

**PART III - BUILDING AND
SANITARY REGULATIONS**

PART III

BUILDING & SANITARY REGULATIONS

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ARTICLE I - ENACTMENT AND APPLICATION

SECTION 1 - ENACTMENT

A. The Village Board of the Village of Speculator in the County of Hamilton, New York does hereby ordain and enact the Village of Speculator Building and Sanitary Regulations under and pursuant to the Municipal Home Rule Law, and in accord with the applicable provisions of the Village Law, of the State of New York.

SECTION 2 - TITLE

A. This Local Law shall be known and may be cited as the "VILLAGE OF SPECULATOR BUILDING AND SANITARY REGULATIONS" and is hereinafter referred to as "these Regulations."

SECTION 3 - PURPOSE

A. The purpose of these Regulations 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.

B. It is further the purpose of these Regulations to establish the appropriate process and guidelines for continued Village eligibility under the National Flood Insurance Act through the recognition and proper administration of U. S. Department of Housing and Urban Development designated Flood Hazard Areas.

C. It is also the purpose of these Regulations to further the stated purposes of the Adirondack Park Agency Act by satisfaction, in part, of the criteria for approval by the Adirondack Park Agency of a local land use program pursuant to Section 807(2) of the Act.

SECTION 4 - SCOPE

A. Pursuant to the provisions of the Municipal Home Rule Law and in accord with the applicable provisions of Village Law, these Regulations authorize and empower the those duly appointed or delegated by the Village Board of the Village of Speculator to approve or disapprove Building/Use Permits,

Operating Permits and Certificates of Compliance according to the process and standards set forth herein.

- B. These regulations shall apply to the maintenance of existing and future buildings, structures, and systems; to the construction, installation or structural alteration of any building, structure or appurtenant system; and to the use, maintenance or alteration of land as herein provided for in the Village of Speculator.
- C. In particular, Article II of these Regulations shall apply to all buildings, structures, systems and land, whether existing on the effective date of these Regulations or constructed, installed or altered thereafter; whereas Article III of these Regulations shall apply only to such buildings, structures, systems and land constructed, installed or altered after the effective date of these Regulations.
- D. No exemption specifically allowed for under Section 811 (1-a., 1-b., 1-c., 2., 3-a., 3-b., 3-c., 4., 5) of the Adirondack Park Agency Act shall be diminished or forfeited as such exemptions apply to that Act upon the enactment of these Regulations.

SECTION 5 - APPENDICES

- A. The Appendices contained in Part V of this Code are hereby made a part of these Regulations and shall be deemed applicable thereto as specifically hereinafter provided for.

ARTICLE II - MAINTENANCE OF EXISTING STRUCTURES AND INSTALLATIONS

SECTION 6 - GENERAL EXTERIOR AND STRUCTURAL CONSIDERATIONS

- 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 set forth in the Village Plan and Land Use Code.
- 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 without unsafe deformation or movement of the building or of any structural part.
- D. Siding, roofing, chimneys, window and door frames, porches and steps will be maintained in an adequate state of repair so as not to be hazardous, create a nuisance or detract from neighboring property.

SECTION 7 - HEALTH AND SAFETY CONSIDERATIONS

- A. 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.
- B. It is prohibited to store gasoline within a structure that contains a dwelling unit except that a maximum of six gallons may be stored in an automobile garage attached to said structure, which six gallons shall not include gasoline stored in the fuel tanks of motor vehicles, lawn mowers, snowblowers, etc. Storage of gasoline in accessory structures shall conform to the following:
 - i. The storage of more than thirty gallons in a structure that is closer than fifteen feet of a dwelling is prohibited.
 - ii. A maximum of 275 gallons may be stored on the premises in conformity with the following conditions:
 - All 275 gallon storage tanks must be on a concrete pad that precludes tipping of the tank and must be vented to the outdoors with the termination of the vent pipe no less than ten feet above the adjacent ground level.
 - All containers and tanks of more than six gallons capacity used for the storage of gasoline shall be labeled "Gasoline" in legible four inch block letterin on at least two opposite sides.
 - All structures storing a total of more than thirty gallons of gasoline shall have affixed to the entry door or portal a legible sign in three inch block lettering, "Gasoline".
 - It shall be prohibited to store gasoline within ten feet of a residential property line. Motor vehicles,

lawnmowers, snowblowers, etc., are exempt from this rule.

iii. All containers used for the storage of gasoline shall be made of metal, plastic or fiberglass construction and shall bear the word "Gasoline" in legible letters at least two inches high.

C. Yard, walkways, steps, driveways and parking areas shall be maintained in good repair and so as to afford safe passage under normal use and weather conditions. These areas shall be kept free of physical hazards, which are unsightly, noxious, create a hazard to visibility or are detrimental to health or safety.

D. 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 of the community except where such is part of a natural or required drainage system and where appropriate precautions are instituted to preclude accidental entry.

E. All existing water supply and sanitary sewage disposal systems 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.

F. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse. For commercial establishments, this shall include a covered and enclosed building, plus individual containers for oil, fat, animal waste and parts, and garbage. Further, all disposal practices will conform to Section 8 of these Regulations.

SECTION 8 - REFUSE AND GARBAGE DISPOSAL

A. No person shall use any of the lands within the Village of Speculator as a dump, disposal or collection area or 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 noxious or offensive matter, nor dispose or attempt to dispose of any such materials, or substances by burying the same on such lands, except at such location and in such manner as established by the Village.

- B. No person shall deposit or cause to be deposited any substance of any kind on premises established as a public disposal or collection area or sanitary landfill in the Village except of the type, at the places and in the manner described by the person in charge of the premises, if such a person be so designated, under the authority of the Village Board, or by a sign or signs erected upon the premises by the authority of the Village Board.
- C. No person shall deposit or cause to be deposited on premises established as a public disposal or collection area or sanitary landfill in the Village any substance of any kind which originally was collected from outside the Village of Speculator except after application for and issuance of a Permit.
- D. No person who does not reside or own real property in the Village of Speculator may deposit or cause to be deposited any substance of any kind on the premises established or a public disposal or collection area or sanitary landfill in the Village except as by agreement with the Village after application for and issuance of a Permit.
- E. Any incineration or burning of refuse of any kind shall take place only in compliance with applicable State or County requirements therefor.
- F. No commercial establishments shall store: oil, fat, animal waste, animal parts or bones, garbage or other noxious or material liable to emit unpleasant odors, other than in a closed container within a storage building having a secure door, four sides and roof with appropriate foundation and floor constructed of material which will not absorb odor of material stored therein.
- G. Unlicensed, old or second-hand motor vehicles, no longer in condition for legal use on the public highways, shall be stored in rear yards or side yards, if a rear yards does not exist, and as far as practical, towards the rear property line. Snowmobiles, ATV's, off-road motorbikes are exempt from this provision.

SECTION 9 - JUNKYARDS

- A. All junk yards in the Village of Speculator, shall comply with the following:
1. A biennial Operating Permit shall be applied for upon the expiration of any existing license; or where none has been obtained, within six (6) months of the effective date of these Regulations.
 2. Application shall be made to and considered by the Village Board, which Board shall direct the Enforcement Officer to make such inspection and report as is deemed necessary. The Board shall approve or deny the application within sixty (60) days from the date of submission.
- B. The issuance of the Operating Permit shall be contingent upon the following:
1. Operation of the business in such manner as to be consistent with the health, safety and well being of the Village and its residents and so as not to become a public nuisance or detrimental to the visual character of the community.
 2. Establishment and proper maintenance of such fencing and screen-planting improvements as are judged necessary and appropriate by the Village Board consistent with the objectives of these Regulations and the Village Plan. In particular, said use shall not be located within seventy-five (75) feet of the right-of-way of any roadway, one hundred (100) feet of any lake, river or stream, or five hundred (500) feet of any residential, public or institutional use. In addition, all junk yards shall be so located that they are screened from view from the public right-of-way and completely surrounded with an approved fence of suitable construction and appearance and have a satisfactory gate which can be closed and locked except during normal working hours of said use. Such fence shall not be erected nearer than fifty (50) feet to any lot line.
 3. Conduct of the business in such manner that all motor vehicles and parts thereof stored or deposited by the applicant and any work or disassembly related thereto is within the enclosure of the fence or other approved

screening, except as may be necessary for the transportation of same during the reasonable course of business.

4. No illegal burning, sale or other unlawful activity or conduct is part of such business.
 5. That any nonconforming situation is in compliance with the applicable requirements of the Zoning Regulations as set forth in Part IV of this Code.
 6. Payment of such fee as may be established by the Village Board.
- C. The biennial Operating Permit, once issued, shall be valid for a period of two (2) years, sixty (60) days prior to the expiration of which, the permit holder shall make application for renewal.
 - D. Issuance of the Operating Permit shall be personal to the designated permit holder, and shall not be transferable or assignable.
 - E. Junkyards existing on the effective date of these Regulations shall be exempt from the provisions of sub-paragraphs 2 and 3 of Paragraph "B" of this section.
 - F. Automotive garages and service stations are exempt from the provisions of this section, unless they have on the premises more than six (6) motor vehicles as defined under "Junk Yard" in Part V of this Code.
 - G. Construction firms and firms that consistently use heavy machinery are exempt from the provisions of this section, except that no non-operable machinery, vehicles or parts thereof shall be stored in any front or side yard.
 - H. No inoperable motor vehicle shall be stored where visible from the public thoroughfare, unless it is impractical to do so, considering building location and property dimensions.
 - I. Vehicles stored in any roofed structure with at least three (3) sides shall be exempt from this section, provided the open side does not face the highway or public thoroughfare.

**SECTION 10 - UNSAFE AND SUBSTANDARD STRUCTURES AND
INSTALLATIONS**

(SEE LOCAL LAW #1, 2000 AND FILED WITH
THE SECRETARY OF STATE, NEW YORK STATE AUGUST 30, 2000,
The text of which is hereby incorporated by reference,
ratified and reaffirmed.)

ARTICLE III - CONSTRUCTION REQUIREMENTS

SECTION 11 - BUILDING AND SITE IMPROVEMENT CONSIDERATIONS

- A. Foundation, walls and floors shall be constructed so as to be structurally sound.
- B. Exterior walls and roofing shall be constructed of materials and in such manner so 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, exits approved by the Enforcement Officer 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 company so as not to be a potential source of ignition or hazard.
- I. Minimum size of rooms in new or altered buildings - A dwelling unit shall contain at least one habitable space which shall have a minimum floor area of one hundred sixty-eight (168) square feet with a minimum horizontal dimension of ten (10) feet. Other habitable spaces, except kitchen, shall have a minimum floor area of ninety-six (96) square feet with a minimum horizontal dimension of eight (8) feet.
- J. 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 runoff in an unacceptable manner, pollute, or cause erosion on adjoining properties. Surface 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 and all surface drainage shall be designed so as not to discharge onto walkways, the street or adjacent property in such a manner as to create a nuisance or hazard.
- K. 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 appropriate 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 runoff along such public roadway shall be installed at the applicant's expense so as to insure unimpeded flow of surface drainage through such conduit.

SECTION 12 - FLOOD HAZARD AREA REQUIREMENTS

- A. Flood Hazard Areas shall be as delineated on the Village Zoning Maps within the Land Preservation (LP) - Overlay District; such Zoning Maps as set forth in the Zoning Regulations of Part IV of this Code and as therein referenced to the HUD-designated Flood Hazard Boundary Maps.
- 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 reasonable 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 significantly 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 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 a manner as to minimize potential flood damage.
- F. 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 into the systems and

discharge from the systems into the flood waters. All such systems shall be so located and constructed as to avoid their impairment, contamination to them, or contamination of any floodwaters.

- G. 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 runoff, surface and building drainage will be so designed as to minimize its affect on the flooding potential and its exposure to flood hazard.
- H. 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.
- I. All applications for building construction or installation of equipment or utilities in any Flood Hazard Area shall be accompanied by appropriate documentation, including certification by a licensed Professional Engineer where required, 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 is sufficient to resist water pressures.
 - 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 by the U.S. Department of Housing and Urban Development.

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 13 - SHORELINE CONSIDERATIONS

- A. No building, structure or installation shall be so located or constructed as to alter any shoreline in the Village without a Permit therefor.
- B. All construction on any shoreline lot shall be carried out in such a manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize the runoff of ground and surface water into the waterway and to remove only that vegetation which is necessary to the accomplishment of the project.
- C. No on-site sewage tile field or seepage pit shall be located within one hundred (100) feet from any shoreline and no septic or other holding tank shall be located within fifty (50) feet of any shoreline.
- D. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an adequate and approved sewage disposal system as otherwise required in these Regulations.
- E. Any marina, boat service facility or any storage of petroleum products within one hundred (100) feet of the shoreline shall include adequate provisions for insuring that any leak, rupture or spill will be contained and not be introduced into or affect the adjacent waterway. In particular, a raised earthen or paved berm or dike shall be constructed in such manner so as to afford adequate protection.
- F. Any paved or otherwise improved parking, loading or service area within one hundred (100) feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.

G. Nothing herein provided shall waive or otherwise affect any requirement of the N.Y.S. Department of Environmental Conservation under Article 15, Title 5 of the Environmental Conservation Law.

SECTION 14 - 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 public water system for all new construction within any existing or future Village water district, or where such can be reasonable 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 in accord with any existing Village requirements pertaining to such connections, installations and the use of such public system.
- C. 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 any likely contamination.
- D. No individual water supply system shall be so located as to intersect a public sewer, water or other underground utility line.
- E. In particular, any individual water supply system shall be located at least one 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, open ditch or natural drainageway, and ten (10) feet from any lot line other than a highway right-of-way.
- F. Any drilled, point-driven or dug well shall comply with those generally accepted standards of the N.Y.S. Department of Health.

- G. 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 such casing shall not be less than two (2) feet above any established 100-year flood stage elevation.
- H. Construction of the well shall seal off, insofar as it practicable, water-bearing formations that are or may be polluted. No unsealed opening shall be permitted to exist in or around the well casing and where any such opening is provided in the casing, a pitless adapter will be used to seal such opening.
- I. Temporary capping of the well until the pumping equipment is installed shall be such as to preclude pollution of the well.
- J. 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.
- K. 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 15.1 - SANITARY SEWAGE DISPOSAL - Introductory Provisions

- A. These Regulations shall be known as the Village of Speculator Sewage Regulations. The Village of Speculator is hereinafter referred to as the "village".
- B. These Regulations shall govern the disposal of sewage and the design and construction of all sewage disposal systems within the village except that these Regulations shall not govern the design or construction of municipal sewer systems.
- C. These Regulations are enacted pursuant to Article 14 of the Village Law, Article 3 of the Public Health Law, and Article 27 of the Executive Law of the State of New York.
- D. The purpose of these Regulations are to promote the health, safety and general welfare of the community by insuring that, through the location, construction and use of property designed facilities, sewage and other wastes are disposed of in a manner that will not create a health hazard, adversely affect the environment, or impair the enjoyment or use of property.

SECTION 15.2 - SANITARY SEWAGE DISPOSAL - GENERAL PROVISIONS

A. Prohibited Acts - Except as hereinafter provided:

1. It shall be unlawful for any person to construct, enlarge, alter, repair, or extend any facility or part of any facility designed for the discharge of sewage.
2. It shall be unlawful for any person to cause to be discharged any sewage except by systems designed, installed and approved in accordance with the requirements of these Regulations except that septic tank pumping contractors may dispose of the contents of septic tanks and holding tanks in a location and in a manner approved by the NYS Department of Environmental Conservation.
3. It shall be unlawful for any person to use or maintain any sewage disposal system that is unsafe, is a source of pollution to surface waters, permits seepage of sewage to the surface of the ground, or interferes with the use or enjoyment of property.

B. Definitions - The definitions of terms used in these Regulations will be found in the glossaries of the handbooks and reference materials hereinafter described. Any term not found in such glossaries shall carry its customary and generally accepted meaning.

SECTION 15.3 - STANDARDS FOR INDIVIDUAL SANITARY SEWAGE DISPOSAL SYSTEMS

A. Compliance - Individual sewage disposal systems shall conform with the standards of this Article; with Appendix 75-A of part 75 of Title 10 NYCRR entitled "WASTEWATER TREATMENT STANDARDS - INDIVIDUAL HOUSEHOLD SYSTEMS"; WITH NYS Dept. of Environmental Conservation publication "INSTITUTIONAL AND COMMERCIAL SEWAGE FACILITIES"; and with Appendix Q4 of subtitle Q of Title p NYCRR (Adirondack Park Agency Rules and Regulations) entitled "Additional Standards For The Installation of Individual Onsite Sewage Disposal Systems".

B. General Standards

1. Only sewage may be discharged into sewage disposal systems. Surface and subsurface water, including roof, cellar and

foundation drains and stormwater shall be excluded from the system and shall be disposed of in such a way that they do not affect the functioning of the system.

2. No component of a leaching system shall be located under driveways, roads, parking areas or areas subject to heavy loading unless such component is designed for such service.
3. No leaching facility shall be located within 100 feet of the mean high water mark of any lake, pond, river, wetland or permanent stream.
4. Water Wastes known as "greywater" shall be discharged into a disposal system meeting the standards for sanitary sewage disposal.

C. Special Standards

1. The natural ground intended for a leaching facility must have at least four (4) feet of useable soil above bedrock, impervious material or maximum high seasonal groundwater. When fractured bedrock is encountered, the useable soil depth shall be at least six feet.
2. No leaching facility shall be located within 200 feet of the mean high water mark of any lake, river or permanent or intermittent stream if the percolation rate of the naturally occurring soil is 0 to 3 minutes per inch unless corrective measures are taken to reduce the percolation rate to a minimum of 7 to 10 minutes per inch to a minimum depth of six feet.

D. Fill Systems

1. Where soil conditions are inadequate for an absorption field system, a fill system may be used providing that the following specifications are met. Final approval of a fill system shall not be granted until the fill is in place, percolation tests are performed, and the system is evaluated according to the administrative provisions of these Regulations.
2. The design and installation of a fill system shall comply with the following specifications:
 - a) There must be at least 2 feet of naturally occurring soil over a layer of impervious material.

- b) The maximum allowable existing natural ground slope shall be 15%.
- c) Before placing fill all organic debris including leaves and roots shall be removed from the natural soil which shall be plowed or scarified.
- d) The soil used for fill shall be well graded loamy sand or well graded loamy sandy gravels and should contain at least 12% silts or clays containing no organic debris or no solid objects larger than 3 inch diameter. The fill shall be compacted or allowed to stabilize for at least 60 days.
- e) Any surface water and sheet run off shall be diverted around the fill system.
- f) The top of the fill system shall be crowned or sloped to allow surface water runoff, and seeded.
- g) Side slopes of fill shall be graded to no more than 33%.

SECTION 15.4 - SANITARY SEWAGE - PRE-EXISTING SYSTEMS

- A. Continuation of Pre-existing Systems - Subject to the provisions of these Regulations, the use or maintenance of properly functioning pre-existing sewage disposal systems shall be allowed, but it shall be unlawful to enlarge, repair or extend such systems except in conformity with the provisions herein. This Article shall not be construed to allow any unsafe use or structure, or allow such structures or their use when such structure or use: constitutes a threat to public health, safety, welfare or environmental quality; allows the seepage of sewage water to the ground surface; or interferes with the use or enjoyment of property.
- B. Repair, Alteration, Enlargement or Extension of a System
 - 1. It shall be unlawful to repair, alter, enlarge or extend a pre-existing sewage disposal system except that:
 - a) Minor repairs and alterations may be undertaken without a sewage disposal system building permit provided that the code enforcement officer issues a written determination that it is only a minor repair. Minor repairs shall be limited to repairing or replacing; a single broken length

of pipe, the inlet baffle of the septic tank or the cover of the septic tank.

b) Major repairs (Any replacement or reconstruction of the septic tank or leaching facility), extensions or major alterations may be undertaken pursuant to a sewage disposal system building permit. All materials and system designs in such major repair must conform to the current standards for a new system. However the Code Enforcement Officer may grant a variance of the separation (distance) requirements for the repairs provided that the repairs do not further decrease the separation distances from those existing previously.

2. It shall be unlawful to use any system that has been extended or undergone major repairs or alterations unless a sewage disposal system use permit has been issued pursuant to Article V of these Regulations.

SECTION 15.5 - ADMINISTRATIVE PROVISIONS

A. Code Enforcement Officer

1. These Regulations shall be administered and enforced by the Code Enforcement Officer.
2. It shall be the duty of the Code Enforcement Officer to inspect all facilities falling under the jurisdiction of these Regulations, and he is hereby authorized to enter onto any parcel of land within the village in the fulfillment of his duties pursuant to this authority.

B. Required Records

1. The original or a certified copy of all findings, decisions, permits, certificates or other rulings of the Code Enforcement Officer or Village Board under these Regulations, shall be retained in the files of the Code Enforcement Officer as public records. The property owner should retain a copy of the plan of the disposal system.

C. Issuance of Sewage Disposal System Building and Use Permits

1. Sewage Disposal System Building Permits

- a) It shall be unlawful for any person to construct, alter, repair or extend a sewage disposal system unless a sewage

disposal system building permit has been issued for such construction, alteration, repair or extension. Minor repairs may be under taken without a permit once the Code Enforcement Officer has issued a written determination that it is only a minor repair.

- b) Applications for a sewage disposal system building permit may be made only by the owner of the lot for which the system is proposed or his duly authorized agent. The appropriate fee as determined by from the fee schedule adopted by the Village Board must accompany the application. Applications must be submitted to the Code Enforcement Officer. Applications shall include such information as the Code Enforcement Officer and the NYS Dept. of Health shall require, including but not limited to the following:
- The name and legal address of the applicant and the owner of the lot (if different);
 - Specific location of the property on which the system is located;
 - A plan of the system including all dimensions;
 - A sketch of the property showing the location of the proposed system and the separation distances from all components of the system to any buildings, property lines, water sources and bodies of water within 300 feet. Also the approximate locations of the percolation test pits and the deep test holes used to evaluate the soil conditions;
 - Results of percolation tests and soil depth tests. The Code Enforcement Officer may verify the results of these tests.
 - Any site data, which might affect or be affected by the system including ground slope, drainage, depth to seasonal high groundwater, depth to impervious material, etc.
- c) The Code Enforcement Officer shall have the authority to require the applicant to provide certification or re-testing to verify any data submitted as part of the application or to require whatever additional data he deems appropriate or necessary.
- d) The Code Enforcement Officer may conduct or order the applicant to conduct such examinations, investigations, tests and site evaluations as he deems necessary to evaluate an application and the property owner shall

allow the Code Enforcement Officer to enter his land for these purposes.

- e) The Code Enforcement Officer shall not issue a sewage disposal system building permit unless all pertinent data and required verifications have been submitted, all permit fees have been paid, and he is satisfied that all proposed work is in accordance with these Regulations. However, the Village Board, pursuant to Section 5.5 of these Regulations, may order the Code Enforcement Officer to issue such permit.
- f) The Code Enforcement Officer may, by written notice, order the cessation of all further work on any system which is being installed or repaired in violation of any part of these Regulation.

2. Sewage Disposal System Use Permits

- a) It shall be unlawful for any person to cover or use any newly constructed, altered, repaired, or enlarged sewage disposal system unless a sewage disposal system use permit has been issued for the system.
- b) It shall be the duty of the holder of a sewage disposal system building permit to notify the Code Enforcement Officer when the system is ready for inspection. The Code Enforcement Officer shall make the inspection as soon thereafter as possible. The Code Enforcement Officer may also make inspections during construction to insure that the system is being installed in accordance with the application and these Regulations. Any part of the system, which has been covered prior to final approval, shall be uncovered upon order of the Code Enforcement Officer.
- c) A sewage disposal system use permit shall not be issued until the Code Enforcement Officer has determined that all the work has been done in accordance with the terms of the application and these Regulations. The Code Enforcement Officer may make such determination only after he has made an on-site inspection of the system.

D. Variances

- 1. In any case where the strict application of these Regulations would result in unnecessary hardship that would

deprive the owner of the reasonable use of the land involved, the Code Enforcement Officer may issue a variance upon approval of the NYS Dept. of Health district office provided that all of the following conditions are met:

- a) The circumstances are such that strict application of these Regulations would deprive the applicant of any reasonable use of the land;
- b) The variance would not be materially detrimental to the purposes and objectives of these Regulations or to adjacent properties;
- c) The variance is the minimum variance which would alleviate the specific unnecessary hardship in question;
- d) In granting the variance the Code Enforcement Officer, the Village Health Officer or the NYS Dept. of Health shall prescribe and attach any reasonable conditions that they deem necessary and proper.
Variances granted under Section 15.4 (Repairs to pre-existing systems) do not need prior consent of the NYS Dept. of Health but all of the above conditions must be met.

E. Appeal from the Determination of the Code Enforcement Officer

1. Persons adversely affected by a decision of the Code Enforcement Officer may appeal such decision to the Zoning Board of Appeals, which shall render a decision regarding the appeal only after holding a hearing on the matter.

F. Application Fees

1. A fee schedule shall be set by resolution of the Village Board for all applications and permits provided for in these Regulations. Fees shall be paid upon submission of applications or issuance of permits as set in the schedule.

G. Expiration of Permits

1. Any sewage disposal building permit pursuant to these Regulations shall expire within ninety (90) days from the date of issuance. A single ninety-day extension may be granted upon application and approval by the Code Enforcement Officer.

SECTION 15.6 - ENFORCEMENT

- A. Penalty - Any person controlling or managing any building, structure, land or premises where there exists a structure or system in violation of these Regulations and any person who shall commit or shall assist in the commission of any violation of these Regulations, or who shall build, erect, construct or attempt to construct any structure contrary to the plans or specifications approved by the Code Enforcement Officer; and any person who shall omit, neglect, or refuse to do any act required by these Regulations shall be subject to a civil penalty of not more than \$250.00 to be recovered by the Village Board in an action in any court of competent jurisdiction. Every such person shall be deemed guilty of a separate offense for each day such violation disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered the 'person' for the purpose of this article.
- B. Alternative Remedy - In case of any violation or threatened violation of any of the provisions of these Regulations, the Village Board may, in addition to other remedies herein provided, institute any appropriate action or proceeding to prevent unlawful construction, alteration, repair, reconstruction, moving and/or use, to restrain, correct or abate such violation, to prevent the use of the sewage disposal system, or to prevent any illegal act, conduct, business or use regarding such disposal system.
- C. Misrepresentation - Any approval or permit granted under these Regulations which is based upon or is granted in reliance upon any material misrepresentation, or failure to disclose a circumstance, by or on behalf of an applicant, shall be void and the applicant shall be subject to penalties as provided in Section 15.6.A. of these Regulation. This section shall not be construed to affect the remedies available to the Village Board under Section 15.6.A. and 15.6.B. of these Regulations.

SECTION 15.7 - MISCELLANEOUS PROVISIONS

- A. Severability - The provisions of these Regulations are severable. If any Article, Section, Subsection or provision shall be invalid, such invalidity shall apply only to that portion of these Regulations judged invalid and the rest of the Regulations shall remain valid and effective.

B. Savings Clause - The adoption of these Regulations shall not affect or impair any act done, offense committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time these Regulations take effect.

C. Effective Date - These Regulations shall take effect on such date as provided by law.

ARTICLE IV - ADMINISTRATION AND ENFORCEMENT

SECTION 16 - BUILDING/USE PERMIT

A. Permit Required - No building or structure shall be constructed, erected or relocated; no site excavation or alteration made; no water or sewer system installed; and no change to the structural members or exterior dimensions of an existing building or structure shall be undertaken until a Building/Use Permit therefor has been issued by the Enforcement Officer.

B. Application - Plans and information shall be as required in Appendix "B" of Part V of this Code. An application for a Certificate of Compliance shall be made coincidental with any application for a Building/Use Permit, such application to be valid for the duration of the permit. The Enforcement Officer shall advise the applicant of any additional information required constituting a complete application within ten (10) business days of receipt of the application.

C. Notification of Determination - The Enforcement Officer shall review the application and shall issue or refuse to issue the applied for Building/Use Permit, or advise the applicant of any required additional information or referral required, within ten (10) business 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 Building/Use Permit.

D. Duration of Validity - A Building/Use Permit issued under these Regulations shall be valid for a period of six (6) months from the date of issuance, during which six-month period the project for which the Permit was issued must be initiated. Providing the project is initiated within this

six-month period, the validity of the Permit shall continue for a period of two (2) years from the date of issuance. Application may be made to and considered by the Board of Appeals, which Board may, for due cause shown, authorize such extension of either or both the six (6) month or two (2) year time limitation, as it may determine appropriate.

SECTION 17 - CERTIFICATE OF COMPLIANCE

- A. Certificate Required - No building or structure hereafter constructed, erected or relocated; no site excavation or alteration made; and no water supply or sewage disposal system installed in such 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 Building/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, lot or installation for which a Certificate of Compliance is required before issuing such Certificate. Such inspection shall be made within ten (10) business 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, land or installation conforms to the provisions of these Regulations and to that plan, purpose and description for which the Building/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 ten (10) business days from the date of notification of project completion.

SECTION 18 - OPERATING PERMIT

- A. Permit Required - All junk yards existing on the effective date of these Regulations shall require an Operating Permit and the operator thereof will be notified of the need to apply for an initial Operating Permit within sixty (60) days from the effective date of these Regulations.
- B. Application - An application for a renewable biennial Operating Permit shall be made at least sixty (60) days prior

to the expiration date of the previous permit. Initial application shall include a map and drawings of the existing layout, including the applicable provisions of Appendix "B" of Part V of this Code, in accord with the requirements of the Village Board as they deem necessary for the proper administration of these Regulations. The Enforcement Officer shall advise the applicant of any additional information required constituting a complete application.

- C. Notification of Determination - Upon application for an Operating Permit, the Enforcement Officer shall inspect the premises and report his findings to the Planning Board, which Board may within thirty (30) days make recommendation to the Village Board, which shall, within sixty (60) Days of the date of application, authorize the Enforcement Officer to issue or deny the Permit in accord with the requirement set forth in these Regulations. Where it is determined that such existing junk yards do not meet the minimum requirements of these Regulations, the applicant will be notified of minimum acceptable improvements, the completion of which improvements shall be the condition upon which any Operating Permit is issued. These improvements shall be made and verified to within one (1) calendar year from the original date of the application or the applicant shall thereafter be considered in violation of these Regulations and shall be notified of the same in accord with the process hereinafter set forth.
- D. Duration of Validity - All initial and subsequent biennial Operating Permits shall be effective for a two (2) year period from and following their date of issuance.

SECTION 19 - 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 these Regulations pursuant to the applicable requirements of law.
- B. All proposed amendments originating by petition, or by motion of the Village Board, shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute their recommendation for approval of the proposed amendment.

- C. Any proposed amendment governed by Section 239M of the General Municipal Law shall be referred to the Hamilton County Planning Board and, upon approval by the Adirondack Park Agency of the Village's local land use program, or the portion of such program embodied by these Regulations, any amendment will be referred to the Adirondack Park Agency in accord with the procedure identified under Section 21 below.
- D. Before any amendment to these Regulations, there shall be a public notice and hearing thereon as provided by law.
- E. 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 20 - PUBLIC HEARINGS

- A. Public hearing shall be required prior to action on any amendment or variance considered under these Regulations.
- B. The Village Board shall hold any public hearing in consideration of any amendment to these Regulations in accordance with the applicable provisions of law.
- C. The Board of Appeals shall hold any public hearing in consideration of a request for any variance in accordance with the applicable provisions of law. In addition, the Board of Appeals may, at its discretion, hold a public hearing in the consideration of any other matter within its jurisdiction, including a request for interpretation or extension of time, which it has been delegated to consider under these Regulations.
- D. Public notice of any required public hearing will be advertised in a newspaper of general circulation in the Village at least five (5) business days prior to the date of such hearing and shall specify the date, time, place, and purpose of such hearing.
- E. The instrument of the village responsible for calling any public hearing may require any applicant in an action necessitating public hearing to notify by certified mail or other acceptable means, adjoining and other specifically designated property owners and persons of legitimate interest concerning the public hearing.

F. 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 proceedings.

SECTION 21 - REQUIRED REFERRALS

A. Whenever any amendment or variance would apply 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 amendment or variance shall be referred to the Hamilton County Planning Board, which Board shall have thirty (30) days in which to report its recommendations 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 County Planning Board. Notification of action taken on any matter previously referred to the County Planning Board will be given within seven (7) business days of such action.

B. At such time as these Regulations may become part of an approved local land use program for the Village under the Adirondack Park Agency Act, any amendment or variance and all matters deemed to have a regional impact and classified as either Class "A" or Class "B" Regional Projects shall be referred to the Adirondack Park Agency in accord with the provisions for the administration of an approved local land use program as set forth in Appendix "E" of Part V of this Code. Until such time as these Regulations become part of such Adirondack Park Agency approved program, the Village will administer the Regulations as herein provided and will notify any applicant of the need to comply with all applicable requirements of the Adirondack Park Agency Act.

SECTION 22 - ENFORCEMENT AND VIOLATION

A. Enforcement - These Regulations shall be enforced by a person hereinafter called the "Enforcement Officer," designated by the Village Board, who shall in no case grant any Permit or Certificate where any proposed construction, alteration or installation would be in violation of any provision of these Regulations. The Enforcement Officer shall establish such procedure and make such inspections of the premises as are necessary to carry out his duties in the administration and enforcement of these Regulations. Further, the Enforcement

Officer shall prepare and submit a written record and report of all official actions, including Permits and Certificates issued and denied to the Village board on a monthly basis or as otherwise directed by the Village Board with copies transmitted to the Planning Board and Board of Appeals.

- B. Citizen Complaint - Any resident, property owner or other person of legitimate interest may file with the Enforcement Officer a written, signed 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 or structure, site excavation or alteration or installation determined to have been created, located or expanded which does not comply with these Regulations shall be so recorded by the Enforcement Officer and a report thereof filed with the Village Board. The Enforcement Officer, at the direction of the Village Board, shall give official written notice to this effect to the owner of record thereof. The owner shall initiate measures to correct such noncompliance within thirty (30) days from the date of notification. If within this thirty (30) day period application is not made to initiate a process for correction and if thereafter such correction is not pursued according to an agreed upon timetable and to the satisfaction of the Village Board, the Village Board shall instruct the Village Attorney to institute proceedings to compel compliance and assess such penalties in accord with the provisions hereinafter set forth for the violation of these Regulations.

- D. Violations and Penalties - Shall be as follows:
 - 1. Any person or persons who are responsible for any acts contrary to the provisions of these Regulations and who have not complied with the direction to remedy such noncompliance as provided for above, shall be guilty of a violation of these Regulations and upon conviction therefor, shall be subject to the penalty provided below.

 - 2. Any owner, lessee, contractor, agent, partnership, corporation, association or other person or persons who violate or cause to be violated any provision of these Regulations shall, upon conviction for such violation, be subject to a fine not to exceed two hundred fifty (\$250)

dollars, imprisonment not to exceed fifteen (15) days, or both, for each such violation; and every week, seven (7) days, that said violation continues shall constitute a separate and additional instance of violation.

3. In addition to the above provided penalties and punishment, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of these Regulations.

SECTION 23 - APPEAL AND COURT REVIEW

- A. 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 whose duties and procedure for consideration of appeal are as set forth in Appendix "A": of Part V of this Code. Where the Board of Appeals 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 judgment, secure substantially the objectives of the standards or requirements so varied.
- B. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Village Board or any official instrument of the Village in the administration of 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 filing of the decision in the appropriate office of the Village. Costs shall not be allowed against the Village unless it appear to the Court that the Village or its representatives acted with gross negligence or in bad faith or with malice in making the decision appealed from.

SECTION 24 - INTERPRETATION AND EFFECTUATION

- A. Interpretation - Terms and words used herein are as defined in Appendix "D" of Part V of this Code. 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 or the general welfare; and only where exceptional conditions warrant, which conditions shall be fully documented, shall the responsible instrument of the Village require such additional measures as are reasonable and appropriate under the circumstances to accomplish the purposes of these Regulations. 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. Invalidity - No approval, Permit or Certificate authorized or granted by any official instrument of the Village in contradiction to the provisions of these Regulations shall vest any rights or interest to the recipient irrespective of any action taken or obligation incurred in reliance on such authorization, nor shall the Village be liable for same, under any such invalid authorization.
- D. Liability - Nothing in these Regulations, including the issuance of a Building/Use Permit, Operating Permit, or Certificate of Compliance, shall be construed to insure or in any way guarantee any building or structure, site excavation or alteration, water, sewer, or other installation against defect, failure or other shortcoming, and the Village shall not be liable for same.
- E. Fees - A schedule of fees for the administration of these Regulations in consideration of an application for any Building/Use Permit, Certificate of Compliance, Operating Permit, variance or amendment shall be as established by resolution of the Village Board.
- F. Effective Date; Repealer - The "VILLAGE OF SPECULATOR BUILDING AND SANITARY REGULATIONS" shall become effective at the time and in the manner provided by law and any existing Village ordinances, statutes, resolutions, regulations, or law in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.
- G. Continuation - Nothing herein, however, shall be deemed to exempt or release any prior or current building or structure, site excavation or alteration, water, sewer or other installation from any requirements, stipulations or pending

actions under any Village requirements in force and effect prior to the effective date of these Regulations.