

## Chapter 19D

### DEPARTMENT OF ARCHITECTURE, LAND USE DEVELOPMENT, BUILDINGS AND BUILDING COMPLIANCE

#### Local Law No. XX 2010 amending

Local Law No.1 of 2004

Be it enacted by the Board of Trustees of the Village of Sleepy Hollow, in the County of Westchester, as follows;

#### § 19D-1. Title.

This chapter is to be known and cited as the “Department of Architecture, Land Use Development, Building and Building Compliance” of the Village of Sleepy Hollow.

#### § 19D-2. Definitions.

VILLAGE ARCHITECT- An architect licensed in the State of New York, hired ~~in a~~ as an employee consulting capacity by the Village of Sleepy Hollow and serving as the department head of the Department of Architecture, Land Use Development, Buildings and Building Compliance of the Village of Sleepy Hollow.

BUILDING INSPECTOR- The Building Inspector of the Village of Sleepy Hollow, Westchester County, New York.

DEPARTMENT OF ARCHITECTURE, LAND USE DEVELOPMENT, BUILDINGS AND BUILDING COMPLIANCE- The Department of Architecture, Land Use Development, Buildings and Building Compliance of the Village of Sleepy Hollow.

FIRE INSPECTOR- The Village Fire Inspector of the Village of Sleepy Hollow.

VILLAGE OF SLEEPY HOLLOW- The Village of Sleepy Hollow, Westchester County, New York.

VILLAGE ADMINISTRATOR- The Village Administrator of the Village of Sleepy Hollow, Westchester County, New York.

VILLAGE BOARD- The Village Board of Trustees of the Village of Sleepy Hollow, Westchester County, New York.

VILLAGE CLERK- The Village Clerk of the Village of Sleepy Hollow, Westchester County, New York.

### **§ 19D-3. Establishment.**

There is hereby created and established the Department of Architecture, Land Use Development, Buildings and Building Compliance of the Village, hereinafter referred to as the “Department of Architecture, Land Use Development, Buildings and Building Compliance” as a separate department of the Village. This Department shall provide for the administration and enforcement of the provisions of all laws, ordinances, rules, regulations and orders applicable to the location, design, material, construction, alteration, repair, equipment, maintenance, use, occupancy, fire safety, removal and demolition of buildings and structures and their appurtenances located in the Village.

### **§ 19D-4. Position of Village Architect Established.**

There is hereby created the position of Village Architect. The Architect shall serve as the Director in charge of the Department of Architecture, Land Use Development, Buildings and Building Compliance of the Village. ~~Such position is intended to be staffed by a consultant on a contractual basis, with fees and expenses billed, when permissible, to those utilizing the services of the Department.~~ The Village Architect shall have primary responsibility for the administration and enforcement of the provisions of this Code and shall supervise the personnel assigned to and the activities of the Building Department, and shall further supervise the activities of the Building Inspection and Building Compliance Divisions. Wherever in this Code, authority is vested in the Building Inspector or Building Compliance Officer to enforce any provisions of this Code, or the New York State Uniform Fire Prevention and Building Code, such authority shall also be vested in the Village Architect.

### **§ 19D-5. Village Fire Inspector.**

The Village Fire Inspector shall be the Village Architect and may be referred to by either title. The duties of the Village Fire Inspector may be delegated as necessary, from time to time, by the Village Architect or the Village Board consistence with applicable law.

### **§ 19D-6. Term of Employment, Village Architect.**

The Village Architect shall be employed ~~on a contractual basis~~ on such terms and conditions as may be offered, from time to time, by the Village Board. ~~All such contractual arrangements, both present and future, shall provide that the Village Board may terminate the contractual relationship on thirty (30) days notice.~~

### **§ 19D-7. Duties of the Village Architect.**

- A. The Village Architect shall be the principal executive in charge and the administrator of the Department of Architecture, Land Use Development, Buildings and Building Compliance.

- B. The Village Architect shall, under the general direction of the Village Administrator, be responsible for the overall coordination of the Village's review and oversight of site planning and development projects.
- C. The Village Architect shall coordinate the planning and review of building and construction projects of the Village from inception to completion.
- D. The Village Architect shall oversee building and renovation plan review for compliance with all state and local codes.
- E. The Village Architect shall assist in the enforcement of the Code of the Village of Sleepy Hollow and the ~~Uniform~~ New York State Uniform Fire Prevention and Building Code" laws and regulations, as amended from time to time.
- F. The Village Architect shall act as liaison between the Architectural Board of Review, Planning Board, Waterfront Advisory Committee and Zoning Board of Appeals, and development projects before the Village Board.
- G. The Village Architect shall oversee and assist in the inspection of the construction and repair of buildings and structures and all related tasks, other than those specifically exempted by local building, zoning, plumbing and electrical ordinances, and the ~~m~~Multiple ~~r~~Residence ~~l~~Law.
- H. The Village Architect shall oversee and assist in the investigation of complaints and assist in the prosecution of violations of the Code of the Village of Sleepy Hollow and the New York State Uniform Fire Prevention and Building Code. ~~and zoning and plumbing ordinances.~~
- I. The Village Architect shall check permit applications for compliance with zoning ordinances including, but not limited to, size requirements for land, size restrictions for

signs and buildings, and the necessity for variances.

- J. The Village Architect shall maintain all Department records, including all acts and decisions.
- K. The Village Architect shall prepare periodic reports of departmental activity for presentation to the Village Board.
- L. The Village Architect shall have all the powers and duties of the ~~Building Inspector, and when, after the advice and consent of the Village Administrator Village Board, may also assume the duties, from time to time, of Building Inspector and Building Compliance Officer.~~

**§ 19D-8. Compensation of Village Architect and inspectors.**

- A. ~~The Village Architect shall be compensated pursuant to a contract with the Village Board. Compensation shall be based upon an hourly rate for the duties of the Village Architect and shall be billed and paid upon a monthly basis on a voucher in a form approved by the Village Board.~~
- B. ~~It will be the responsibility of the Village Architect, given the degree and proficiency of his service to all applicants to his department, to charge to those applicants, when permitted by law, the reasonable cost of those professional services.~~

Compensation for the Village Architect and inspectors shall be fixed from time to time by the Board of Trustees or as prescribed by law.

**§ 19D-9. Divisions; Office Administration.**

There shall be within the Department of Architecture, Land Use Development, buildings and Building Compliance, the following divisions:

- A. Fire Safety Division. The Fire Safety Division shall be responsible for the enforcement of all laws and ordinances covering the prevention of fire; the storage and use of explosives and inflammables; the installation and maintenance of automatic and other private fire alarm systems and fire extinguishing equipment; the maintenance and regulation of fire escapes; the means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, and all other places in which numbers of people are employed, live or congregate from time to time, for any purpose; the investigation of the cause, origin and circumstances of fires. In these endeavors, the Fire Inspector may employ as necessary the advice and assistance of the Fire Department of the Village.
- B. Building Inspection Division. The Building Inspection Division shall be responsible for the enforcement of the New York State Building Code; the Zoning Code of the Village and the local laws and ordinances of the Village. The Building Inspection Division shall also include other functions incidental to the Building Department, including, but not limited to, Plumbing Inspector, Electrical Inspector and Sanitation Inspector.
- C. Building Compliance Division. The Building Compliance Division shall be responsible for the enforcement of local laws and ordinances of the Village.

**§ 19D-10. Absence or Inability of Village Architect.**

In the absence or inability of the Village Architect to perform his duties, the Village Board may designate a person to fill the position of the Village Architect for the period of absence or inability to serve. In a case of emergency, the position may be filled by the Village Administrator with the advice and consent of the Mayor of the Village of Sleepy Hollow. In no event shall said designation be longer than six (6) months.

**§ 19D-11. Appointment of Employees.**

All employees of the Department of Architecture, Land Use, Buildings and Building Compliance shall be appointed by the Mayor with the concurrence of the Village Board and shall hold their position at the pleasure of the Village Board, provided, however, that any employee in a classified civil service position may be appointed and/or removed only in accordance with applicable civil service law and /or the terms of an applicable collective bargaining agreement, if any. ~~“Employee” as used here shall not include the Village Architect.~~

**§ 19D-12. Transfer of Employees.**

The Mayor, with concurrence of the Village Board, may transfer any employee of the Department herein, from one division or office thereof to another division or office thereof, and such transfer may be on either a temporary or a permanent basis, provided, however, that the salary of such employee shall be reduced only in conjunction with any diminution of job responsibilities, and only in accordance with applicable civil service law and / or the terms of an applicable collective bargaining agreement, if any. In the event of an emergency designated as such by the Village Administrator, an employee may be transferred to a higher pay scale for the period of the emergency and paid at the classification for the higher pay scale. ~~“Employee” as used in this section shall not include the Village Architect.~~

**§ 19D-13. Powers of Village Architect; Employees.**

Nothing contained herein shall vest in the Village Architect the right to discipline employees. The right to discipline any employee is vested in the Mayor and the Village Board, in their sole discretion. The Village Architect may recommend to the Mayor and Village Board, from time to time, as he believes will best assist in the administration of his Department, the discipline of any employee subject to applicable civil service law and/or the terms of an applicable collective bargaining agreement, if any. At all times, the Village Architect will assist the Mayor and the Board of Trustees, as they may need, in the discipline of Department employees.

**§ 19D-14. Existing Departments, Districts, Employees.**

All property, equipment and budgetary appropriations of, or for, the Department of Fire and Life Safety are hereby transferred to the Department of Architecture, Land Use, Buildings and Building Compliance. The employees of the Department of Fire and Life Safety shall be continued as employees of the Department of Architecture, Land Use, Buildings and Building Compliance with the same classification, salary, benefits, pensions and retirement rights and privileges as they had immediately prior to such transfer, except to the extent their duties and responsibilities are otherwise reduced, provided, however, that nothing herein contained shall be construed to deprive the Village Board of any power it now has, or may have under this chapter or otherwise, with respect to the hiring, firing, disciplining and fixing of salaries of such employees.

**§ 19D-15. Laws modified or superceded.**

This local law shall modify and supercede Chapter 19D “Fire and Life Safety, Department of” of the Village Code of Sleepy Hollow, previously adopted as Local Law 2-2000 on June 13, 2000. All ordinances, local laws or resolutions or parts of ordinances, local laws or resolutions of the Village of Sleepy Hollow inconsistent with the provisions of this local law are hereby repealed, provided, however, that such repeal shall relate solely to the extent of such inconsistency and that in all respects this local law shall be in addition to other legislation regulating and governing the subject matter covered by this local law.

**§ 19D-16. Severability.**

If any provision of this local law or application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this local law or the application thereof to other persons and circumstances.

**§ 19D-17. When effective.**

This local law shall take effect in the time provided for by law.

DRAFT