

LAND USE CODE

FOR THE

Village of Sharon Springs, NY

A FINAL REPORT
CPA-NY02-00-1039
VILLAGE OF SHARON SPRING
SCHOHARIE COUNTY, NY

The preparation of this report was financially aided through a Federal grant from the U.S. Department of Housing and Urban Development under the Comprehensive Planning and Management Assistance Program authorized by Section '701' of the Federal Housing Act of 1954, as amended.

This report was prepared under the Comprehensive Planning and Management Assistance Program for the New York State Office of Planning Services. It was financed in part by the State of New York. The report was also prepared with participation, including financial assistance, by the VILLAGE OF SHARON SPRINGS, NEW YORK.

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PART I – BUILDING AND SANITARY REGULATIONS

PART I

BUILDING AND SANITARY REGULATIONS

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ARTICLE I – ENACTMENT AND APPLICABILITY

Section 1 Enactment

- A. The Village Board of the Village of Sharon Springs in the County of Schoharie, New York, does hereby ordain and enact the Village of Sharon Springs Building and Sanitary Regulations under and pursuant to the Municipal Home Rule Law and in accord with Village Law, Section 4-412.

Section 2 Title

- A. These Regulations shall be known and may be cited as the “VILLAGE OF SHARON SPRINGS BUILDING AND SANITARY REGULATIONS”.

Section 3 Purpose

- A. The purpose of these Regulations is to provide basic and uniform standards governing the condition and maintenance of existing structures and uses and the construction and installation of new structures and facilities in order to establish reasonable safeguards for the safety, health and general well-being of the occupants and users thereof, and for the residents of the Village of Sharon Springs.

Section 4 Scope

- A. These Regulations shall apply to the maintenance of existing and future buildings, structures and systems and to the construction, installation or structural alteration of any buildings, structure or appurtenant system as herein provided for in the Village of Sharon Springs.

Section 5 Definitions

- A. Terms and words used herein are as defined in Appendix ‘C’ of this Code which is hereby made a part of these Regulations.

ARTICLE II – MAINTENANCE AND CONSTRUCTION REQUIREMENTS

Section 6 Applicable Requirements of Other Jurisdictions

- A. All applicable provisions of the Multiple Residence Law of the State of New York as set forth in Chapter 61-b of the Consolidated Laws shall be complied with.
- B. All applicable provisions of the State Code for the Construction and Installation of Mobile Homes and Standards, Rules and Regulations for Mobile Homes as set forth in Volume 9 Executive (B) of the Official Compilation of Codes, Rules and Regulations of the State of New York shall be complied with.
- C. All applicable provisions of the New York State Public Health Law and New York State Sanitary Code as administered by the New York State or Schoharie County Department of Health shall be complied with.
- D. In the instance of any determination with respect to any performance standard, condition or criteria identified in these Regulations, those specifications and guidelines set forth in the “New York State Building Construction Code Manual” and its accompanying list of “Generally Accepted Standards” may be referred to by the Enforcement Officer in making any such determination.

Section 7 – Maintenance of Existing Structures and Installations

- A. Any parcel of land, building, structure, appurtenant system or facility within the Village shall be maintained and used in a state and manner conducive to the health, well-being, economic stability and good appearance of the community and consistent with the objectives as set forth in the Village Plan.
- B. All buildings shall be maintained so that adequate protection from the elements is provided and so that all structural members are protected from unnecessary deterioration.
- C. All buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject without unsafe deformation or movement of the building or of any structural part.
- D. Siding, roofing, chimneys, window and doorframes, porches and steps will be maintained in an adequate state of repair so as not to be hazardous.
- E. It shall be prohibited to accumulate or store any highly flammable or explosive matter or refuse liable to spontaneous combustion within the habitable area of any dwelling unit or in any location that would pose a threat to the safety of the occupants thereof.
- F. Yard and driveway areas shall be kept free of physical hazards including accumulations of plant growth which are noxious, create a hazard to visibility or are detrimental to health or safety.
- G. Steps, walkways, driveways and parking areas shall be maintained in good repair and so as to afford safe passage under normal use and weather conditions.
- H. Fences and other minor constructions shall be maintained in a safe and substantial condition.
- I. No stagnant pool, pond or other collection of water shall be permitted in a location or of a nature where it poses a threat to the safety and well being of residents, and particularly the youth, of the community.
- J. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse, and further, all disposal practices will conform to Section 12 of these Regulations
- K. All existing water supply and sanitary sewage disposal systems and connections shall be maintained in a sanitary and operable condition and shall not pose a threat to the health and well being of any user thereof or to the community. Any such water supply system found to be contaminated or sewage disposal system found to be inoperable or otherwise posing a threat to the public health or a contamination hazard shall be improved according to the applicable standards elsewhere set forth in these Regulations.
- L. Any unsafe or hazardous building, structure or installation including any dilapidated dwelling unit no longer suitable for human habitation shall be improved to a satisfactory condition or be demolished and/or removed in accord with the process stipulated in Section 15 of these Regulations.

Section 8 – Construction and Site Improvement Considerations

- A. Foundation, walls and floors shall be constructed so as to be structurally sound and shall be treated so as to preclude the penetration of ground and surface water so far as is practical.

- B. Exterior walls and roofing shall be constructed of materials and in such manner as to prevent leakage into the building and deterioration due to the elements.
- C. In one- and two-family dwellings, in addition to a primary exit from the building, there shall be constructed a secondary exit for each dwelling unit, or, in lieu thereof, one or more exit openings for emergency use. In multiple dwellings, approved exits shall be provided for each dwelling unit.
- D. In buildings constructed for the purpose of mixed occupancy, nonresidential space shall be separated from residential space by approved fire separations of a minimum one (1) hour fire resistance rating which will retard the spread of fire.
- E. Garages, or other accessory uses in or attached to a residential building, shall be separated from habitable residential space in the building by approved fire separations of a minimum one (1) hour fire-resistance rating which will retard the spread of fire and prevent flammable or toxic vapors originating within from being transmitted to habitable portions of the building.
- F. Plumbing, heating, electrical, ventilating, refrigerating, cooling and other mechanical additions, installations or systems shall be located and installed so that such equipment will not constitute a threat to one's health or well-being or a danger because of structural defects or threat of ignition and will not create excessive noise or otherwise become a nuisance.
- G. Chimneys, flues, gas vents and their supports shall be designed and installed so as to be structurally safe, durable, smoke-tight and non-combustible.
- H. Electrical wiring and equipment shall be designed and installed in conformity with the accepted standards of an approved rating organization and in compliance with the regulations of the connecting utility companies, so as not to be a potential source of ignition or hazard.
- I. No on-site surface or ground water drainage system in connection with the construction or alteration of any building, structure or natural land form shall be located or constructed in such a manner as to intensify run-off in an unacceptable manner, pollute, or cause erosion on adjoining properties. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. Surface drainage shall be conveyed to an existing system of storm water disposal where available. Surface drainage shall not discharge onto walkways, the street or adjacent property in such a manner as to create a nuisance or hazard.
- J. Any person who shall construct, create or install an entrance, road, drive or similar entryway to a public highway in the Village shall first obtain authorization of the proper authority having jurisdiction thereof. Before issuance of any Permit, the Enforcement Officer or proper highway authority shall determine the requirements for proper flow of surface drainage and whether the proposed provision therefor is adequate. Where required by the Enforcement Officer, a corrugated metal or reinforced concrete conduit of a length and diameter as may be necessary, but at least a minimum of twelve (12) inches in diameter and twenty (20) feet in length, to adequately accommodate surface run-off along such public roadway shall be installed at the applicant's expense so as to insure the unimpeded flow of surface drainage through such entryway.

Section 9 – Flood Hazard Area Requirements

- A. Flood hazard areas shall be as delineated on the Village Zoning Map and denoted "F-H Flood Hazard (Overlay)".
- B. All proposed building construction, installation of equipment or utilities, or alteration of any shoreline or major land form in the Village will be reviewed to determine that such undertaking is

consistent with the objectives of these Regulations, the proper management of the flood hazard areas, and any flood plain management programs affecting the Village. No such activity will be permitted, except in such manner and according to such restrictions as may be reasonably necessary, where it would have a deleterious affect on the proper management of any flood hazard area in the Village or be otherwise contrary to standards established in these Regulations.

- C. No building, structure, installation, construction or alteration of any shoreline or major land form will be located or initiated in any area of the Village in such manner as to jeopardize the safety, health or welfare of the occupants or users thereof.
- D. No building, structure, installation, construction or alteration of the shoreline or major land form in any area of the Village shall be so located or constructed as to interfere with or diminish the effective carrying capacity, increase flood stage elevation or flood velocities of any stream or its related floodway in the Village.
- E. All subdivisions or other major developments shall be reviewed to determine that they are consistent with the purpose and intent of these Regulations, the proper management of the flood hazard areas in the Village and any floodplain management programs affecting the Village. In particular, all public facilities and utilities such as sewer, gas, electrical or water systems shall be so located, elevated and constructed as to minimize or eliminate flood damage and all storm water run-off, surface and building drainage will be so designed as to minimize its affect on the flooding potential and its exposure to flood hazard.
- F. All new or expanded building construction, equipment location and utility installation in any area of the Village designated as a flood hazard area shall be so designed and anchored as to prevent the flotation, collapse or lateral movement of same, or any portion thereof, due to flooding.
- G. All building construction, equipment location and utility installations in any area of the Village designated as a flood hazard area shall be flood-resistant; and further, all construction methods and practices connected with the location, building or installation of the same will be carried out in such manner as to minimize potential flood drainage.
- H. Any new or replacement water supply or sanitary sewage disposal system located in any area of the Village designated as a flood hazard area shall be so designed as to minimize or eliminate infiltration of flood waters. All such systems shall be located and constructed as to avoid their impairment, contamination to them, or contamination of any floodwaters.
- I. All applications for building construction or installation of equipment or utilities in any flood hazard area shall be accompanied by appropriate certification prepared by a licensed professional engineer that the proposal is consistent with the performance standards of these Regulations and that, in particular, the following measures are adequately provided for in relation to the site and a potential 100-year flood:
 - 1. Anchorage is sufficient to resist flotation and lateral movement.
 - 2. Reinforcement of walls and provision for relieving hydrostatic water pressure on external walls and basement floors in sufficient to resist water pressure.
 - 3. Installation of any pumps to lower water levels in the structure and the absence of gravity flow drains has been adequately considered.
 - 4. Elevation of the lowest floor for all structures and their service equipment is at least one (1) foot above the 100-year flood level, as such level has been established.
- J. The Village may, where it deems it advisable, request that any or all of the pertinent requirements and standards for flood-proofing as set forth in the manual entitled "Flood-Proofing Regulations",

prepared by the Office of the Chief of Engineers, U.S. Army and dated June, 1972, be established as a guide in any proposal for building construction, equipment location or utility installation and that compliance to such standards be certified by a licensed professional engineer.

Section 10 – Water Supply

- A. Potable water from an approved source shall be available at all times in all residential buildings and dwelling units and in every building in which plumbing fixtures are installed. Water supply systems shall be installed and maintained so as to provide a supply of water to plumbing fixtures and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
- B. Connection shall be made to the Village water supply system for all new construction within the incorporated Village, or where such can be reasonably extended or expanded to serve the proposed use, in every building in which plumbing fixtures are installed. Such connections shall be at the applicant's expense, according to the requirements of these Regulations and at the direction of the Enforcement Officer.
- C. No individual system shall be permitted in the Village without the specific authorization of the Village Board. Either or both public water and/or sewer shall be required within the incorporated Village. Where an individual water supply system is necessary, it shall be so located, constructed and maintained as to insure an adequate supply of potable water at all times and to preclude the possibility of contamination.
- D. In particular, any individual water supply system shall be located at least on hundred (100) feet distant from any tile field or seepage pit, fifty (50) feet from any septic tank, twenty-five (25) feet from any highway right-of-way or open ditch or natural drainageway, and five (5) feet from any lot line other than a highway right-of-way.
- E. Any well casing shall be made of new wrought iron or steel well casing pipe which complies with generally accepted standards.
- F. The top of any well casing shall terminate not less than eighteen (18) inches above finished grade level or any pump house floor, which floor shall be appropriately drained, except that any casing shall be not less than two (2) feet above any established 100-year flood stage elevation.
- G. Construction of any individual water supply system shall seal off, insofar as is practicable, water-bearing formations that are or may be polluted. No unsealed opening shall be permitted to exist around the well. Cement grouting between a well casing and the drill hole to a proper depth to insure against contamination shall be installed where appropriate.
- H. Before being put into use, an individual system shall be tested for yield and drawdown for at least four (4) hours duration. The test pump shall have a capacity at least equal to the pumping rate at which it is expected the well will be pumped during its usage. The test pump shall be installed to operate continuously until the water level has stabilized and, at this point, the yield and drawdown determined. Periodic water level observations shall be made during the drawdown and subsequent recovery periods. A minimum sustained yield of three(3) gallons per minute shall be obtained.
- I. The system shall be pumped until clear and then properly disinfected after which the water shall be tested for purity and certified potable before its connection to the plumbing system.
- J. Temporary capping of the system until the plumbing equipment is installed shall be such that no pollutant can enter the well.

- K. Pump and pumping equipment shall be of a type and so installed as to allow for the proper and sanitary operation of the water supply system.
- L. An abandoned well shall be appropriately filled and sealed in such a manner as to avoid accidents and to prevent it from acting as a channel for pollution of water-bearing formations.

Section 11 – Sanitary Sewage Disposal

- A. Plumbing fixtures shall be drained to a sanitary sewage system and such system shall be connected to a public sewer or to an adequate and approved private system of sewage disposal.
- B. Connection shall be made to the Village sewage disposal system for all new construction within the incorporated Village, or where such can be reasonably extended or expanded to serve the proposed use, in every building in which plumbing fixtures designed for the reception of sanitary wastes are installed. Such connections shall be at the applicant's expense, according to the requirements of these Regulations and at the direction of the Enforcement Officer.
- C. No individual system shall be permitted in the Village without the specific authorization of the Village Board. Either or both public water and/or sewer shall be required within the incorporated Village. Where an individual sewage disposal system is necessary, it shall be so located and installed as to insure the reception and disposal of sewage and other waste without creating a health hazard or nuisance resulting in obnoxious odors or unsightliness, and shall further not be discharged into or on the ground or any waterway until first subjected to treatment in conformity with the requirements set forth in this Section.
- D. In particular, any individual sewage disposal system shall be preceded by an investigation of the site, including soil and subsurface conditions, which investigation will be conducted prior to the installation of any individual sewage disposal system. Such inspection shall determine that:
 - 1. Site conditions are such as to provide adequate drainage of surface water;
 - 2. Subsurface conditions are such as to permit the proper installation of any required tile field or seepage pit at least two (2) feet above ground water (at its seasonal high) and five (5) feet above solid rock formations;
 - 3. Stabilized percolation rates of less than sixty (60) minutes and greater than five (5) minutes can be expected in the area where the proposed disposal system is to be located. The procedure in the conduct of a percolation test may use the NYS Health Department "Standards for Waste Treatment Works: as a guide and shall include the following minimum requirements:
 - a. At least two (2) tests will be made in separate test holes located in the area in which the sewage disposal system is proposed to be situated.
 - b. The depth of the test hole shall be approximately six (6) inches below the depth of the tile field trench and the test hole shall be approximately eight (8) inches in diameter or twelve (12) inches square.
 - c. The test hole shall be appropriately presoaked and consecutive test made until a stabilized rate of percolation is obtained.
 - 4. There is at least ten (10) feet of soil above solid rock formations in the area where both an individual water supply and sewage disposal system are proposed.

E. An individual sewage disposal system may use the NYS Health Department “Standards for Waste Treatment Works” as a guide and shall be designed, located and installed according to the following minimum requirements:

1. Only wastes from plumbing fixtures shall be connected to the sewage disposal system. Surface and subsurface water, including roof, cellar, yard or road run-off, shall not only be excluded from the disposal system, but shall be disposed of so they in no way affect the system.
2. Septic tanks must be watertight and constructed of durable materials, preferably precast concrete, not subject to excessive corrosion, decay, frost damage or cracking, and shall have a minimum liquid depth of four (4) feet. Metal septic tanks where used must conform to acceptable standards and be approved by the Enforcement Officer. In addition, the top of the tank shall be below finished grade with a suitable soil cover and be provided with a suitable manhole; precast tanks shall be placed on a bedding of sand or gravel for proper bearing; and septic tank capacities, in liquid gallons, shall correspond to the following table:

a. One-, Two-family Dwelling Unit:

No. of Bedrooms	Size of Tank	
	(Without)	(With)
2 (or less)	500 gallons	750 gallons
3-4	750	1000
5 (or more)	1000	1000+

b. Multiple-Family, Commercial and Institutional Uses:

Design Flow (gallons per day)	Size of Tank
0 - 750	750 gallons
750 - 1,500	Equal to Entire Daily Flow
1,500 - 4,000	Equal to Three-fourths (3/4) Entire Daily Flow
4,000 - plus	Equal to One-half (1/2) Entire Daily Flow

3. The portion of the sewer extending through the outer foundation wall shall be constructed of a minimum four (4) inch diameter tight-jointed pipe made of cast iron. Inside the foundation wall, the cast iron section may be connected to a copper, plastic or other approved pipe material. Outside the foundation wall, the cast iron section may be connected to a bituminous fiber or other approved pipe material laid on a firm foundation at a minimum grade of one-quarter (1/4) inch per foot without any bends exceeding forty-five (45) degrees. Where any bend occurs, a removable plug will be provided
4. Tile fields shall not be constructed under driveways and shall be located at least one hundred (100) feet from any source of water supply, twenty (20) feet from the foundation walls and fifteen (15) feet from any lot line other than a highway right-of-way.
5. No on-site sewage drainage or tile field or seepage pit shall be located within one hundred (100) feet from any shoreline, within twenty-five (25) feet of any highway right-of-way, open ditch, or natural drainageway and no septic or other holding tank shall be located within fifty (50) feet of any shoreline.
6. In addition, tile fields shall:
 - a. be constructed in accord with the dimensions and contour of the lot;

- b. generally have no trenches in excess of sixty (60) feet and where more than one trench is required, they shall be approximately equal in length;
 - c. be connected to the septic outlet or distribution box with open jointed tile or perforated pipe on a bed of crushed stone or washed gravel at least six (6) inches in depth and at a grade not greater than one sixteenth (1/16) inch per foot nor less than one thirty-second (1/32) inch per foot;
 - d. be covered with six (6) inches of crushed stone and a suitable membrane to keep out the earth backfill.
7. All individual tile fields shall be designed to accommodate the estimated flow in gallons per day according to the following:
- a. One-, Two-Family Dwelling Units – Seventy-five (75) gallons per person per day or one hundred fifty (150) gallons per bedroom per room per day, whichever shall provide for the greater capacity.
 - b. Multi-Family, Commercial and Institutional Uses – as follows:

<u>Use</u>	<u>Gallons Per Person Per Day</u>
Multiple-family dwelling	75
Boarding/Rooming House	75
Hotel/Motel	75
Restaurant	10
Retail Store/Office	(400 gallons per toilet room)
Places of Employment – Per employee	25

In addition, the NYS Department of Environmental Conservation handbook “Standards for Waste Treatment Works” for Institutional and Commercial Sewerage Facilities may be used as a guide for these or other types of uses not identified here.

		<u>Title Field</u>			
<u>Percolation Rate</u>	<u>Trench Width</u>	<u>300 gpd or less</u>	<u>300 - 450 gpd</u>	<u>450 - 600 gpd</u>	<u>600 gpd or more</u>
5 – 10 Minutes	30 inches	59 feet	88 feet	118 feet	196 feet
11 – 15 “	30”	77’	116’	154’	256’
16 – 20 “	30”	100’	150’	200’	333’
21 – 30 “	30”	125’	188’	250’	417’
31 _ 45	30”	167’	250’	334’	555’
46 – 60	30”	250’	375’	500’	834’

Section 12 – Refuse Disposal

- A. No person shall use any of the lands within the Village of Sharon Springs as a dump, disposal or collection area of sanitary landfill, nor shall any person throw, dump, deposit or place on such lands or cause to be thrown, dumped, deposited or placed on such lands any waste material or rubbish, litter or any nauseous or offensive matter, nor dispose or attempt to dispose of any such materials or substances by burying the same on such lands, or burning or incinerating the same on such lands, except at such location and in such manner as established by the Village.
- B. No person who does not reside or own real property in the Village of Sharon Springs may deposit or cause to be deposited any substance of any kind on the premises established as a public disposal

or collection area or sanitary landfill in the Town, except as by agreement with the Town after application for and issuance of a Permit.

- C. Any incineration or burning of refuse of any kind shall take place only in compliance with applicable State or County requirements therefor.

ARTICLE III – ADMINISTRATION AND ENFORCEMENT

Section 13 – Land Use Permit

- A. Permit Required – No building or structure shall be erected or relocated, no site improvements made or water or sewer system installed and no change to the structural members or exterior dimensions of any existing building or structure shall be undertaken until a Land Use Permit therefor has been issued by the Enforcement Officer.
- B. Application – There shall be submitted with all applications for a Land Use Permit two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot an any existing and proposed building and accessory buildings to be erected, the location and size of water and sewer systems and such other information as may be necessary to determine and provide for the enforcement of these Regulations. An application for a Certificate of Compliance shall be made coincidental with any application for a Land Use Permit, such application to be valid for the duration of the Permit.
- C. Notification of Determination – The Enforcement Officer shall issue or refuse to issue the applied for Land Use Permit, or advise the applicant of any required additional information or referral required within ten (10) days of receipt of the application. Notice of refusal to issue any Permit shall be given to the applicant in writing and shall state the reasons for said refusal. Approval of the application shall be indicated by issuance of the Permit, subject to the payment of such fee as may have been established by the Village Board.
- D. Duration of Validity – A Land Use Permit issued under these Regulations shall be valid for a period of one (1) year from the date of issuance and shall thereafter be deemed null and void; except when application is made to the Board of Appeals for an extension of validity and the Board authorizes such extension as it may determine appropriate.
- E. Invalid Permit – No Permit authorized or granted by any official of the Village in contradiction to the provisions of these Regulations shall vest any rights or interest to the Permit holder irrespective of any action taken or obligation incurred in reliance on such Permit, nor shall the Village be liable for same, under any such invalidly issued Permit.
- F. Liability – Nothing in these Regulations, including the issuance of a Land Use Permit and Certificate of Compliance

Section 14 – Certificates of Compliance

- A. Certificate Required – No building hereafter erected, altered or extended, site improvements made, and no water supply or sewage disposal system installed in such a manner as to require a Permit shall be used, covered over or put into operation until a Certificate of Compliance shall have been issued by the Enforcement Officer.
- B. Application – Application for a Certificate of Compliance shall be made coincidental with any application for a Land Use Permit. Such application shall be valid for the duration of the validity of the Permit.

- C. Notification of Determination – The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a Certificate of Compliance is required before issuing such Certificate. Such inspection shall be made within ten (10) days from the date of notification of project completion. A Certificate of Compliance shall be issued only if the proposed use and construction of the building system or land conforms to the provisions of these Regulations and to that plan, purpose and description for which the Land Use Permit was issued. Issuance of the Certificate or written notification of refusal to issue the same and the reasons therefor are to be accomplished within fifteen (15) days from the date of notification of project completion.

Section 15 – Unsafe and Substantial Structures and Installations

- A. If the owner, occupant, tenant or lessee of an unsafe, hazardous building or dilapidated dwelling unit has not complied with any directive of the Enforcement Officer to correct or remove such condition within a sixty (60) day period, an inspection of the premises will be made by the Enforcement Officer and at least two qualified experts (builder, engineer or architect), one representing the Village and one the responsible party. This inspection team shall file its report with the Village Board within thirty (30) days from the time it is directed to carry out such inspection.
- B. Upon receipt of a report from the inspection team, the Village Board may petition a court of competent jurisdiction and take whatever other action is necessary to have the premises in question declared a public nuisance and to have the same improved or demolished and/or removed.
- C. Nothing in the foregoing shall restrict the Village from summarily improving or demolishing and/or removing any building, structure, installation or situation where an immediate and continuous danger to the public health, safety or well-being is present.
- D. The cost of any repairs, improvements, demolition or removal carried out by the Village may be assessed against the real property upon which such cost was incurred as a municipal lien. Any part of the building, structure or materials demolished or removed may be salvaged and sold, the proceeds of which shall be credited against the cost of demolition or removal; and any balance above such cost shall be deposited and held secure for that responsible party when a final statement and disposition is made.

Section 16 – Amendments

- A. The Village Board may on its own motion, on petition, or on recommendation of the Planning Board or Board of Appeals, after public notice and hearing, amend, supplement, repeal or change these Regulations pursuant to law.
- B. All proposed amendments, supplements or changes originating by petition, or by motion of the Village Board, shall be referred to the Village Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within fifteen (15) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
- C. Before any amendment, supplement or change in the Regulations, there shall be a public notice and hearing thereon as provided by law.
- D. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend these Regulations.

Section 17 – Public Hearings

- A. A public hearing shall be required prior to action on any amendment, formal interpretation or variance considered under these Regulations.
- B. The Village Board shall hold any public hearing in consideration of an amendment to these Regulations, in accordance with the requirements of law.
- C. The Board of Appeals shall hold any public hearing in consideration of a request for an interpretation or variance.
- D. Public notice of any required public hearing will be advertised in a newspaper of general circulation in the Village at least ten (10) days prior to the date of such hearing and shall specify the date, time, place and purpose of such hearing.
- E. The hearing shall be conducted in accord with the guidelines established by the presiding officer. Any person or party of interest may appear in person or by agent or attorney and shall be given an opportunity to be heard as it is relevant to the proceeding.

Section 18 – Required Referrals

- A. Whenever any amendment or variance would change the regulation applying to real property within a distance of five hundred (500) feet from any boundary line of a neighboring municipality or within five hundred (500) feet of any County or State property or right-of-way, said proposed variance or amendment shall be referred to the Schoharie County Planning Board, which Board shall have thirty (30) days in which to report its recommendation to the Board from which it was referred. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by the Board. Notification of action taken on any matter previously referred to the County Planning Board will be given within seven (7) days of such action.

Section 19 – Enforcement; Violation; Appeal

- A. Enforcement – These Regulations shall be enforced by a person designated by the Village Board and herein called the “Enforcement Officer”, who shall in no case grant any Permit or Certificate of Compliance for any building, structure or alteration of land where the proposed erection, alteration, relocation, placement or use thereof would be in violation of any provision of these Regulations. The Enforcement Officer shall make such inspections as are necessary to carry out his duties.
- B. Citizen Complaint – Any resident, property owner or other person of legitimate interest may file with the Enforcement Officer a complaint against any alleged violation of these Regulations. It shall be the duty of the Enforcement Officer to investigate such alleged violation and to report thereon to the Village Board in a timely manner, which report shall be filed and be part of the public record of the Village.
- C. Notification and Correction – Any building, structure, condition or system found to be in violation of these Regulations shall be so recorded by the Enforcement Officer and official notice to this effect shall be given to the owner and/or tenant, user or occupant thereof. The owner, tenant, user or occupant shall correct such noted violation within sixty (60) days from the date of notification. If any such violation is not corrected within this sixty (60) day period, the Village may institute proceedings to compel compliance.
- D. Violations; Penalties – Shall be as follows:

1. Any person or corporation, whether as owner, lessee, agent or employee, who shall violate any of the provisions of these Regulations, or who fails to comply with any order or regulation made thereunder; or who erects, alters moves or uses any building, structure, system or land in violation of any detailed statement or plans submitted by him and approved under the provisions of these Regulations, shall be guilty of an offense and upon conviction shall be punished by a fine not to exceed two hundred fifty (\$250) dollars or imprisonment not exceeding thirty (30) days, or both.
 2. Each week's (seven days) continued violation shall constitute a separate additional offense.
 3. In case of violation of these Regulations, the proper local authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure, land or system; or to prevent any illegal act, conduct, business or use in or about such building, structure, land or system.
- E. Appeal – All appeals for relief from the application of these Regulations in matters of interpretation or request for variance shall be directed to the Board of Appeals, which Board shall function as set forth in Appendix 'A' of this Code which is hereby made a part of these Regulations. Where the Board finds that practical difficulty or unnecessary hardship may result from strict compliance with these Regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of these Regulations or the Village Plan. In granting such variances, the Board of Appeals shall require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied.
- F. Court Review – Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Village Board or any officer or department of the Village concerning these Regulations may have the decision reviewed in the manner provided by Article Seventy-Eight of the Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the receipt of written notice of the decision. Costs shall not be allowed against the Village unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 20 – Interpretation and Effectuation

- A. Interpretation – In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standard shall govern.
- B. Separability – The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.
- C. Fees – A schedule of fees for permits and procedures under these Regulations shall be as established by the Village Board.
- D. Effective Date; Repealer – The “VILLAGE OF SHARON SPRINGS BUILDING AND SANITARY REGULATIONS” shall take effect at the time and in the manner provided by law and any existing ordinances, statutes, resolutions, regulations or laws in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.