

## PROPOSED LOCAL LAW V – 2023

A Proposed Local Law to amend Chapters 186 (Flood Damage Prevention), 240 (Management of Coastal Zones, Harbors and Vessels), 294 (Stormwater Management and Erosion and Sediment Control), and 350 (Building Code Administration and Enforcement) of the Code of the Village of Mamaroneck regarding the fees to be charged for certain building, planning, and zoning applications

### **BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:**

(Language in strike-through ~~abedefhijk~~ to be deleted; language in **bold** is to be added)

#### *Section 1.*

Section 186-6(A)(1) of the Code of the Village of Mamaroneck is amended as follows:

- (1) The Planning Board as established by the Village of Mamaroneck shall hear and decide appeals and requests for variances from the requirements of this article **upon payment of the fee established by Appendix A347 (Fees) of this Code.**

#### *Section 2.*

Section 240-20(D) of the Code of the Village of Mamaroneck is amended by adding subsection (6), as follows:

- (6) The fee specified in or determined in accordance with the provisions set forth in Appendix A347 (Fees) of this Code.**

#### *Section 3.*

Section 240-20(I) of the Code of the Village of Mamaroneck is amended as follows:

- I. Duration and revocation. A perimeter permit, upon approval, shall remain in effect for five years and may be renewed by the Harbor and Coastal Zone Management Commission for two additional five-year terms **upon payment of the fee required by Appendix A347 (Fees) of this Code and proof of** ~~As part of a renewal application, the applicant shall demonstrate compliance with the requirements of the permit and that there are no outstanding violations~~ **of the permit** at the time of the renewal application.

#### *Section 4.*

Section 240-21 of the Code of the Village of Mamaroneck is amended by adding subsection E as follows:

- E. An applicant for a marine structure permit must pay the fee specified in or determined in accordance with the provisions set forth in Appendix A347 (Fees) of this Code.**

*Section 5.*

Section 240-29 of the Code of the Village of Mamaroneck is amended by adding subsection (J), as follows:

- J. An applicant for a consistency determination other than the Board of Trustees or any Village agency must pay the fee established by Appendix A347 (Fees) of this Code.**

*Section 6.*

Section 294-14 of the Code of the Village of Mamaroneck is amended as follows:

**Applicants undertaking land development activities regulated by this chapter must pay the stormwater pollution prevention plan application fee established by Appendix A347 (Fees) of this Code and the**~~The Village of Mamaroneck may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Mamaroneck or performed by a third party for the Village of Mamaroneck.~~

*Section 7.*

Section 350-4(L) of the Code of the Village of Mamaroneck is amended as follows:

- L. Fee.** The fee specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter **and Appendix A347 (Fees) of this Code** must be paid~~at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a Building Permit as required by those sections. If work for which a building permit is required has been commenced prior to obtaining a building permit, the building permit fee will be twice the amount determined in accordance with Appendix A347 (Fees) of this Code.~~

*Section 8.*

Section 350-5(A)(4) of the Code of the Village of Mamaroneck is amended as follows:

- (4) Fee.** The fee specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter **and Appendix A347 (Fees) of this Code** must be paid ~~prior to or at the time of each inspection performed pursuant to this article as required by those provisions.~~

*Section 9.*

Section 350-7 of the Code of the Village of Mamaroneck is amended by adding section 350-7(F), as follows:

- F. Fee.** The fee specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter and Appendix A347 (Fees) of this Code must be paid as required by those provisions.

#### *Section 10.*

Section 350-10 of the Code of the Village of Mamaroneck is amended by adding section 350-10(H), as follows:

**H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter and Appendix A347 (Fees) of this Code must be paid as required by those provisions.**

#### *Section 11.*

Section 350-11(H) of the Code of the Village of Mamaroneck is amended as follows:

H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter **and Appendix A347 (Fees) of this Code** must be paid ~~prior to or at the time each inspection performed pursuant to this section~~ **as required by those provisions**. This subdivision does not apply to inspections performed by the Office of Fire Prevention and Control.

#### *Section 12.*

§ 350-18 of the Code of the Village of Mamaroneck, is amended as follows:

##### **§ 350-18 Fees**

The Code Enforcement Officer must charge and collect the fees required by the fee **specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter and schedule established by resolution of the Board of Trustees and set forth in Appendix A347 (Fees) of this Code**, for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, temporary certificates of compliance, operating permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this chapter. If the Village Manager determines that a fee has been charged in error, the Village Manager is authorized to direct the Village Clerk-Treasurer to refund the fee.

#### *Section 13.*

If the Village Manager determines that within the six months immediately preceding the date on which this local law became effective an applicant paid a fee for a building permit application but the applicant's application for a necessary land use approval was denied, the Village Clerk must refund the building permit application fee less the fees required by Appendix A347 (Fees) of this Code for initial Building Department review and initial Planning Department review.

#### *Section 14.*

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration

will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

*Section 15.*

This law is adopted pursuant to the authority granted by Municipal Home Rule Law §10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

*Section 16.*

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.