

County  
City  
~~Town~~ of Baxter Estates  
Village

Local Law 3 of the year 2006

*(Insert Title)*

A local law to withhold the processing of applications to departments, boards, and commissions of the Village of Baxter Estates when violations exist or sums of money are due to the Village

Be it enacted by the Board of Trustees of the  
*(Name of Legislative Body)*

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Section 1. Chapter 102 of the Code of the Village of Baxter Estates is hereby amended, by adding a new § 102-6, to read as follows:

**“§ 102-6. Withholding the processing of applications.**

- A. The Village Clerk, the Building Department, and every other department, board and commission of the Village shall withhold the processing of any application to the Village Clerk, the Building Department and any such department, board or commission, if:
- (1) The Building Inspector has determined that a violation of any provision of the Village Code exists on or at the parcel of real property with respect to which such application is made (the “Subject Property”), or a summons or appearance ticket has been issued with regard to an alleged violation of any provision of the Village Code on or at any other parcel of real property within the Village owned by the owner of such Subject Property or the applicant;
  - (2) Pursuant to Sections 161-12 and 161-13 of the Village Code, a replacement tree has not been planted at the Subject Property, or a replacement tree has not been planted by the applicant or the owner of the Subject Premises at any other property within the Village owned by such applicant or the owner of the Subject Premises, within the time period established by the Board of Trustees or its designee for such replacement; or

- (3) Any fees, deposits, or other sums of money are due to the Village either with regard to the Subject Property, or from the owner of the Subject Property for any reason, or from the applicant, if the applicant is not the owner of the Subject Property, for any reason.
- B. The processing of an application shall include, but not be limited to: the review of the application by the Village or its professionals; the scheduling or holding of any hearings or other meetings; the rendering of any decisions, other than, in the sole discretion of the chairperson of such board or commission, or the superintendent of such department, a denial of such application; the performing of any inspections; and the issuing of any permits or certificates.
  - C. Any application for which processing is to be withheld pursuant to the provisions of this section shall be deemed for all intents and purposes to be incomplete until the Village Clerk, on behalf of such department, board, or commission, receives written notice, by certified mail, return receipt requested, or by personal delivery, from the applicant, that such violation has been cured and/or such sums have been paid, and such notice is confirmed by the appropriate Village officer or employee.
  - D. The foregoing prohibition shall not preclude the processing of any application if:
    - (1) All of the sums due the Village have been paid and substantially the sole purpose of the processing is to cure the violations or to seek a variance from the Board of Appeals with regard to such violations; or
    - (2) The Board of Trustees, in its sole discretion, grants a waiver from such prohibition. The Board of Trustees shall consider, in determining whether or not to grant such a waiver, whether the applicant is acting in good faith and with due diligence to cure the violations, or whether application of this Section 102-6 presents a hardship for the applicant or owner of the Subject Property, of the type, kind and scope required to be demonstrated by an applicant for a use variance before the Board of Appeals.”

Section 2. Effective Date.

This local law shall take effect immediately.