

**PROPOSED LOCAL LAW #1 OF 2005
REGARDING AUTHORIZATION OF
TEMPORARY CERTIFICATE OF OCCUPANCY
(AN AMENDMENT TO SECTION 76-13, CERTIFICATES OF OCCUPANCY,
OF THE VILLAGE CODE. NEW TEXT HIGHLIGHTED.)**

Section 76-13. Certificates of occupancy.

Certificates of occupancy or certificates of compliance shall be required for all work for which a building permit concerns additions, alterations to, or erection of habitable structures. Certificates of occupancy are required for all buildings which are converted from one general occupancy classification to another. Such classifications are defined in Part 701 of Title 9 of 19 NYCRR 444.3(c).

- A. No habitable building or structure hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy has been issued by the Code Enforcement Officer.
- B. No building hereinafter enlarged, extended or altered, where a building permit has been issued, shall be occupied or used more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued.
- C. No change shall be made in the occupancy of an existing building unless a certificate of occupancy has been issued.
- D. When, after a final inspection, it has been found that the proposed work has been completed in accordance with the applicable laws, ordinances, codes, rules or regulations and any applicable special conditions, and also in accordance with the application, the Code Enforcement Officer shall issue a certificate of occupancy. If it is found that the proposed work has not been properly completed, the Code Enforcement Officer shall not issue a certificate of occupancy and shall order the work to be completed in conformity with the building permit and in conformity with the applicable building regulations.
- E. A certificate of occupancy shall be issued, where appropriate, within 30 days after written application is received.
- F. The certificate of occupancy shall acknowledge that the work has been completed and the proposed use and occupancy are in conformity with the provisions of the applicable laws, rules and regulations and shall specify the use or uses and the extent therefor to which the building or structure or its several parts may be put to use.
- G. Violations. It shall be unlawful for any person, firm or corporation to use or occupy any building or structure or portion thereof in violation of any provisions of the New York state Uniform Fire Prevention and Building Code, or any amendment hereafter made thereto, as well as any regulation or rule promulgated by the Village Board, or fail to

comply with a notice, order or directive of the Code Enforcement Officer, or to use or occupy any building or structure or part thereof in a manner not permitted by an approved certificate of occupancy.

- H. A temporary certificate of occupancy or certificate of compliance may be issued pending final completion of the work, provided the use or occupancy of the building does not present a danger, health hazard or life safety hazard, to any person or property, and that all provisions for health, sanitation, ventilation, heating, emergency lighting and power are installed and operating satisfactorily; and provided also that required fire and smoke detecting or fire protection and suppression equipment is operational, and provided that all required means of egress from the structure are in working order.
1. Such temporary certificate shall also contain a detailed list of all items required to be completed, repaired, replaced or installed before a certificate of occupancy shall be issued.
 2. The Code Enforcement Officer may, in his discretion, require that an appropriate form of security be posted with the Village to cover the estimated cost of completing the remaining items of work.
 3. A temporary certificate of occupancy or certificate of compliance shall expire three months from the date of issuance or at any earlier date specified thereon and such certificate may, in the discretion of the Code Enforcement Officer, be renewed for up to nine months from the date of the original issuance.
- I. A certificate of occupancy or compliance may be revoked or suspended, in whole or in part, at the discretion of the Code Enforcement Officer, for any building or portion thereof found to be in violation of any applicable building, housing, zoning, fire safety or other code, and all other applicable laws, ordinances, rules and regulations.

(1/21 Revisions Highlighted)