

**A LOCAL LAW AMENDING THE HASTINGS-ON-HUDSON VILLAGE CODE TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE**

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

**Section One.** Article XI, Administration, of Chapter 295, Zoning, of the Local Zoning and Planning Law of the Village of Hastings-on-Hudson, Sections 295-98 through 295-103, are hereby repealed and reserved.

**Section Two:** Article IV, Notification Regarding Fire and Explosion, Article V, Operating Permits, and Article VI, Fire Safety and Property Maintenance Inspections, of Chapter 143, Fire Prevention and Life Safety, of the Code of the Village of Hastings-on-Hudson, Sections 143-10 through 143-21 are hereby repealed and reserved.

**Section Three.** Article I, Building Board and Building Inspector, of Chapter 101, Building Construction, of the Code of the Village of Hastings-on-Hudson is hereby repealed and replaced with a new Article I entitled “Administration and Enforcement of the Uniform Code and Energy Code” to read as follows:

**Article I: Administration and Enforcement of the Uniform Code and Energy Code**

**§ 101-1. Purpose and intent.**

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”) and the State Energy Conservation Construction Code (the “Energy Code”) in the Village of Hastings-on-Hudson. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

**§ 101-2. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**BUILDING INSPECTOR**

The village official designated to head the Building Department for the Village of Hastings-on-Hudson in accordance with §101-3. The term “Building Inspector” shall include their designee authorized to administer the provisions of this chapter.

**§ 101-3.** Building Department established; Building Inspector; Other Employees.

- A. There is hereby established in the Village of Hastings-on-Hudson a Department to be designated as the "Building Department" for the administration and enforcement of the provisions of all laws, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the Village of Hastings-on-Hudson.
- B. The Building Department shall be headed by a village official designated as the "Building Inspector" who may also be the Zoning Officer. The Building Inspector shall attend all meetings of the Board of Appeals and may request the assistance of any other municipal department. The Building Inspector shall have the following powers and duties:
1. To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy or Safety Inspections, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;
  2. Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy or Safety Inspections, and Operating Permits, and to include in terms and conditions as the Building Inspector may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy or Safety Inspections, and Operating Permits;
  3. To conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy or Safety Inspections, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;
  4. To issue Stop Work Orders;
  5. To review and investigate complaints;
  6. To issue orders pursuant to subdivision A § **101-18** of this local law;
  7. To issue a notice of violation of any Village Code or ordinance;
  8. To maintain records;
  9. To collect fees as set by the Board of Trustees;
  10. To pursue administrative enforcement actions and proceedings;
  11. In consultation with the Village Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, Energy Code, or this local law.
  12. To enforce the provisions of Chapter 295, Zoning, and any rules and regulations made in furtherance thereof; and
  13. To exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this local law or as prescribed by the Board of Trustees.

- C. The Building Inspector shall be appointed by the Village Manager. The Building Inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Building Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
  
- D. In the event that the Building Inspector is unable to serve as such for any reason, another individual shall be appointed by the Village Manager to serve as Acting Building Inspector. The Acting Building Inspector shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Building Inspector by this local law. The Acting Building Inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Building Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
  
- E. One or more Inspectors may be appointed by the Village Manager to act under the supervision and direction of the Building Inspector and to assist the Building Inspector in the exercise of the powers and fulfillment of the duties conferred upon the Building Inspector by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
  
- F. The compensation for the Building Inspector and Inspectors shall be fixed from time to time by the Board of Trustees.

**§ 101-4. Compliance Required.**

Except as may be permitted by a variance issued by the Zoning Board of Appeals, no commission, board, agency, officer or employee of the Village shall approve, grant or issue any permit, license, certificate or other authorization for construction, reconstruction, alteration, renovation, demolition, enlargement, moving or removing of any building or structure, or for any use of land, building or structure, that would not be in full compliance with the provisions of Chapter 295, Zoning. Any such permit, license, certificate or other authorization issued, granted or approved in violation of the provisions of Chapter 295 shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof.

**§ 101-5. Building Permits.**

- A. Building Permits Required. Except as otherwise provided in subdivision B. of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Village of Hastings-on-Hudson.
  
- B. Except where the Board of Appeals granted a variance pursuant to § 295-146, no building permit, certificate of compliance or certificate of occupancy shall be issued for any building structure, driveway, paving or premises where the construction, reconstruction, alteration, demolition, renovation, enlargement, moving, removing, use or occupation thereof would be in violation of any of the provisions of Chapter 295.
  
- C. No building permit, certificate of compliance or certificate of occupancy shall be issued until the applicant has complied with all of the provisions of this chapter, including, without limitation, obtaining any approvals required by Chapter 295 from the Planning Board, the Zoning Board of Appeals, the Architectural Review Board, and the Board of Trustees and complying with any conditions to which those approvals are subject.
  
- D. Exemptions. No Building Permit shall be required for work in any of the following categories:
  - 1. Repavement of a driveway, so long as the dimensions of the driveway are not being altered;
  - 2. Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for children's playhouses or similar uses, provided the gross floor area does not exceed 64 square feet;
  - 3. Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
  - 4. Installation of partitions or movable cases less than 5'-9" in height;
  - 5. Painting, wallpapering, tiling, carpeting, or other similar finish work;
  - 6. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances; and
  - 7. Repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

- E. Exemptions not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision D of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- F. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Building Inspector. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information that the Building Inspector deems sufficient to permit a determination by the Building Inspector that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
1. A description of the location, nature, extent, and scope of the proposed work;
  2. The tax map number and the street address of any affected building or structure as it appears on the official Town of Greenburgh Tax Map;
  3. The occupancy classification of any affected building or structure;
  4. Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
  5. At least three sets of construction documents (drawings and/or specifications) which:
    - a. Describe the location, nature, extent, and scope of the proposed work;
    - b. Show that the proposed work will conform to the applicable provisions of the Codes;
    - c. Show the location, construction, size, and character of all portions of the means of egress;
    - d. Show a representation of the building thermal envelope;
    - e. Show the dimensions of all yards in relation to the subject buildings and structures and the distances between those buildings and structures and all other existing and proposed buildings and structures on the same lot
    - f. Show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;
    - g. Show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building;
    - h. Include a written statement indicating compliance with the Energy Code;
    - i. Include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site,

distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations;

- j. Evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's original signature and seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number; and
- k. For all applications for a building permit to construct a new building or an addition to an existing building, three (3) copies of an accurate survey prepared by a licensed engineer or surveyor.

G. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Building Inspector in writing or by stamp. One set of the accepted construction documents shall be retained by the Building Inspector, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

H. Certified survey. Upon completion of the footings of a building, accessory building or pool, the owner of the property or an authorized agent may be required by the Building Inspector to submit a certified survey, prepared by a land surveyor licensed to practice in the State of New York, showing the location of those footings on the lot. No building, accessory building or pool shall thereafter be constructed above those footings until the survey has been approved by the Building Inspector as complying with the applicable provisions of this chapter.

- I. Action on the Building Permit Application.
  - 1. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Building Inspector shall issue a Building Permit if the proposed work comports the applicable requirements of the Uniform Code and Energy Code and shall either grant or deny the application within reasonable time after it is filed.
  - 2. If a Building Permit is denied, the Building Inspector shall state, in writing, the reasons for denial.
  - 3. Upon issuance of the Building Permit, the Building Department shall return one approved copy of all pertinent documents to the applicant, appropriately endorsed, and shall make a copy available to the Town Assessor. The applicant shall maintain one set of the documents at the work site so as to be available for use by the Building Inspector.
  
- J. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
  
- K. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Building Inspector of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Building Inspector determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
  
- L. Time limits and extension; renewal.
  - 1. Subject to the provisions of subsection 3 below, a Building Permit shall automatically lapse and become null and void unless the authorized work is commenced within 6 months following the date of issuance of the Building Permit or if construction is not completed within 24 months after the issuance of the Building Permit. Completion of construction shall mean that all conditions necessary for a certificate of occupancy or certificate of compliance have been met.
  - 2. If a Building Permit is rendered null and void pursuant to subsection 1 above, the owner of the property shall be required to remove all incomplete buildings and structures and to restore the property to its condition at the time the building permit was issued.
  - 3. Upon written application and payment of a fee pursuant to § **101-19**, the Building Inspector may, at their discretion, extend a Building Permit for not

more than a total of six (6) months, where, in their opinion, there are reasonable grounds for granting the extension.

4. The Building Inspector may, at their discretion, renew a Building Permit for a two (2) year period if it is determined that additional time is needed to complete the work that is the subject of the Building Permit and, in their opinion, there are reasonable grounds for granting the renewal. The Permit Holder shall file a written request for a Building Permit renewal and pay a fee equal to one-half (1/2) the amount of the original Building Permit fee.
- M. Revocation or suspension of Building Permits. If the Building Inspector determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Building Inspector shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that
1. All work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code; and
  2. All work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- N. Any person who fails to apply for a building permit, certificate of compliance or certificate of occupancy as required by and in accordance with this chapter and who proceeds to construct, reconstruct, alter, renovate, demolish, enlarge, move or remove a building, structure or driveway or any part thereof, or who proceeds to occupy or use such a building, or structure or driveway or a part thereof, or who paves any portion of the lot, or who proceeds to occupy or use or change the use of land, shall be in violation of this chapter.
- O. The Building Inspector may require the contractor or builder to give notice when the work for which a building permit has been issued is to be begin. The Building Inspector may also require notice to be given to them at the completion of such stages of the construction as the Building Inspector may specify.
- P. Fee. The fee specified in or determined in accordance with the provisions set forth in § **101-19** of this local law 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

**§ 101-6. Construction Inspections.**

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector or by an Inspector authorized by the Building Inspector. The Permit Holder shall notify the Building Inspector when any



element of work described in Subsection B of this section is ready for inspection.

- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
1. Work site prior to the issuance of a Building Permit;
  2. Footing and foundation;
  3. Preparation for concrete slab;
  4. Framing;
  5. Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
  6. Fire resistant construction;
  7. Fire resistant penetrations;
  8. Solid fuel burning heating appliances, chimneys, flues, or gas vents;
  9. Inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
  10. Installation, connection, and assembly of factor manufactured buildings and manufactured homes;
  11. A final inspection after all work authorized by the Building Permit has been completed; and
  12. Such other inspection(s) as determined by the Building Inspector.
- C. Remote inspections. At the discretion of the Building Inspector or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Building Inspector or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Building Inspector or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Building Inspector or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all

applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

- E. The fee specified in or determined in accordance with the provisions set forth in § 101-19 of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

**§ 101-7. Stop work orders.**

- A. Authority to issue. The Building Inspector and Fire Inspector are authorized to issue Stop Work Orders pursuant to this section. The Building Inspector shall issue a Stop Work Order to halt:

1. Any work that is determined by the Building Inspector or Fire Inspector to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
2. Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Building Inspector or Fire Inspector, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
3. Any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

- B. Content of Stop Work Orders. Stop Work orders shall be in writing, be dated and signed by the Building Inspector or Fire Inspector, state the reason or reasons for issuance, and if applicable, state the conditions that must be satisfied before work will be permitted to resume.

- C. Service of Stop Work Orders. The Building Inspector or Fire Inspector shall cause the Stop Work order, or a copy thereof, to be served on the owner of the affected property, the permit holder, or the person responsible for the work at the job site, by both First Class and Certified mail. A copy of the Stop Work Order shall also be posted at the location of the affected property. The Building Inspector or Fire Inspector shall be permitted, but not required, to cause the Stop Work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the Stop Work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Stop Work order.

- D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Building Inspector or Fire Inspector to correct the reason for issuing the Stop Work Order.
- E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision A. of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § **101-18** of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

**§ 101-8. Certificates of occupancy, certificates of compliance, and temporary certificates of occupancy or safety inspections.**

- A. Certificates of Occupancy and Certificates of Compliance required.
  - 1. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.
  - 2. A Certificate of Occupancy or Certificate of Compliance shall be required for any work that is the subject of a building permit.
- B. Issuance of Certificates of Occupancy and Certificates of Compliance. The Building Inspector shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Building Inspector shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Building Inspector prior to the issuance of the Certificate of Occupancy

or Certificate of Compliance:

1. A written statement of structural observations and/or a final report of special inspections,
2. Flood hazard certifications,
3. A written statement of the results of tests performed to show compliance with the Energy Code, and
4. Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

C. Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

1. The Building Permit number, if any;
2. The date of issuance of the Building Permit, if any;
3. The name (if any), address and tax map number of the property;
4. If the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
5. The use and occupancy classification of the structure;
6. The type of construction of the structure;
7. The occupant load of the assembly areas in the structure, if any;
8. Any special conditions imposed in connection with the issuance of the Building Permit; and
9. The signature of the Building Inspector issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

D. Pending violations. Certificates of occupancy or certificates of compliance shall not be issued with regard to any building, structure or premises against which there are pending violations of this chapter or the Uniform Code or the Energy Code

E. Temporary Certificate of Occupancy or Safety Inspection. The Building Inspector shall be permitted to issue a Temporary Certificate of Occupancy or Safety Inspection allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Building Inspector issue a Temporary Certificate of Occupancy or Safety Inspection unless the Building Inspector determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy or Safety Inspection, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Building Inspector may include

in a Temporary Certificate of Occupancy or Safety Inspection such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy or Safety Inspection shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Building Inspector and specified in the Temporary Certificate of Occupancy or Safety Inspection. During the specified period of effectiveness of the Temporary Certificate of Occupancy or Safety Inspection, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

- F. Revocation or suspension of certificates. If the Building Inspector determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy or Safety Inspection was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.
  
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 101-19. of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy or Safety Inspection.

**§ 101-9. Notification regarding fire or explosion.** The Chief of any fire department providing firefighting services for any property within the Village of Hastings-on-Hudson shall promptly notify the Building Inspector of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

**§ 101-10. Unsafe buildings, structures, and equipment and conditions of imminent danger.** Unsafe buildings, structures, and equipment and conditions of imminent danger in the Village of Hastings-on-Hudson shall be identified and addressed in accordance with the procedures set forth in Chapter 106, Unsafe Buildings.

**§ 101-11. Operating Permits.**

- A. Operating Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
  - 1. Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

2. Buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

- a. Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;
- b. Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
- c. Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
- d. Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
- e. Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS. Any tent, temporary special event structure, or other membrane structure in receipt of a valid building permit shall be exempt from the requirements of this section;
- f. Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
- g. Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
- h. Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
- i. Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;
- j. Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
- k. Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires

- and portable outdoor fireplaces;
1. Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
  - m. Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with any relevant permitting requirements established.
3. Energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
  4. Buildings containing one or more assembly areas with an occupant load of 100 persons or more;
  5. Outdoor events where the planned attendance exceeds 1,000 persons;
  6. Facilities that store, handle or use hazardous production materials;
  7. Use of pyrotechnic devices in assembly occupancies;
  8. Parking garages as defined in § **101-14A** below;
  9. Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees; and
  10. Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Trustees.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

**B. Applications for Operating Permits.** An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Building Inspector. Such application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Building Inspector determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the applicant.

**C. Exemptions.** Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs 1 through 7 of subdivision A of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with § **101-12**, and condition assessments are performed in compliance with section § **101-14**, as applicable.

D. Inspections. The Building Inspector, Fire Inspector, or an Inspector authorized by the Building Inspector shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Building Inspector or an Inspector authorized by the Building Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Building Inspector or Inspector authorized by the Building Inspector that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

E. Multiple Activities. In any circumstance in which more than one activity listed in subdivision A of this section is to be conducted at a location, the Building Inspector may require a separate Operating Permit for each such activity, or the Building Inspector may, in their discretion, issue a single Operating Permit to apply to all such activities.

F. Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

1. One hundred eighty (180) days for tents, special event structures, and other membrane structures;
2. One (1) year for an area of public assembly not within the purview of subsection 1 above;
3. Sixty (60) days for alternative activities at a sugarhouse;
4. Three (3) years for the activities, structures, and operations determined per paragraph A.9 of this section, and
5. One (1) year for all other activities, structures, and operations identified subdivision A of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Building Inspector, payment of the applicable fee, and approval of such application by Building Inspector.

G. Revocation or suspension of Operating Permits. If the Building Inspector determines



that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

H. Fee. The fee specified in or determined in accordance with the provisions set forth in §101-19 must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

### **§ 101-12. Fire Safety and Property Maintenance Inspections**

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Building Inspector or an Inspector designated by the Building Inspector at the following intervals:

1. At least once every twelve (12) months for buildings which contain an assembly area;
2. At least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
3. At least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.

B. Remote inspections. At the discretion of the Building Inspector or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Building Inspector or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Building Inspector or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Building Inspector or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed at the discretion of the Building Inspector.

C. Inspections permitted. In addition to the inspections required by subdivision A of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Building Inspector or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

1. The request of the owner of the property to be inspected or an authorized agent of such owner;

2. Receipt by the Building Inspector of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
3. Receipt by the Building Inspector of any other information, reasonably believed by the Building Inspector to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

D. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Building Inspector may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Building Inspector or by an Inspector, provided that:

1. The Building Inspector is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
2. The Building Inspector is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
3. Such inspections are performed no less frequently than once a year;
4. A true and complete copy of the report of each such inspection is provided to the Building Inspector; and
5. Upon receipt of each such report, the Building Inspector er takes the appropriate action prescribed by **§ 101-18**.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in **§101-19** must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

**§ 101-13. Complaints.**

The Building Inspector or Fire Inspector shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, the Zoning Chapter (Chapter 295) of this Code, the Fire Prevention and

Life Safety Chapter (Chapter 143) of this Code, or any other local law or regulation adopted for administration and enforcement of those codes and chapters. The process for responding to a complaint shall include such of the following steps as the Building Inspector or Fire Inspector deems to be appropriate:

- A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B. If a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in §101-18;
- C. If appropriate, issuing a Stop Work Order;
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

**§ 101-14. Condition Assessments of Parking Garages**

A. Definitions. For the purposes of this section:

- 1. the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- 2. the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- 3. the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
  - a. buildings in which the only level used for parking or storage of motor vehicles is on grade;
  - b. an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
  - c. a townhouse unit with attached parking exclusively for such unit;
- 4. the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

5. the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
6. the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
7. the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision C of this section, periodic condition assessments as described in subdivision D of this section, and such additional condition assessments as may be required under subdivision E of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Village, in accordance with the requirements of subdivision F of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

C. Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

1. Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
2. Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six (6) months after the effective date of this local law.

D. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

E. Additional Condition Assessments.

1. If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision C of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
2. If the Village becomes aware of any new or increased deterioration which, in the judgment of the Village, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision C of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Village to be appropriate.

F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Village within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

1. An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
2. An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
3. An evaluation and description of the unsafe conditions;
4. An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
5. An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
6. An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
7. The responsible professional engineer's recommendation regarding preventative maintenance;
8. Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared

condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

9. The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

G. Review Condition Assessment Reports. The Village shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Village shall, by Order to Remedy or such other means of enforcement as the Village may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision F. All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Village to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

H. The Village shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Village with a written statement attesting to the fact that they have been so engaged, the Village shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Village shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

I. This section shall not limit or impair the right or the obligation of the Village:

1. To perform such construction inspections as are required by § **101-6**;
2. To perform such periodic fire safety and property maintenance inspections as are required by § **101-12**; and/or

3. To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Village by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

**§ 101-15. Climatic and Geographic Design Criteria**

A. The Building Inspector shall determine the climatic and geographic design criteria for buildings and structures constructed within the Village as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

1. Design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
2. Heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
3. Flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
  - a. the accompanying Flood Insurance Rate Map (FIRM);
  - b. Flood Boundary and Floodway Map (FBFM); and
  - c. related supporting data along with any revisions thereto.

B. The Building Inspector shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision A of this section, shall maintain such record within the office of the Building Inspector, and shall make such record readily available to the public.

**§ 101-16. Recordkeeping**

A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by all Building Department, including records of:

1. All applications received, reviewed and approved or denied;
2. All plans, specifications and construction documents approved;
3. All Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates or Safety Inspections, Stop Work Orders, and Operating

- Permits issued;
4. All inspections and tests performed;
  5. All statements and reports issued;
  6. All complaints received, founded and unfounded;
  7. All investigations conducted;
  8. All condition assessment reports received;
  9. All fees charged and collected;
  10. All violations of this Chapter and Chapter 295, whether reported by private citizens or by any board, agency, officer, or employee of the Village, and of the disposition of the violations; and
  11. All other features and activities specified in or contemplated by §§101-5 through 101-15, inclusive, of this Article.

B. Upon request of the Village Manager and/or Board of Trustees, the Building Inspector shall make a monthly written report to the Village Manager and the Board of Trustees which sets forth the number and type of all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates or Safety Inspections, Stop Work Orders, and Operating Permits issued and lists the status and disposition of all reported violations of this chapter.

**§ 101-17. Program Review and Reporting.**

A. The Building Inspector shall annually submit to the Village Manager a written report and summary of all business conducted by the Building Inspector, including a report and summary of all transactions and activities described in §101-16 and a report and summary of all appeals or litigation pending or concluded.

B. The Building Inspector shall annually submit to the Secretary of State, on behalf of the Village on a form prescribed by the Secretary of State, a report of the activities of the Village relative to administration and enforcement of the Uniform Code.

C. The Building Inspector shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials the Village is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

**§ 101-18. Violations.**

A. Orders to Remedy. The Building Inspector and Fire Inspector are authorized to order in writing the remedying of any condition or activity found to exist in, on or about any



building, structure, or premises in violation of the Uniform Code, the Energy Code, this local law, or any chapter of the Hastings-on-Hudson Code of which the Building Inspector or Fire Inspector are charged with enforcement. Upon finding that any such condition or activity exists, the Building Inspector or Fire Inspector shall issue a Compliance Order. An Order to Remedy shall be in writing; shall be dated and signed by the Building Inspector or Fire Inspector; shall specify the condition or activity that violates the Uniform Code, the Energy Code, the local law or any other provision of the Hastings-on-Hudson Code; shall specify the provision or provisions of the codes that is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_\_ [*specify date*], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Building Inspector may deem appropriate, during the period while such violations are being remedied. The Building Inspector shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Building Inspector shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B. Appearance Tickets. The Building Inspector, Fire Inspector and their designees are authorized to issue appearance tickets for any violation of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, or any chapter of the Hastings-on-Hudson Code of which the Building Inspector or Fire Inspector is charged with the enforcement.

C. Penalties. In addition to such other penalties as may be prescribed by State law,

1. Any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate or Safety Inspection, Stop Work Order, Operating Permit or other notice or order issued by the Building Inspector or Fire Inspector pursuant to any provision of this local law, shall be punishable by a fine up to \$5,000, or imprisonment not exceeding 15 days or both; and

2. Any Person who violates any provision of the Uniform Code, the Energy Code, this local law, any chapter of the Hastings-on-Hudson Code of which the Building Inspector or Fire Inspector is charged with the enforcement or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate or Safety Inspection, Stop Work Order, Operating Permit or other notice or order issued by the Building Inspector or Fire Inspector pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of the Village.

D. Injunctive Relief. An action or proceeding may be instituted in the name of the Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, any chapter of the Hastings-on-Hudson Code in which the Building Inspector or Fire Inspector is charged with enforcement, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate or Safety Inspection, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Building Inspector or Fire Inspector pursuant to any provision the Code. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of the Village of Hastings-on-Hudson, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Trustees in consultation with the Village Attorney.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section § 101-7, in any other section of this Article, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to,

simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 101-7, in any other section of this Article, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

**§ 101-19. Fees.**

A fee schedule shall be established by resolution of the Board of Trustees. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates or Safety Inspections, Operating Permits, fire safety and property maintenance inspections, and other actions of the Building Inspector described in or contemplated by this local law.

**§ 101-20. Intermunicipal Agreements.**

The Board of Trustees may, by resolution, authorize the Building Inspector to enter into an agreement, in the name of the Village of Hastings-on-Hudson with other governments to carry out the terms of this Article, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

**§ 101-21. Conflict of interest.**

A. In all cases where the Building Inspector is financially interested in a building being constructed or reconstructed, they shall not inspect officially or issue any permits or certificates.

B. In any such case the Board of Trustees shall appoint a substitute to perform the normal function of the Building Inspector with relation to the particular building specified.

**§ 101-22. Right of entry; inspections.**

A. All work pursuant to a Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate or Safety Inspection, Stop Work Order, Operating Permit other notice or order issued by the Building Inspector or Fire Inspector pursuant to any provision of this local law is subject to inspection. The Building Inspector, in the discharge of their duties, shall have the authority to enter any building or structure or premises at any reasonable hour in connection with any inspection required pursuant to this chapter.

B. If admission is refused or cannot be obtained from the person, in possession or occupancy, the Building Inspector shall be authorized to obtain a warrant to make an inspection, provided probable cause is shown.

C. In case of an emergency, the Building Inspector may, without a warrant, enter any premises, or parts of premises, to inspect the same, at any time, without the permission of the person in possession or occupancy.

**Section Four.** Articles II and III of Chapter 101 Building Construction, Sections 101-10.1 through 101-13 of the Code of the Village of Hastings-on-Hudson shall hereby be re-numbered as Sections 101-23 through 101-26.

**Section Five.** Severability.

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, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**Section Six.** Effective Date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.