

Local Law 7-2024

A local law repealing Chapter 162, article VI (Housing/Property Maintenance and Building Code Administration, Administration and Enforcement), chapter 95 (Buildings and Structures, Unsafe and Demolition of) and adding a new Chapter 92 (Building Construction and Fire Prevention Code- Administration and Enforcement)

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Repealer

Chapter 162, article VI (Housing/Property Maintenance and Building Code Administration, Administration and Enforcement) and Chapter 95 (Buildings and Structures, Unsafe and Demolition of) are hereby repealed in their entirety.

Section 2. Chapter 92 (Building Construction and Fire Prevention Code- Administration and Enforcement) is added to the Village of Ossining Code with new matter underlined as follows:

Section 92-1 Purpose and intent

- A. The State of New York approved regulations governing the administration and enforcement of building codes at the local level. Effective December 30, 2022, a new Part 1203 of Title 19 of the New York Code Rules and Regulations (NYCRR) entitled "Uniform Code and Energy Code: Minimum Standards for Administration and Enforcement," was adopted by the State of New York. Section 1203.2 entitled "Program for administration and enforcement" provides that "(a) Every city, village, town and county responsible for administration and enforcement of either or both of the Codes shall establish a code enforcement program to provide for such administration and enforcement by local law, ordinance, or other appropriate regulation. Such code enforcement program shall include the features and provisions described in section 1203.3 of this Part." Section 1203.3, entitled "Minimum features of a program for administration and enforcement" provides that "[a] program for administration and enforcement of either or both of the Codes shall include all features and provisions described in this section 1203.3." Section 1203.3 sets out an extensive set of minimum requirements that each municipality must incorporate into its program for administration and enforcement of the New York State Uniform Code and Energy Code.
- B. This chapter 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 Ossining. 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 sections of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this chapter.

Section 92-2 Definitions

For the purpose of this chapter, the following terms shall have the meanings shown in this section. Where terms are not defined in this chapter or under the Uniform Code or Energy Code, such terms shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

ASSEMBLY AREA

An area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for such uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

BUILDING INSPECTOR

The official designated by the Village to enforce building, zoning and other laws including this chapter.

BUILDING PERMIT

Means a building permit, construction permit, demolition permit, foundation permit or other permit issued by the Building Inspector that authorizes the performance of work. The term "Building Permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF COMPLIANCE

A document issued by the Building Inspector declaring that work was done in compliance with approved construction documents and pertinent codes.

CERTIFICATE OF OCCUPANCY

A document issued by the Building Inspector certifying that the building, structure or portion thereof, complies with approved construction documents that have been submitted to and approved by the Building Inspector and that the building, structure or portion thereof is in a condition suitable for occupancy.

CODE ENFORCEMENT OFFICER

Responsible for administering and enforcing provisions of the Uniform Code, the Energy Code and, where applicable, the village code.

CODE ENFORCEMENT PERSONNEL

The Building Inspector, Assistant Building Inspector and Code Enforcement Officers.

CODES

Uniform Code and Energy Code.

DRIVEWAY

A means of access for vehicles to or from a property to a roadway.

DWELLING UNIT

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwelling units include, but are not limited to, one-family dwellings, each unit in a two-family dwelling, each unit in a multiple single-family dwelling (townhouse), bed and breakfast dwellings, and lodging houses.

ENERGY CODE

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

FIRE CODE NEW YORK STATE (FCNYS)

The 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225 and as hereinafter amended from time to time.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION

Inspection performed to determine compliance with 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.

HAZARDOUS PRODUCTION MATERIALS

Solid, liquid or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

INSPECTOR

See, Code Enforcement Officer.

MOBILE FOOD PREPARATION VEHICLES

Vehicles containing cooking equipment producing smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

MULTIPLE DWELLING

A building with three or more dwelling units.

NOTICE OF VIOLATION OR VIOLATION NOTICE

A written order to remedy 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, or other applicable chapters

of the village code. The term “notice of violation” is interchangeable with “compliance order” and “order to remedy.”

OPERATING PERMIT

A permit issued pursuant to section 92-12 of this chapter. The term “Operating Permit” also shall include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this chapter.

ORDER TO REMEDY

An order issued by Code Enforcement Personnel pursuant to section 92-19(a) of this chapter.

OWNER

Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian or any estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. The owner has sufficient proprietary interest to seek development of land.

PERMIT HOLDER

The person to whom a Building Permit has been issued.

PERSON

An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association or any other legal or commercial entity of any kind or description.

PREMISES

A lot, plot or parcel of land, easement or public way including the buildings or structures thereon.

PROPERTY MAINTENANCE CODE NEW YORK STATE (PMCNYS)

The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226, and as hereinafter amended from time to time.

RESIDENTIAL CODE NEW YORK STATE (RCNYS)

The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220, and as hereinafter amended from time to time.

REPAIR

The reconstruction, replacement, or renewal of any part of an existing building for the purpose of maintenance or to correct damage.

STRUCTURE

Anything constructed or erected above ground level that requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, trash can, bench, picnic table, or public utility pole or line. Swimming pools are structures whether above- or in-ground. For this chapter, a driveway shall be considered a structure. This term shall include, but not be limited to buildings, walls, fences, sheds, awnings, signs, billboards, lighting fixtures, screen enclosures, works of art, electronic transmission or reception devices or other electronic devices related to a building function.

STOP WORK ORDER

An order issued pursuant to section 92-8 of this chapter.

SUGARHOUSE

A building used in whole or in part for the collection, storage or processing of maple sap into maple syrup and/pr maple sugar.

TEMPORARY CERTIFICATE OF OCCUPANCY

A certificate issued pursuant to section 92-9(d) of this chapter.

UNIFORM CODE

The New York State Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law and as hereinafter amended from time to time.

VILLAGE

The Village of Ossining.

Section 92-3 Code Enforcement Personnel

- A. Code Enforcement Personnel shall administer and enforce all the provisions of the Uniform Code, the Energy Code and, where applicable, the village code. Code Enforcement Personnel shall have the following powers and duties:
1. The Building Inspector shall receive, review and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, Operating Permits and the plans, specifications and construction documents submitted with such applications;
 2. Upon approval of such applications, the Building Inspector shall issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy and Operating Permits and include such terms and conditions as the Building Inspector determines to be appropriate;
 3. The Building Inspector and Assistant Building Inspector shall conduct construction inspections, inspections to be performed before the issuance of Certificates of Occupancy and Temporary Certificates of Occupancy. Code Enforcement Personnel shall conduct

inspections for Operating Permits, Fire Safety and Property Maintenance, inspections incidental to the investigation of complaints, and other inspections required or permitted under this chapter or elsewhere in the village code;

4. Issue Stop Work Orders;
 5. Review and investigate complaints;
 6. Issue orders and appearance tickets pursuant to section 92-19 (Violations and enforcement);
 7. Maintain records through the village's Building Department;
 8. Collect fees as set by the Board of Trustees in the annual fee schedule;
 9. Pursue administrative enforcement actions and proceedings;
 10. Consult with the Corporation Counsel to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and
 11. Exercise all other powers and fulfill all other duties conferred upon Code Enforcement Personnel by the Uniform Code, the Energy Code, this chapter, as well as other chapters of the village code.
- B. 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, and advanced in-service training as the State of New York shall require for a Building Inspector and shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- C. 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 chapter.
- D. Assistant Building Inspectors and Code Enforcement Officers shall be appointed by the Village Manager to act under the supervision 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 chapter. Assistant Building Inspectors and Code Enforcement Officers 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 shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- E. Conflicts of Interest. Code Enforcement Personnel shall not engage in any activity inconsistent with their duties or with the interests of the village, nor shall they, during the term of their employment, be engaged, directly or indirectly, in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the village, except only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by them and not constructed for sale. Code Enforcement Personnel also shall be subject to the provisions of chapter 17 of the village code.

Section 92-4 Building Permits

- A. Building permits required. Except as otherwise provided in Subsection B, 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, demolition, maintenance or allowing, commencing or continuing to maintain 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. A Building Permit shall be required for the installation, expansion and/or replacement of driveways or parking areas. If the installation, expansion, and/or replacement of a driveway or parking area is part of an approved site plan, a separate application for a Building Permit will not be required. No person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Building Department.
- B. Exemptions. No Building Permit shall be required for work in any of the following categories:
1. 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 tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet;
 2. Construction of temporary motion picture, television and theater stage sets and scenery;
 3. Installation of window awnings supported by an exterior wall of a one-or two-family dwelling or multiple single-family dwellings (townhouses) when the awning measures less than four feet by four feet and the proposed awning is not supported by posts;
 4. Installation of partitions or moveable cases less than five feet nine inches 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;
 7. Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
 8. 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;
 9. Installation of swings and other playground equipment associated with a one-or two-family dwelling or multiple single-family dwellings;
 10. Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses), where such pools are designed for a water depth of less than twenty-four inches and are installed entirely above ground;
 11. Resealing of a driveway;
 12. Repairs, provided that such repairs do not involve:
 - (a) The removal or cutting away of a load bearing wall, partition, or portion thereof, or any structural beam or load bearing component;
 - (b) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (c) The enlargement, alteration, replacement or relocation of any building system; or

- (d) The removal from service of all or part of a fire protection system for any period of time.
- C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a Building Permit for work in any category set forth in Subsection B shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- D. Application for Building Permits. Applications for a Building Permit shall be submitted electronically on a form provided by or otherwise acceptable to the Village of Ossining Building Department. 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 as 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.
1. The application shall include or be accompanied by the following information and documentation:
- (a) A description of the location, nature, extent and scope of the proposed work;
 - (b) The Tax Map number and street address of the premises where the work is to be performed;
 - (c) The occupancy classification of any affected building or structure;
 - (d) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;
 - (e) At least two sets of construction documents (drawings and/or specifications) which: i) describe the location, nature, extent and scope of the proposed work; ii) show that the proposed work will conform to the applicable provisions of the codes; iii) show the location, construction, size and character of all portions of the means of egress; iv) show a representation of the building's thermal envelope; v) 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; vi) show the proposed structural, electrical, plumbing, mechanical, fire protection, and other service systems of the building; vii) include a written statement indicating compliance with the Energy Code; viii) 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, design flood elevations, and the location of any existing or proposed well or septic system; ix) show the location, type and size of all trees, indicating those trees to remain, those to be removed and those to be planted; and x) 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 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;
- (f) Proof that taxes, water bills, sewer rents, fines payable to the Justice Court and all other fees or fines due and payable to the Village for the property subject to the application are paid in full; and
 - (g) Other documents, reports, plans and/or specifications as required by the Building Inspector.
 - (h) Notwithstanding the above, property surveys representing existing conditions shall not be required for interior alterations or renovations that do not alter or change the footprint or the exterior shell of the building or structure, including but not limited to exterior walls and the roof, for which the building permit is sought.
2. Except where an application for a Building Permit is submitted to cure existing violations, no application for a Building Permit shall be accepted, processed or reviewed where there are existing violations of any provision of the Uniform Code (including, but not limited to the Property Maintenance Code New York State and the Residential Code New York State), the Energy Code or this chapter for the property that is the subject of the application.
- E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless the documents satisfy the requirements in Subsection D(1)(e). 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, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Building Department 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 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. The Building Inspector may request additional sets of construction documents.
- F. Issuance of Building Permits. 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, the Energy Code, the village code as well as any conditions imposed by the Board of Trustees, Planning Board/Board of Architectural Review, Zoning Board of Appeals and Historic Preservation Commission. The Building Inspector shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and the village code as well as any conditions imposed by the aforementioned land use boards.
- G. The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. The Building Inspector shall approve or disapprove the application within a reasonable time and, where necessary, provide the applicant with a referral letter. Upon approval of the application and upon receipt of the required fees, the Building Inspector shall issue a Building Permit to the applicant upon the

form prescribed by the Building Inspector and affix his/her signature thereto. Upon approval of the application, both sets of the plans and specifications shall be endorsed with the word "approved." One set of the approved plans and specifications shall be retained in the files of the Building Department, and the other set shall be kept at the building site open to inspection by Code Enforcement Personnel at all reasonable times. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable building regulations, the Building Inspector shall disapprove the application and return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

- H. 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.
- I. 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 Department 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.
- J. Time Limits. Building Permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building Permits shall expire twelve months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subsection may be renewed upon written application of the permit holder, provided that:
 - 1. The permit has not been revoked or suspended at the time the application for renewal is made;
 - 2. The applicable fee has been paid;
 - 3. All relevant information in the application has been provided and is current; and
 - 4. The application is approved by the Building Inspector.
- K. Revocation or suspension of Building Permits. The Building Inspector may revoke or suspend a building permit previously issued in the following instances:
 - 1. Where the Building Inspector finds that any false statements or misrepresentations as to material facts were made in the application, plans or specifications upon which the building permit was based.
 - 2. Where the Building Inspector finds that the building permit was issued in error because of incorrect, inaccurate, or incomplete information, or the work for which the building permit was issued violates the Uniform Code, the Energy Code or the village code and the permit should not have been issued.
 - 3. Where the Building Inspector finds that the work performed under the Building Permit is not being completed in accordance with the provisions of the application, plans, specifications and the conditions, if any, imposed by the Board of Trustees, Planning Board/Board of Architectural Review, Zoning Board of Appeals and/or Historic Preservation Commission.

4. Where the person to whom a building permit has been issued fails or refuses to comply with a stop work order issued by Code Enforcement Personnel.
 5. Where violations are observed on the same parcel that is the subject of the building permit and such violations remain uncorrected after thirty days, regardless of whether such violations are related to the purposes for which the building permit was issued.
 6. 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 the applicable provisions of the Uniform Code, the Energy Code and the village code and 2) all work then proposed to be performed shall be in compliance with the applicable provisions of the Uniform Code, the Energy Code and the village code.
- L. Fee. The fee specified in the village's annual fee schedule 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.
- M. Inspection by Code Enforcement Personnel. Upon showing of proper credentials, Code Enforcement Personnel may enter any building, structure, or premises at any reasonable hour for the purpose of enforcing this chapter. If the property owner, property manager, tenant or other person in charge of the building or area to be entered refuses entry to Code Enforcement Personnel or otherwise impedes, restricts, interferes or obstructs Code Enforcement Personnel from inspecting the building, structure or premises, the Corporation Counsel may seek an order that the owner or other person in charge cease and desist with such interference and allow the inspection to proceed or to obtain a warrant authorizing Code Enforcement Personnel to enter the building, structure or premises pursuant to section 92-14.
- N. Foundation permit. A foundation permit shall authorize the applicant to clear the project area and install sewers, drainage, utilities, the base course of roads and scheduled foundations in accordance with the plans and specifications filed with the Building Department and Department of Public Works. No other work, construction, etc., can be permitted, authorized or accomplished under a foundation permit.
1. Each application for a combination of a separate foundation permit and building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structures on adjoining properties, widths and grades of adjoining streets, walks, alleys and, where required by Code Enforcement Personnel, details of structural, electrical and mechanical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings.
 2. Where such application is for construction not previously reviewed under section 270-52 (Site Plan Review) or sections 233-5 and 233-10 (Subdivision of land), then such application also shall be accompanied by an erosion control plan in accordance with chapter 227 (Stormwater Management and Erosion and Sediment Control), as applicable. Code Enforcement Personnel shall refer the erosion control plan to the Department of Public Works and the village's Planning Department as necessary.

3. The foundation permit may be converted into a full building permit upon compliance with the foregoing and upon certification by the Building Inspector of compliance with the terms and conditions of the foundation permit and upon certification by the Village Engineer that sewers, drainage and the base course of streets, if required, for the proposed project have been completely and correctly installed.

Section 92-5 Accompanying documents for initial installation, expansion and/or replacement of driveways or parking areas.

- A. Any person seeking a Building Permit required for the installation, expansion and/or replacement of driveways or parking areas shall apply to the Building Department upon the form provided for that purpose.
- B. In addition to the application to the Building Department, the Building Inspector may require additional information including a description of the nature and extent of the proposed work together with sketches, a zoning chart and measurements of the proposed installation, expansion and/or replacement of the driveway or parking area.
- C. All expansions of driveways and parking areas that exceed any impervious surface coverage amounts set forth in Appendix B Bulk Requirements of Chapter 270 shall provide on-site stormwater management of the additional impervious coverage created as a result of the expansion.

Section 92-6 Utilization of third-party design professional.

- A. Except as noted in Subsection B, the Building Inspector may refer for review any application for a Building Permit, including plans, specifications and other documents to a third-party New York State licensed registered architect or professional engineer (“third-party design professional”) to determine compliance with the Uniform Code, the Energy Code and other applicable rules and regulations. The third-party design professional’s recommendations shall be considered by the Building Inspector, however, the decision to approve or deny the Building Permit application shall be made by the Building Inspector.
- B. Absent unusual circumstances, which the Building Inspector shall document in writing, no Building Permit application for proposed single-family or two-family detached structures that are not part of a proposed subdivision, including additions, alterations or structures accessory thereto, shall be referred to a third-party design professional.
- C. Should the Building Inspector determine that review of a Building Permit application by a third-party design professional is appropriate, the Building Inspector shall notify the applicant in writing along with the cost for the review. The cost for the review shall be paid by the owner to the Village of Ossining for transmittal to the third-party design professional. When it has been determined that a review by a third-party design professional is warranted, a building permit application will not be further processed until payment for the cost of the review is received.

Section 92-7 Construction inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector. The permit holder shall notify the Building

Department when any element of the 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 including underground and rough-in;
 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 factory manufactured buildings and manufactured homes; and
 11. A final inspection after all work authorized by the Building Permit has been completed.
- C. Remote inspections. At the discretion of the Building Inspector, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of 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 that the elements of the construction process conform with the applicable requirements of the Uniform Code and the Energy Code. Should a remote inspection not afford the Building 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, the Energy Code or the village 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, the Energy Code or the village code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code and the village code, reinspected, and found satisfactory as completed.
- E. Independent testing. Whenever necessary or appropriate to assure compliance with the Uniform Code, the Energy Code or this chapter, the Building Inspector may require the performance of tests in the field by experienced professionals or accredited testing laboratories or service bureaus or agencies. The applicant is responsible for the fees pursuant to section 92-6.
- F. Fee. The fee specified in the village's annual fee schedule must be paid prior to or at the time of each inspection performed pursuant to this section.

Section 92-8 Stop Work Orders

- A. Authority to issue. Code Enforcement Personnel are authorized to issue Stop Work Orders pursuant to this section. Code Enforcement Personnel shall issue a Stop Work Order to halt:
1. Any work that is determined by Code Enforcement Personnel to be contrary to any applicable provisions of the Uniform Code, the Energy Code or the village 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.
 2. Any work that is being conducted in a dangerous or unsafe manner in the opinion of Code Enforcement Personnel, 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;
 3. Any work for which a Building Permit is required which work is being performed without the required Building Permit, or under a Building Permit which has become invalid, has expired, or has been suspended or revoked.
- B. Contents of Stop Work Orders. Stop Work Orders shall:
1. Be in writing;
 2. Be dated and signed by Code Enforcement Personnel;
 3. State the reason or reasons for issuance; and
 4. If applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of Stop Work Orders. Code Enforcement Personnel shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder as well as the owner or owner's designated agent) personally or by registered or certified mail. Code Enforcement Personnel 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 Code Enforcement Personnel to correct the problem for which the Stop Work Order was issued.
- E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in Subsection 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 section 92-19 (Violations and Enforcement), of this chapter or under any applicable state or local 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 the Stop Work Order.

Section 92-9 Certificates of occupancy and certificates of compliance.

- A. Certificates of occupancy and certificates of compliance required. 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. No building or structure in the Village which is subject to the Uniform Code, the Energy Code or the village code shall be used or occupied until a Certificate of Occupancy has been issued by the Building Inspector except as provided in Subsection F of this section. No building hereinafter enlarged, extended or altered or upon which work has been performed requiring the issuance of a Building Permit, shall continue to be occupied or used for more than thirty days after the completion of the alteration or work unless a Certificate of Occupancy for the same shall have been issued by the Building Inspector.
- 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, the Energy Code and the village 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 applicable provisions of the Uniform Code, the Energy Code and the village 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 affixing 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;

9. If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required; and
 10. The signature of the Building Inspector issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.
- D. Temporary Certificate of Occupancy. The Building Inspector shall be permitted to issue a temporary Certificate of Occupancy 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 unless the Building Inspector determines: 1) that the building or structure, or portion thereof covered by the temporary Certificate of Occupancy, 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 such terms and conditions as deemed 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 shall be effective for a period of time not to exceed six months, which length of time shall be determined by the Building Inspector and specified in the temporary Certificate of Occupancy. During the specified period of effectiveness of the temporary Certificate of Occupancy, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, the Energy Code and the village code. The Building Inspector shall determine the amount of an escrow to be paid by the permit holder to ensure completion of the work.
- E. Revocation or suspension of certificates. If the Building Inspector determines that a Certificate of Occupancy, Certificate of Compliance or temporary Certificate of Occupancy was issued in error because of incorrect, inaccurate or incomplete 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 certificate shall be revoked or suspended.
- F. Certificate based on engineer/architect certification. The Building Inspector is authorized to issue a certificate in regard to any building or structure upon receiving from a state-licensed professional engineer or registered architect as-built plans with a sworn affidavit which, to the satisfaction of the Building Inspector, certifies that the structure complies with all requirements of the Uniform Code, the Energy Code and the village code existing at the time the building or structure was erected, notwithstanding that the building or structure may not have the requisite building permits. Said certificate shall recite that the certificate is issued upon the certification of the licensed professional engineer or registered architect and that the building or structure complies with all requirements of the Uniform Code, the Energy Code and the village code at the time the building or structure was erected and that the issuance of the certificate is solely on the basis of such certification and not on the basis of any other inspection or investigation.

- G. Fee. The fee specified in the village's annual fee schedule must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance or temporary Certificate of Occupancy.
- H. Except where the issuance of a Certificate of Occupancy will result in curing of existing violations, a Certificate of Occupancy will not be issued where the building, structure or portion thereof for which such certificate is sought, is the subject of a pending violation.
- I. No Certificate of Occupancy, Certificate of Compliance or temporary Certificate of Occupancy shall be issued without proof that taxes, water and sewer charges, fines payable to the Town Justice Court and all other fees due and payable to the village for the building or structure subject to the application are paid in full.

Section 92-10 Notification regarding fire or explosion

The Chief Engineer, Assistant Engineers or Deputy Chiefs of the Ossining Fire Department shall promptly notify Code Enforcement Personnel of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

Section 92-11 Unsafe buildings, structures, and equipment and conditions of imminent danger.

Unsafe buildings, structures, and equipment and conditions of imminent danger in the village shall be identified and addressed in accordance with the following procedures:

- A. All buildings or structures, which are structurally unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purpose of this section, unsafe buildings or structures. All such unsafe buildings or structures are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition, and equipment and conditions of imminent danger in this village shall be identified and addressed in accordance with the procedure of this section and the PMCNYS.
- B. Unsafe buildings. All buildings or structures which have any or all of the following defects shall be deemed unsafe buildings:
 - 1. Those whose interior walls or other vertical structure members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
 - 2. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
 - 3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purported use.

4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Ossining.
 5. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to cause injury to the health, morals, safety or general welfare of those living therein.
 6. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live there.
 7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
 8. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
 9. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the village.
 10. Those which are open at the doorways, windows, walls or roof, making it accessible to and an object of attraction to minors under 18 years of age, as well as wild animals, vagrants, squatters and other trespassers.
 11. Those which have or may become a place of rodent, animal or vermin infestation.
 12. Those which consist of debris, rubble or parts of buildings or structures left on the property after demolition, reconstruction, fire or other casualty.
 13. Those buildings or structures existing in violation of any provision of the Uniform Code, the Energy Code or the village code.
- C. Standards for repair, vacation or demolition. The following standards shall be followed in substance by Code Enforcement Personnel in ordering repair, vacating of the building or structure or demolition:
1. If the unsafe building or structure can reasonably be repaired so that it will no longer exist in violation of the term of the Uniform Code, the Energy Code or this chapter, it shall be ordered repaired.
 2. If the unsafe building or structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered vacated.
 3. In any case where an unsafe building or structure is damaged, decayed or deteriorated to such an extent that it cannot be repaired so that it will no longer exist in violation of the terms of the Uniform Code, the Energy Code or this chapter, it shall be demolished. In all cases where an unsafe building is a fire hazard existing or erected in violation of the terms of the Uniform Code, the Energy Code or this chapter, it shall be demolished.
- D. Unsafe buildings as nuisances. All unsafe buildings and structures within the terms of this chapter are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.
- E. Duties of Village of Ossining Code Enforcement Personnel
1. It shall be the duty of the Building Inspector, Assistant Building Inspector and, where applicable, Code Enforcement Officers to cause to be inspected at any time any building or structure for the purpose of determining whether any condition exists which renders such place an unsafe building or structure as defined in Subsection A of this section. Code

- Enforcement Personnel shall inspect any building, structure or retaining wall if reported as unsafe by the Ossining Police Department or Ossining Fire Department.
2. Code Enforcement Personnel shall notify the building's or structure's owner, owner's executors or administrators, legal representatives, trustee in bankruptcy, mortgagees, agents, management company, lessees, designated agent and any other person having a vested or contingent interest in the building or structure by personal service or by registered mail or certified mail addressed to the last known address as shown in the record of the Village of Ossining Treasurer, Town of Ossining Assessor or Westchester County Clerk, Division of Land Records. The notice shall contain: i) the address of the premises; ii) statement of particulars in which the building or structure is unsafe; iii) an order requiring that the building or structure be made safe and secure or be demolished; iv) any work to be undertaken including demolition shall commence within ten calendar days of the service of the notice; and v) the work shall be completed within thirty calendar days of service of the notice. The Building Inspector may extend the time for compliance where there is evidence of intent to comply and conditions exist which prevent timely completion. Granting of an extension of time may be subject to reasonable conditions imposed by the Building Inspector.
 3. Where service of the notice is made by registered mail or certified mail, a copy of the notice shall be conspicuously posted on the building or structure.
- F. Failure to comply with notice and order. Where the notice and order referenced in Subsection E(2) of this section is not complied with, the Building Inspector shall request that the Board of Trustees adopt a resolution causing a survey to be made of the premises. In the resolution the Board of Trustees shall designate two persons, one an official of the village and one a practical builder, an engineer authorized under Article 145 of the Education Law to practice the profession of engineering, or an architect authorized under Article 147 of the Education Law to practice the profession of architecture to perform the survey. The person served with the notice and order shall be advised of the Board of Trustees' designation and shall be afforded an opportunity to designate as the third surveyor one individual who is a practical builder, an engineer authorized under Article 145 of the Education Law to practice the profession of engineering, or an architect authorized under Article 147 of the Education Law to practice the profession of architecture. Such designation shall be made in writing directed to the Corporation Counsel no later than five days after notification of the Board of Trustees' action. Notice of the Board of Trustees' action also shall advise the person(s) notified that in the event a third surveyor is not appointed, then the two surveyors designated by the Board of Trustees shall perform the survey and issue a written report. If the surveyors conclude that the building or structure is unsafe or dangerous, an application shall be made by the Corporation Counsel in the name of the village to the Supreme Court in Westchester County for an order determining that the building or structure is unsafe and that the building be repaired and secured or demolished.
- G. Filing report. Surveyors shall furnish their report to the Building Inspector no later than thirty days after the owner or owner's representative designates a third surveyor or from the date the owner's time to designate a surveyor expires, whichever is earlier. The surveyors may request of the Building Inspector an extension of time to submit the report which request may be granted upon a showing of good cause. Upon receipt of the surveyors' report, the Building

Inspector or designee shall file the report with the Village Clerk; post a signed copy of the survey report in a conspicuous location at the building or structure and mail the report to the address as provided in Subsection E(2).

- H. Responsibility of Village Clerk upon filing of survey report. The Village Clerk upon receipt of the surveyors' report shall promptly forward a copy of the report to the Corporation Counsel.
- I. Responsibility of the Corporation Counsel upon receipt of the surveyors' report. The Corporation Counsel upon receiving the surveyors' report concluding that the building or structure is unsafe shall, upon authorization by the Board of Trustees commence an action against the owner and the entities identified in Subsection E(2) no less than five days nor more than thirty days after the report is filed with the Village Clerk. The action shall be commenced in Supreme Court, Westchester County for an order determining that the building or structure is a public nuisance and that the building or structure be secured and repaired or demolished.
- J. Compensation of surveyors. The two surveyors designated by the Board of Trustees shall be compensated by the village at a reasonable sum to be agreed upon. The size of the building or structure and the skills of the surveyors shall be considered in determining compensation.
- K. Assessment of costs. If after the court issues an order that the building or structure is unsafe and directs the owner to secure and repair or demolish the building or structure and the owner fails to comply with the court's order, the Board of Trustees may by resolution direct that the building or structure be secured, repaired or demolished by the village in accord with the village's Procurement Policy.
 - 1. All expenses incurred by the village in connection with the proceedings to repair and secure or demolish the unsafe building or structure, including the cost of actually securing, repairing and demolishing the unsafe building or structure and all reasonable and necessary legal and consultant expenses incidental thereto, shall, at the option of the Board of Trustees either: a) be assessed against the real property to be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties, as is provided by law for the collection and enforcement of real property taxes in the village or b) maintain a legal action to recover the expenses.
 - 2. In the event that the village takes any action provided in this section which results in the incurring of any expenses, and the Board of Trustees decides to assess such expenses against the land on which the building or structure is located, the Board of Trustees shall conduct a public hearing as to the amount of such expenses.
 - 3. Prior to the hearing, the village shall cause to be served on the property owner a notice which shall contain the following:
 - a. The name of the owner against whose property an assessment of expenses is being sought;
 - b. A brief description of the premises and its location;
 - c. That the Supreme Court previously issued an order directing the owner to complete certain work;
 - d. That the work was not completed;
 - e. That the village took action to make the building or structure safe and secure or removed and demolished;
 - f. The expenses incurred by the village;

- g. That the village seeks to assess the expenses against the land on which the building or structure is located;
 - h. The date, time and place of the public hearing at which time the property owner or representative shall be afforded the opportunity to contest the amount of expenses to be assessed; and
 - i. That should the owner or owner's representative fail to appear or fail to successfully contest the expenses, the Board of Trustees shall notify the Village Treasurer and the assessment shall be included in the levy against the property.
4. Service of the notice shall be made by regular mail and by certified mail, return receipt requested.
- L. Disregarding notices. Upon notification to the Board of Trustees, the Corporation Counsel is authorized to institute contempt proceedings should the owner or agent having control of any building or structure fail to obey any order or mandate by any judge having jurisdiction.
- M. Penalties for offenses. Any person convicted of violating the provisions of this section shall be subject to the penalties enumerated in section 92-25B.
- N. Vacating of premises; immediate danger. Should Code Enforcement Personnel find that there is an actual and immediate danger of failure or collapse of the building or structure so as to endanger life, or where there is imminent danger to human life or health, notice pursuant to Subsection E(2) shall be provided that the building or structure or portion thereof be vacated forthwith and shall not be occupied until specified repairs and improvements are completed, inspected and approved by Code Enforcement Personnel. At each entry to the building or structure, the following notice shall be posted in English and Spanish: "This building or structure is unsafe and its use and occupancy is prohibited by the Village of Ossining." The notice shall be signed by Code Enforcement Personnel. The notice shall remain posted until the required repairs are made and inspected or the building or structure is demolished. It shall be unlawful for any person, firm, corporation, including agents, servants and employees from removing the notice and/or entering the building or structure without written permission from Code Enforcement Personnel, except if such entry is to make require repairs or demolish the building or structure.

Section 92-12 Operating permits.

- A. Operating permits shall be required for conducting the activities or using the categories of buildings listed below. Any person who proposes to undertake any activity or to operate any type of building listed in this subsection shall be required to obtain an operating permit prior to commencing any activity or operation.
 - 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 this 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 using 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 and 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.
 - f) Chapter 31, "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 sparking devices as defined by Penal Law section 270.00;
 - k) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - l) 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 the permitting requirements established by provisions of the New York State and Westchester County Sanitary Codes and a permit obtained from the Westchester County Department of Health for the operation of a Mobile Food Preparation Vehicle.
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 areas of public assembly 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. Parking garages as defined in section 92-20A of this chapter;
 8. Buildings whose use or occupancy classification may pose a substantial potential hazard to the public safety as determined by resolution adopted by the Board of Trustees of the Village of Ossining; and
 9. Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Trustees of the Village of Ossining.

Any person who proposes to undertake any activity or to operate any type of building listed in Subdivision A(2) of this section 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 the Village of Ossining Building Department. The application shall include such information as Code Enforcement Personnel deem sufficient to permit a determination that quantities, materials and activities conform to the requirements of the Uniform Code. Should Code Enforcement Personnel determine that tests or reports are necessary to verify conformance, such tests or reports shall be performed and provided by such person or persons as may be designated or otherwise acceptable to Code Enforcement Personnel, at the expense of the applicant pursuant to section 92-6.
- C. Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in 92-12A (1-7) of this chapter, 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 section 92-13 (Fire safety and property maintenance inspections) of this chapter, and condition assessments are performed in compliance with section 92-20 (Condition assessments of parking garages) of this chapter, as applicable.
- D. Inspections. The Building Inspector, Assistant Building Inspector or authorized Code Enforcement Personnel shall inspect the 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 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 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 fails 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 Subsection 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 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 days for tents, special event structures and other membrane structures;
 - 2. Sixty days for alternative activities at a sugarhouse;
 - 3. Three years for the activities, structures and operations determined per Subsection A (9) of this section; and
 - 4. One year for all other activities, structures and operations identified in Subsection A(1-8) of this section.

- G. 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 Department, payment of the applicable fee and approval of the application by the Building Inspector, Assistant Building Inspector or authorized Code Enforcement Personnel.
- H. 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 provisions of the Uniform Code, such operating permit shall be revoked or suspended.
- I. Fee. The fee specified in the village's annual fee schedule must be paid at the time of submission of an application for an operating permit, for an amended operating permit or for the reissue or renewal of an operating permit.

Section 92-13 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, Assistant Building Inspector or authorized Code Enforcement Officer at the following intervals:
 - 1. At least once every twelve months for buildings which contain areas of public assembly;
 - 2. At least once every twelve months for buildings that are public and private schools and colleges, including any such 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 months for multiple dwellings and non-residential occupancies.
- B. Remote inspections. At the discretion of the Building Inspector a remote inspection may be performed in lieu of in-person inspection when, in the opinion of 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 Code Enforcement Personnel 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, Assistant Building Inspector or authorized Code Enforcement Officer sufficient information to make a determination, an in-person inspection shall be performed.
- C. Inspections permitted. In addition to the inspections required by Subsection A of this section, a fire safety and property maintenance inspection of any building, structure, use or occupancy, or of any dwelling unit, also may be performed by the Building Inspector, Assistant Building Inspector or authorized Code Enforcement Officer 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, Assistant Building Inspector or authorized Code Enforcement Officer of a written statement alleging that conditions exist of noncompliance with the Uniform Code, the Energy Code or the village code; or
 - 3. Receipt by the Building Inspector, Assistant Building Inspector or authorized Code Enforcement Officer of any other information, reasonably believed to be reliable, giving

rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code, the Energy Code or the village code exist.

- D. OFPC Inspections. Nothing in this section or in any other provision of this chapter 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 under Executive Law section 156-e and Education Law section 807-b.
- E. Notwithstanding any other provision of this section to the contrary, the Building Inspector may accept an inspection performed by the OFPC 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, Assistant Building Inspector or authorized Code Enforcement Officer provided that:
1. The Building Inspector is satisfied that the individual performing such inspection satisfies the requirement set forth in 19 NYCRR 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 takes the appropriate action prescribed by section 92-24 (Violations and enforcement) of this chapter.
- F. Fee. The fee specified in the village's annual fee schedule must be paid prior to or at the time of each inspection performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

Section 92-14 Search warrants.

Nothing in this chapter shall be construed to require an owner to consent to an inspection of a building or structure in order to determine compliance with applicable Code provisions. However, nor shall this chapter be construed as relieving the obligation of an owner to apply for and secure where applicable a building permit, certificate of occupancy, certificate of compliance, temporary certificate of occupancy, or operating permit for the premises. When applying for such permits or certificates requiring inspections, an owner shall have the right to decline to consent to the inspection. In such instance, the Village may, without further notice to the applicant, apply for a search warrant to conduct the inspection. However, if the premises are occupied, notice to the occupant or other person with apparent right of possession in accordance with the procedure outlined in this chapter shall be required.

Section 92-15 Notice of intent to conduct inspection.

- A. Before an application may be made for a search warrant Code Enforcement Personnel, or where applicable, designated surveyors pursuant to section 92-11(F) and (G) must give prior notice of his or her intent to conduct an inspection to the occupant or other person with apparent right of possession. No notice is required to an applicant who has declined to consent to an inspection. No further notice is required before additional warrants are sought to inspect a premises, including warrants to reinspect a premises if cited violations have been corrected, or additional warrants are necessitated by the expiration of a warrant before an inspection could be completed.

- B. The notice of intent to conduct an inspection shall contain the following:
- (1) The date and time at which the designated Code Enforcement personnel will be present to conduct the inspection;
 - (2) Instructions on how to reschedule the inspection to another date and time by contacting the Building Department before the stated date of inspection;
 - (3) Notice that if the inspection is not allowed to be conducted, the Village reserves its right to make an application to a court of competent jurisdiction for a search warrant to so inspect; and
 - (4) Notice that a tenant may be protected against retaliation by the lessor for making a good faith complaint of code violations pursuant to § 223-b of the New York State Real Property Law.
- C. The notice of intent to conduct an inspection must be sent either by first class mail or personally delivered to the occupant or person with apparent right of possession. The notice shall be addressed to the occupant(s) of record if the names are provided to the Village by the owner in writing, otherwise notice shall be sufficient if addressed to the occupant of a particular unit.

Section 92-16 Inspection search warrant application.

- A. Code Enforcement Personnel may make an application for a search warrant after notice of intent to conduct an inspection has been given or if the person notified does not allow, fails to schedule or unduly delays or hinders the inspection.
- B. The application for a warrant shall be in writing and contain the following information:
- (1) The name of the court to which it is addressed;
 - (2) The name(s) of the Code Enforcement Personnel applying for the warrant;
 - (3) The date of the making of the application;
 - (4) Indicate that an inspection is required under this chapter along with the specific permit or certificate requested;
 - (5) Describe the limited nature and purpose of the inspection and the manner in which the inspection is to be conducted;
 - (6) Identify the premises to be entered and inspected in sufficient detail and particularity so that Code Enforcement Personnel, and where applicable, surveyors designated pursuant to section 92-11(F) and (G) executing the warrant may readily ascertain the premises;
 - (7) For cases where prior notice of intent to conduct an inspection is required, the application should contain specific information showing how and when the notice was given and how the inspection has not been allowed, has not been scheduled or has been unduly delayed or hindered by the person notified;
 - (8) Request that the court issue a warrant directing an inspection of the subject premises for civil enforcement purposes only which may include the photographing or recording of the physical conditions found on the property, subject to such limitations and restrictions as may be provided by the court; and
 - (9) The application shall be subscribed and sworn to by the applicant before a Commissioner of Deeds or a notary public.

92-17 Execution of inspection search warrant.

- A. In executing the inspection search warrant, Code Enforcement Personnel authorized by the court to execute the warrant and, where applicable designated surveyors pursuant to section 92-11(F) and (G) shall, before entry, make a reasonable effort to present his/her credentials, authority and purpose to an occupant or person in possession of the premises designated in the warrant and deliver a copy of the warrant to such person.
- B. When authorized in the warrant, a police officer may provide protection to the Code Enforcement Personnel and designated surveyors during the execution of the warrant. Absent such authorization, a police officer shall not accompany the Code Enforcement Personnel and designated surveyors during the inspection of the interior portions of a building not open to the public.
- C. A warrant shall be executed within the time specified in the warrant.

Section 92-18 Unlawful actions.

It shall be unlawful for any person to willfully deny or unduly delay entry or access to designated Code Enforcement Personnel and surveyors with a search warrant authorizing inspection of said premises, to willfully deny or interfere with the inspection authorized by the warrant, or after receiving a copy of a warrant regarding the scheduling of an inspection, to willfully fail to schedule a reasonable date and time for the inspection as set forth in the warrant. Any person who violates this section shall be subject to an application to be found in contempt of court pursuant to Article 19 of the Judiciary Law and punishment as provided therein.

Section 92-19. Complaints.

Code Enforcement Personnel shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as Code Enforcement Personnel may deem 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, designated agent and any other person who may be responsible for the violation with notice of the violation and an opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 92-24 (Violations and enforcement) of this chapter;
- C. If appropriate, issue a Stop Work Order; and
- 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.

Section 92-20. Condition assessments of parking garages.

- A. Definitions. For the purposes of this section:

CONDITION ASSESSMENT- 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.

DETERIORATION- 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.

PARKING GARAGE- 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:

1. **Buildings in which the only level used for parking or storage of motor vehicles is on grade;**
2. **An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and**
3. **A townhouse unit with attached parking exclusively for such unit.**

PROFESSIONAL ENGINEER- 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.

RESPONSIBLE PROFESSIONAL ENGINEER- 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.

UNSAFE CONDITION- The conditions described as “unsafe” in sections 304.1.1, 305.1.1, and 306.1.1 of the PMCNYS.

UNSAFE STRUCTURE- 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 Subsection C of this section, periodic condition assessment as described in Subsection D of this section, and such additional condition assessments as may be required under Subsection 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 Subsection 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 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. Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - a. If originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - b. If originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - c. If originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
 3. Any parking garage constructed prior to the effective date of this chapter enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to not more than six months after the effective date of this chapter.
- D. Periodic condition assessment. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three years.
- E. Additional condition assessment.
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 Subsection 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 Subsection 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 Building Department 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 condition;
 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 time frame 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 preventive maintenance;
 8. Except in the case of the report of 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 Subsection F(2) and (3). 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 he or she has 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 obligation of the village:
 1. To perform such construction inspections as are required by section 92-7 (Construction inspections) of this chapter;
 2. To perform such periodic fire safety and property maintenance inspections as are required by section 92-13 (Fire safety and property maintenance inspections); 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.

Section 92-21. 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 date identified in the Design Criteria Table found in Chapter 3 of the RCNYS.
 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 Subsection A of this section, shall maintain such record within the Building Department, and shall make such record readily available to the public.

Section 92-22. Recordkeeping.

- A. The Building Department shall keep permanent official records of all transactions and activities conducted by Code Enforcement Personnel 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 of occupancy, stop work orders and operating permits issued;
 4. All inspections and tests performed;
 5. All statements and reports issued;

6. All complaints received;
 7. All investigations conducted;
 8. All condition assessment reports received;
 9. All fees charged and collected; and
 10. All other features and activities specified in or contemplated by this chapter.
- B. All such records shall be public records open for public inspection during normal business hours except those records pertaining to critical infrastructure as defined by Public Officers Law section 86(5) shall not be public records. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period required by state law and regulation.

Section 92-23. Program review and reporting.

- A. The Building Inspector shall annually submit to the Board of Trustees a written report and summary of all business conducted by Code Enforcement Personnel including a report and summary of all transactions and activities described in section 92-22 (Recordkeeping) of this chapter and a report 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, a report of the activities of the village relating to the 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 the administration and enforcement of the Uniform Code and/or the Energy Code as may be requested by the Department of State.

Section 92-24. Violations and enforcement.

- A. Violation notices and orders to remedy. The Building Inspector, Assistant Building Inspector and Code Enforcement Officers 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 or the village code. Upon finding that any such condition or activity exists, Code Enforcement Personnel shall issue an order to remedy. The order to remedy shall be in writing, shall be dated and signed by the Code Enforcement Personnel, shall specify the condition or activity that violates the Uniform Code, the Energy Code or this chapter, specify the provisions of the Uniform Code, the Energy Code or this chapter which 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 in this Order to Remedy by (specify date), which is 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 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 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 chapter or by any other applicable statute, regulation, rule, local law or ordinance and which Code Enforcement Personnel may deem appropriate, during the period while such violations are being remedied. Code Enforcement Personnel shall cause the order to remedy to be served on the owner of the affected property personally or by registered mail or certified mail within five days after the date of the order to remedy. If the order to remedy is served personally by any authorized means that requires more than one action by the person effecting service [such as service by “delivery and mail” as authorized by Civil Practice Law and Rules 308(2)], the order to remedy shall be deemed to have been served on the date on which the last required action is taken. Where the order to remedy is served by registered or certified mail, it shall be deemed served on the date the order to remedy is mailed. Code Enforcement Personnel shall be permitted, but not required, to cause the order to remedy, or a copy thereof, to be served personally or by registered or certified mail within five days after the date of the order to remedy on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in the work being performed at the affected property; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Order to Remedy.

- B. Code Enforcement Personnel are authorized to issue appearance tickets for any violations of the Uniform Code, the Energy Code or this chapter.
- C. Injunctive relief. An action or proceeding may be instituted in the name of the Village of Ossining, 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 chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate of occupancy, stop-work order, operating permit, order to remedy or other notice or order issued by Code Enforcement Personnel pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building, structure or portion thereof is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, order to remedy or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of the Village of Ossining, 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 subsection shall be commenced without authorization from the Village of Ossining Board of Trustees.
- D. Remedies not exclusive. No remedy or penalty specified in this chapter shall be the exclusive remedy or remedy available to address any violation described in this chapter, and each remedy or penalty specified in this chapter shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this chapter, or in any 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 Subdivisions (2), (3) and (4) of section 382 of the Executive Law, and any remedy or penalty specified in this chapter may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subsections (2), (3) or (4) of section 382 of the Executive Law.

Section 92-25. Penalties for offenses.

In addition to such other penalties as may be prescribed by state law:

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of the Uniform Code, the Energy Code or this chapter or to fail in any manner to comply with a notice, directive or order from Code Enforcement Personnel or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit, operating permit, certificate of occupancy or temporary certificate of occupancy or to comply with any term, condition, or provision of any building permit, certificate of occupancy, certificate of compliance, temporary certificate of occupancy, stop work order, operating permit or other notice or order issued by Code Enforcement Personnel pursuant to any provision of this chapter.
- B. Any person, firm or corporation, including any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building or structure who violates any provision of this chapter, any term, condition, or provision of any building permit, certificate of occupancy, certificate of compliance, temporary certificate of occupancy, stop-work order, operating permit or any other notice or order issued by Code Enforcement Personnel or who shall fail to comply with a written order of Code Enforcement Personnel within the time fixed for compliance therewith, shall, upon conviction thereof, be subject to a fine not less than \$500 and not more than \$2,000 for the first offense; not less than \$1,000 and not more than \$4,000 for the second offense in a twenty-four-month period from the date of the first violation for each day or part thereof during which such violation continues; not less than \$2,000 and not more than \$8,000 for the third offense in a twenty-four-month period from the first violation for each day or part thereof during which such violation continues; and not less than \$4,000 and not more than \$16,000 for the fourth and subsequent offenses in a twenty-four-month period from the first violation for each day or part thereof during which such violation continues, or to a term of imprisonment not to exceed 15 days or both. Every violation shall be a separate and distinct offense, and in the case of continuing violations, every day thereof shall be deemed to be a separate and distinct offense.
- C. Civil penalties. In addition to those penalties prescribed in state law and in this section, any person, firm or corporation who violates any provision of the Uniform Code, the Energy Code of this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate of occupancy, stop-work order, operating permit or other notice or order issued by Code Enforcement Personnel pursuant to any

provision of this chapter shall be liable to pay a civil penalty of not more than \$2,000 for each day or part thereof during which the violation continues. The civil penalties provided by this subsection shall be recoverable in an action brought by the Village of Ossining. Any person or entity that violates this section shall be liable for all reasonable attorneys' fees, costs and disbursements incurred by the village to recover this civil penalty. In such proceeding, the village shall be entitled to recover interest, costs, and disbursements incurred in connection with the proceeding and in addition to reasonable attorneys' fees, to recover expenditures for consultants retained by the village.

- D. Loss of profit. If a person has gained a profit through the violation of any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate of occupancy, stop work order, operating permit, order to remedy, compliance order or other notice or order issued by Code Enforcement Personnel pursuant to this chapter, then the court, in lieu of imposing the penalty authorized for the offense under Subsection B of this section, may sentence the defendant to pay an amount, fixed by the court, not exceeding double the amount of the defendant's gain from commission of the offense. The court shall make a finding after a hearing as to the amount of the profit gained by defendant's conduct.

Section 92-26. Fees.

An annual fee schedule shall be established by resolution of the Board of Trustees. Such annual fee schedule may thereafter be amended from time to time by 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, temporary certificates of occupancy, certificates of compliance, operating permits, fire safety and property maintenance inspections, and other actions of Code Enforcement Personnel described in or contemplated by this chapter.

Section 92-27. Intermunicipal agreements.

The Village of Ossining Board of Trustees may, by resolution, authorize the Village Manager to enter into an agreement with other governments to carry out the terms of this chapter, 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.

Section 92-28. Administrative liability, relief from personal responsibility.

Code Enforcement Personnel charged with enforcing the Uniform Code, the Energy Code and this chapter, while acting for the village shall not thereby be rendered liable personally, and Code Enforcement Personnel are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any village officer or employee because of an act performed by that person in the lawful discharge of duties and under the provisions of this chapter shall be defended by the village until the final termination of the proceedings in accord with Chapter 12 (Defense and

Indemnification). Code Enforcement Personnel shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this chapter; and Code Enforcement Personnel acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act of omission in the performance of official duties in connection therewith.

Section 92-29. Entity disclosure law.

- A. **Legislative findings and intent.** The Village of Ossining Board of Trustees finds that there is a **compelling need to provide for full and fair disclosure of all entities making land use and Building Department applications before the village to the extent possible to ensure that any and all potential conflicts of interest or other ethical concerns are disclosed and addresses by any and all affected parties.** The Board of Trustees further finds:
1. **That in connection with development or potential development in the village, that land use or Building Department applications may have a significant impact upon the health, safety and general welfare of the village, its inhabitants and visitors, and upon existing uses, public services, traffic and the environment.**
 2. **The Board of Trustees further finds it is in the village's interest to be certain that anyone with any interest or controlling position with any limited liability company, partnership, limited partnership, joint venture, doing business name, corporation or association (hereinafter collectively referred to as "entity") who applies for any land use or Building Department approval from the village must have no conflict of interest and that the disclosure of any member, shareholder, director, officer, beneficial owner or authorized person (hereinafter collectively referred to as "nondisclosed person") is required to be made in any land use or Building Department application or request for any approval from the village to be certain that no conflict of interest exists and that without the disclosure of that nondisclosed person a meaningful review of any conflict cannot occur.**
 3. **Any "authorized person" as used herein shall mean a person, whether or not a nondisclosed person who is authorized to act or otherwise acts, solely or in conjunction with others, on behalf of an entity or to direct, influence or otherwise control the entity in any manner.**
- B. **Disclosure requirement.**
1. **Every nondisclosed person for any entity applying for land use approvals or permission to undertake any construction activity in the village shall complete an entity disclosure statement. The statement shall be affirmed under the penalty of perjury and shall be filed along with the land use application or application to undertake construction activity.**
 2. **Where a land use project that previously received approval is sold, assigned or otherwise transferred, whether by transfer of the property or transfer of the management or operation or both of the entity to another entity, the transferring entity shall notify the Building and Planning Departments in writing. Any succeeding entity must comply with this section before any work or other activity on the project shall be permitted to proceed, continue or be completed.**
 3. **The entity disclosure statement shall apply to any land use approvals or permission sought from the Building Inspector, Department of Public Works, the Board of Trustees, the Planning Board/Board of Architectural Review, Zoning Board of Appeals, Historic**

Preservation Commission and Environmental Advisory Council. Where land use approvals are requested from multiple village boards or departments, only one entity disclosure statement need be provided. The Board of Trustees, the Planning Board/Board of Architectural Review, Zoning Board of Appeals, Historic Preservation Commission and Building Inspector shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision, special permit, variance or other land use application or permit relating directly or indirectly to any construction activity, including but not limited to building permit, excavation and fill permit, wetland permit, foundation permit or sewer connection permit unless the application includes a completed and signed entity disclosure statement.

4. An entity disclosure statement is not required for the following activities:
 - a. Construction of a private garage not in excess of 500 square feet. Said building shall not be used for any purpose other than the storage of motor vehicles;
 - b. Construction of accessory structures, other than garages, not in excess of 300 square feet.
 - c. Construction of outdoor decks, sidewalks or porches;
 - d. Construction of outdoor swimming pools;
 - e. Installation of fences;
 - f. Installation, expansion and/or replacement of an existing driveway;
 - g. Interior or exterior remodeling of a single-family detached residential dwelling in existence with a valid Certificate of Occupancy, which remodeling does not involve any change of use or increase the size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
 - h. Installation or removal of home heating oil or propane tanks, in accordance with applicable laws;
 - i. Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling in existence with a valid Certificate of Occupancy;
 - j. Construction of a private shed not exceeding 300 square feet; or
 - k. Other minor improvements to dwellings or residential lots with an existing Certificate of Occupancy after the Building Inspector determines that the proposed improvement falls within the scope of the exemptions listed in this subsection.
- C. Penalties for offenses. The following penalties shall apply for violations of this section.
 1. Where an entity or its representative refuses or otherwise fails to provide the information under this section, the further processing of such application and any work related thereto shall be suspended until such time as the board or official before which the application is submitted or pending determines that the entity has fully complied with all provisions of this section. Where any form of transfer of the property that is the subject of the application occurs or the ownership or management or both of the project is transferred in any manner to another entity during a pending suspension of the application under this section, the application shall remain suspended until such time as the succeeding entity shall appear before such board or official before whom the application is pending and obtain

approval for any continued work in relation to the application in addition to compliance with this section. Code Enforcement Personnel are authorized to and shall issue a stop work order on any project where an application has been suspended under this section.

2. Any entity or authorized person or representative of an entity that provides no information, false information or grossly inaccurate information or otherwise makes any misrepresentation in any application shall, in addition to the suspension of any pending application as set forth in Subsection C(1), be subject to a civil penalty of 1% of the stated value of the applicant's project as reflected in the application or the fair market value of the proposed project, whichever is greater for any violation of this section.
3. Civil penalty. In addition to those penalties prescribed herein and by the Uniform Code, any person or entity that violates this section shall be liable for all reasonable attorneys' fees, costs and disbursements incurred by the village to recover this civil penalty. In such proceeding, the village shall be entitled to recover interest, costs, and disbursements incurred in connection with the proceeding and in addition to reasonable attorneys' fees, to recover expenditures for consultants retained by the village.
4. Notwithstanding any other provision of this chapter, any entity or representative of an entity that provides false information or grossly inaccurate information regarding any application, or who fails to advise the village of a change in ownership shall, in addition to the suspension of any pending application pursuant to Subsection C(1) above, be subject to a fine of not less than \$500 nor more than \$1,500 for a violation. Code Enforcement Personnel are authorized to issues order to remedy and/or appearance tickets or other process for a violation of this subsection. The continuation or repeat of a violation of, or failure to comply with, any provision of this section shall constitute for each occurrence that transpires or for each day the violation continues a separate and distinct charge hereunder.

Section 92-30 Designation of agent by owner.

- A. Every owner who is subject to the provisions of this chapter and who does not maintain a bona fide residence in the County of Westchester shall designate an agent who maintains a bona fide residence in the County of Westchester. No post office box address will be accepted in lieu of the domicile or street address for any of the information required by this chapter. The designation of an agent shall be indicated on the application form.
- B. The designated agent of the owner may be served with a notice of violation, order to remedy, notice of unsafe condition, an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law, as if actually served upon the owner. No owner who designates an agent pursuant to this section may assert the defense of lack of notice or lack of personal jurisdiction based solely upon the service of process upon the designated agent.

Section 92-31. Severability.

If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

Section 2. Effective Date

This local law shall become effective upon filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.