mobile home onto a lot, when in the Mobile Home District. A mobile home is not allowed outside a Mobile Home District, except for farm help.

- b. All building permit applications shall include a plot plan or an approved site plan, if applicable, drawn to scale and accurately dimensioned, showing the location of all existing and proposed structures on the lot, required setbacks, and such other information as may be required by the Zoning Administrator to determine compliance with this Ordinance and other applicable regulations. The required fee shall accompany the application.
 - c. The Zoning Administrator shall make a determination, based upon submitted material and any relevant facts which may come to his/her knowledge, whether such application complies with all relevant provisions of this Ordinance. Based upon the Zoning Administrator's determination, the building permit shall be issued or refused. He/she shall provide the applicant for any permit which is refused with a written notice thereof and reasons for such refusal. A copy thereof shall be forwarded to the Zoning Board of Appeals, if appropriate, or to the Planning Board, if the applicant's request requires a special permit.
4. Certificates of Occupancy or Use: All persons desiring permission to occupy and use a building or structure or part thereof following construction, erection, relocation, extension or structural changes, wholly or in part, or to change the use of an existing building or part thereof; or to change the use of land, for any uses other than those consisting principally of tilling the soil, removal of topsoil, removal of gravel or sand, extracting minerals, gas or oil, removal of timber or wood products, shall apply to the Zoning Administrator for a Certificate of Occupancy or Use.
- a. Application for Certificate of Occupancy or Use: Any such application for a Certificate of Occupancy or Use shall be made in duplicate in accordance with rules established by the Zoning Administrator. Such application shall be made concurrently with an application for a Building Permit.
 - b. Approval: The Zoning Administrator may issue a Certificate of Occupancy or Use after determining by inspection that the premises complies with the plans, specifications, and conditions for which a Building Permit was issued.
 - c. Entitlement: The issuance of a Certificate of Occupancy or Use by the Zoning Administrator shall entitle and authorize the applicant to occupy and use, initially and continuously, or to change the use of, building and land in accordance with this Article.

- d. **Validity:** A Certificate of Occupancy or Use shall remain valid only for those specific conditions of use and occupancy in effect at the time of issuance or for which said certificate was issued, subject to the requirements for non-conforming uses.
 - e. **Disapproval:** In case the Zoning Administrator shall refuse to issue a Certificate of Occupancy or Use, his/her reasons shall be stated in writing on the applications and one (1) copy shall be returned to the applicant.
 - f. **Rescission:** The Zoning Administrator may rescind for just cause a Certificate of Occupancy or Use which he/she has issued.
 - g. **Fees:** There shall be paid to the Building Inspector prior to the issuance of any Certificate of Occupancy or Use not requiring a building permit, a Certificate of Occupancy or Use fee as set forth in the fee schedule as established by the Town Board.
 - h. **Appeal:** Any persons allegedly aggrieved as a result of an action or failure to act by the Zoning Administrator in regard to a Certificate of Occupancy or Use shall have recourse to the Zoning Board of Appeals.
 - i. **Referral to Planning Board, Town Board and Zoning Board of Appeals.** The Zoning Administrator shall instruct any applicant of the appropriate Town agency to whom an application should be presented prior to issuance of a Building Permit, as specified by the procedures set forth in this Ordinance.
 - j. **No Certificate of Occupancy or Use shall be issued for any special use of a building or land requiring special permit or final site plan approval by the Planning Board, unless and until such special use permit or final site plan approval has been granted by the Planning Board. Every Certificate of Occupancy or Use for which special use permit or final site plan approval has been granted, or in connection with which a variance has been granted by the Zoning Board of Appeals, shall contain a detailed statement of any condition(s) to which the same is subject and include, by attachment, a copy of such Board of Appeals or Planning Board decision.**
5. **Temporary Certificates of Occupancy:** After review and under such rules and regulations as may be established by the Board of Appeals and filed with the Town Clerk, a temporary Certificate of Occupancy for not more than one (1) year may be issued by the Zoning Administrator. The Board of Appeals shall have the right to revoke any Temporary Certificate at its own discretion. Such a certificate shall be required for:

- a. Unfinished structures;
 - b. Land for the purpose of temporary amusements, provided that such use shall not be detrimental to the community welfare;
 - c. The Board of Appeals may, after public notice and hearing, authorize the Zoning Administrator to issue a single renewal of said Temporary Certificate of Occupancy for a period of not more than one (1) additional year.
6. Records: The Zoning Administrator shall keep clear, concise and adequate records of all activities in performance of his/her office including all applications for permits and certificates and his/her action thereupon.
 7. Reports: The Zoning Administrator shall make a monthly report to the Town Board of all activities in performance of his/her duties in the form required by the Town Board, and shall turn over to the Town Board all fees collected. A copy of the monthly report shall be filed with the Town Clerk, the Planning Board, and the Zoning Board of Appeals.
 8. Enforcement: The Zoning Administrator shall initiate any legal action the Town Board shall determine appropriate to require compliance with this Ordinance and abate any violations thereof.
 9. Action in Response to Appeal: In the event that any of the Zoning Administrator's actions are appealed to the Zoning Board of Appeals, he/she shall forward to the Zoning Board of Appeals copies of all records relevant to such action. The Zoning Administrator shall be present before the Zoning Board of Appeals when a public hearing upon such appeal is held.
 10. Issuance of Notices of Violation: Whenever, in the opinion of the Zoning Administrator, after proper examination and inspection, there exists a violation of any provision of this Ordinance, or of any rule or regulation adopted pursuant hereto, he/she shall on his/her own initiative serve a written notice upon the appropriate person or persons responsible for such alleged violation and forward a copy of said notice to the Town Supervisor. Such notice may be served upon the person to whom it is directed either by delivering it personally to him or her, or by posting the same upon a conspicuous portion of the building under construction or premises in use and by sending a copy of the same to the person or persons responsible by certified mail. Such notice shall inform the recipient of the following:
 - a. The nature and specific details of such alleged violation;
 - b. The date by which the alleged violation must be remedied or removed, which date shall be not more than twenty (20) days from the date of

notice.

The Zoning Administrator and his or her deputy or deputies are hereby empowered to issue appearance tickets to enforce the provisions of this Ordinance.

11. Taking of Emergency Action: If, in the opinion of the Zoning Administrator, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or welfare of occupants of a building or to other persons, the Zoning Administrator may direct that such violation be immediately remedied or may take direct action on his or her own initiative to abate the hazard. Any costs incurred by such action shall be paid for by the owner, occupant, or person responsible for the violation. The Zoning Administrator shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken, and is furthermore authorized to institute a lawsuit, if necessary, against the person liable for such expenses, or place a lien against the property, in order to recover the said costs.
12. Entry and Inspection: The Zoning Administrator shall give reasonable written notice to the owner (s) of his or her intent to examine or inspect any building or property and shall enter only with permission of the owner. At such time, the Zoning Administrator shall have the right to enter upon, examine and inspect, or cause to be entered, examined and inspected, any building or property for the purpose of carrying out his or her duties, and to determine the compliance by request with the provisions of this Ordinance. If such permission is denied, the Zoning Administrator shall contact the Town Attorney to pursue appropriate legal action necessary to gain entry for the purposes of examinations and inspection of the building or property in question.
13. Unsafe Structures

Upon written complaint or written notice by any person to the Zoning Administrator, or upon the Zoning Administrator's own initiative, that a structure may be unsafe:

 - a. The Zoning Administrator shall make an inspection of the structure and shall file a report of said inspection with the Town Attorney and the Town Board.
 - b. Upon the preliminary finding by the Zoning Administrator that the structure endangers the health, safety or welfare of the public, the Zoning Administrator shall serve notice upon the owner and all other persons having an interest in such property or structure, either personally or by registered mail addressed to the last known address as shown by the

records of the Tax Assessors and/or in the Office of the County Clerk, containing a description of the premises, a statement of the particulars in which the structure is unsafe or dangerous and an order of the Zoning Administrator requiring the structure to be repaired or removed. If such service is made by registered mail, the Zoning Administrator shall cause a copy of said notice to be posted on the premises.

- c. The owner so served shall have no more than ninety (90) days within which to commence the repair or removal of such structure.
- d. The Zoning Administrator shall file a copy of said notice in the Office of the Saratoga County Clerk, which notice shall be filed by said County Clerk in the same manner as a Notice of Pendency, pursuant to Article 65 of the New York State Civil Practice Law. The notice so filed shall be effective for a period of one (1) year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Town Attorney. The Saratoga County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.
- e. The Zoning Administrator shall hold a hearing, notice of which shall be served upon the owner and such persons having an interest in the property or structure as is herein prescribed.
- f. The Department of Public Works shall remove or contract for the removal of such structure in the event such owner fails or refuses to repair or remove the same within the time provided.
- g. All costs and expenses incurred by the Town in connection with the proceeding to repair or remove such structure, including the cost of actual removal of same, shall be assessed against the land on which such structure is located.
- h. The powers conferred by this section shall be in addition to those contained in the New York State Building and Fire Code.

B. Misrepresentation

Any permit or approval granted under this Ordinance which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant shall be void. This Section shall not be construed to affect the remedies available to the Town under Section D of this Article.

C. Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints shall be filed with the Zoning Administrator who may require such complaint to be in writing. The Zoning Administrator shall have the complaint properly investigated and report thereon to the Town Board.

D. Penalties for Violations

1. Penalty: Violation of any provision or requirement of this Ordinance or violation of any statement, plan, application, permit, or certificate approved under the provisions of this Ordinance, shall, in accordance with Section 268 of Town Law, be considered an offense punishable by a fine of not more than two hundred fifty dollars (\$250.00), and/or imprisonment for not more than six (6) months for each offense. The owner, general agent or contractor of a building premises, or part thereof, where such a violation has been committed or does exist, and any agent, contractor, builder, architect, corporation or other person who commits, takes part or assists in such violation, shall be liable for such an offense. All such penalties shall be collectable by and in the name of the Town. Each and every day that any such violation continues after notification that such violation exists shall constitute a separate offense. Such notice shall be given in writing by the Zoning Administrator and shall be served by certified mail or personal service.
2. Court Action: The imposition of penalties herein prescribed shall not preclude the Town from instituting any appropriate legal action or proceeding in a court of competent jurisdiction to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance of use, or to restrain by injunction, correct or abate a citation or prevent the illegal occupancy of a building, land or premises.

E. Status of Existing Violations

No building permit or Certificate of Occupancy or Use required by this Ordinance shall be issued by the Zoning Administrator pertaining to any premises on which there exists a violation of this Ordinance, or any related town regulation which governs either building construction or the use of land and structures within the Town of Northumberland.

F. Form of Petitions, Applications and Appeals

Unless otherwise stated, all petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the Planning Board and Zoning Board of Appeals. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

G. Application Fees

Fees provided for by this Ordinance shall be paid upon the submission of petitions, applications and appeals and prior to inspections, in such amount or amounts as shall be established by the Town Board from time to time. Said fees will be posted in the Building Department on the official "Schedule of Fees for the Town of Northumberland". The following actions will require fees.

1. Building Permit
2. Certificate of Occupancy or Use
3. Temporary Certificate of Occupancy
4. Special Permit
5. Site Plan Review Application
6. Zoning Variance Application
7. Planned Unit Development Application
8. Inspections

This list is not necessarily all inclusive.

H. Payment of Fees

1. All fees shall be paid at the time of application to the Zoning Administrator.
2. No fee shall be allowed to be substituted for any other required fee.

I. Notice of Public Hearing

Each notice of hearing upon an application for site plan review or a special permit, an application for PUD districting, the review of a variance application, or upon an appeal to the Zoning Board of Appeals from an action of the Zoning Administrator shall be published once in a newspaper having general circulation in the Town at least ten (10) days prior to the date of the hearing. In addition, at least ten (10) days prior to the date of the hearing, notices shall be mailed to all owners of the property within five hundred (500) feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Town.