

LOCAL LAW NO. 3-2017

REVISION TO THE VILLAGE CODE OF THE VILLAGE OF OSSINING ESTABLISHING A LOCAL CODE ENFORCEMENT PROGRAM.

A LOCAL LAW amending Chapters 91 (Building Construction); 95 (Buildings, Demolition of); 114 (Electrical Standards); 133 (Fire Hazard Inspections); and 162 (Housing and Property Maintenance).

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

Section 1. Chapter 91, Section 1, "Acceptance by Village" is hereby amended as follows with deleted matter in [brackets] and new matter underlined:

- A. The Board of Trustees hereby adopts and accepts the applicability of the New York State Fire Prevention and Building Code ("Uniform Code") and the State Energy Conservation Construction Code ("the Energy Code") as hereinafter amended from time to time in accordance with the provisions of section 381, Subdivision 2, of the Executive Law of the State of New York and other applicable laws and regulations of the state. The provisions of said Uniform Code and the Energy Code will be enforced in the Village of Ossining by the Village Building Inspector, Assistant Building Inspector or [such Inspector's] their designees.

Section 2. Chapter 91, Section 21, ("Licenses") is hereby deleted in its entirety.

Section 3. Chapter 91, Section 22, ("Examinations") is hereby deleted in its entirety.

Section 4. Chapter 91, Section 23, ("Application for Planned Residential District (PRD) Approval") is renumbered as Chapter 91, Section 91-21.

Section 5. Chapter 95 ("Buildings, Demolition of") is renamed as follows, with deleted matter in [brackets] and new matter underlined, "Buildings and Structures, Unsafe and Demolition of."

Section 6. Chapter 95, Section 1, ("Title") is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

The following provisions shall constitute and be known as the "Unsafe Buildings and Structures and Demolition Code of the Village of Ossining."

Section 7. Chapter 95, Section 3, ("Dangerous Buildings") is renamed as follows, with deleted matter in [brackets] and new matter underlined, "Unsafe Buildings."

Section 8. Chapter 95, Section 3, ("[Dangerous] Unsafe buildings") is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

All buildings or structures which have any or all of the following defects shall be deemed [dangerous] unsafe buildings:

E. Those which have become or are so dilapidated, decayed, unsafe, [insanitary] 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 [work] cause injury to the health, morals, safety or general welfare of those living therein.

I. Those which, because of their condition, are unsafe, [insanitary] unsanitary or dangerous to the health, morals, safety or general welfare of the people of this Village.

Section 9. Chapter 95, Section 4, (“Standards for repair, vacation or demolition”) is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

The following standards shall be followed in substance by [the Building Inspector] appropriate Department of Buildings Code Enforcement Personnel including the Building Inspector, Assistant Building Inspector, their designees and, where applicable, Code Enforcement Officers [and the Building Commissioner] in ordering repair, [vacation] vacating of the building or structure or demolition:

- A. If the [dangerous] unsafe building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- B. If the [dangerous] unsafe building or structure is in such condition as to make it dangerous to the health, morals, safety or general welfare or its occupants, it shall be ordered to be vacated.
- C. In any case where an [dangerous] unsafe building or structure is damaged or 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 this chapter, it shall be demolished. In all cases where an [dangerous] unsafe building is a fire hazard existing or erected in violation of the terms of this chapter or any law of the Village or statute of the [s]State of New York, it shall be demolished.

Section 10. Chapter 95, Section 5 (“Dangerous Buildings as Nuisances”) is hereby renamed as (“[Dangerous] Unsafe Buildings as Nuisances”) is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

All [dangerous] 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.

Section 11. Chapter 95, Section 6 (“Duties of Building Inspector”) is renamed as follows with deleted matter in [brackets] and new matter underlined, “Duties of Village of Ossining Code Enforcement Personnel.”

Section 12. Chapter 95, Section 6 (“Duties of [Building Inspector] Village of Ossining Code Enforcement Personnel”) is hereby amended as follows with deleted matter in [brackets] and new matter underlined:

- A. It shall be the duty of the Building Inspector, Assistant Building Inspector, their designees and, where applicable, Code Enforcement Officer (collectively “Village of Ossining Code Enforcement Personnel”) 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 [dangerous] unsafe building or structure as defined within the terms of section 95-3 of this chapter. [The Building Inspector] Village of Ossining Code Enforcement Personnel shall immediately inspect any building, structure or wall if reported unsafe by the Fire or Police Departments of this Village as probably existing in violation of this chapter.
- B. Notify the owner or [some one of] the [owners] owner’s executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the [same] building or structure [either] personally or by registered or certified mail, addressed to the last known address, if any, of the owner or [some one of] the owner’s executors, legal representatives, agents, lessees, or other person having a vested or contingent interest in the same as shown by the records of the Village Treasurer and/or in the office of the County Clerk, Division of Land Records for the County of Westchester, [setting forth a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the same to be vacated and made safe and secure or demolished. Said notice shall further provide for a reasonable period of time within which the person served with such notice shall commence and complete the securing, repair or removal of said building or structure.] This notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe and an order requiring the building or structure to be made safe and secured or demolished. The notice shall provide that work to be undertaken, including demolition, if warranted, shall commence within ten (10) days of the date of service of the notice and that such work is to be completed within thirty (30) days thereafter. The Building Inspector, Assistant Building Inspector or their designee may extend the time for compliance where there is evidence of intent to comply within the

time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the Building Inspector, Assistant Building Inspector or their designee may impose such conditions as he/she deems appropriate. The notice will advise that an appeal may be taken to the Village of Ossining Code Board of Appeals pursuant to Chapter 95, Section 17. In addition to the method of service described above, service of the notice/order may be effectuated pursuant to Chapter 162, Section 31.

- C. If service of the notice is made by registered or certified mail, a copy of said notice shall be posted conspicuously on the premises.

Section 13. Chapter 95, Section 7 ("Failure to comply with order") is hereby amended as follows with deleted matter in [brackets] and new matter underlined:

In the event that the person served with said notice and order fails to comply with the same, the Building Inspector, Assistant Building Inspector or their designees shall request that the Board of Trustees of the Village of Ossining cause a survey to be made of the premises. The Board of Trustees of the Village of Ossining shall designate two persons one an official of the Village and one a practical builder, engineer or architect, to make said survey. The person [notified] served with the notice and order and fails to comply with same shall be advised of said designation and shall be given an opportunity to designate one individual who is also a practical builder, engineer or architect to act as a third surveyor. Said designation by the person notified must be made in writing addressed to the Clerk of the Village of Ossining within 15 days from service of said notice. Said notice shall further provide that, in the event of refusal or neglect of the person so notified to appoint such surveyor, then the two surveyors named shall make the survey and report and, in the event that the building or structure shall be reported unsafe or dangerous under such survey, that an application shall be made at a special term of the Supreme Court in Westchester County not fewer than five nor more than 60 days (after filing such survey with the Village Clerk) for an order determining the building or other structure to be [a public nuisance] unsafe and directing that it shall be repaired or demolished or removed.

Section 14. Chapter 95, Section 8 ("Filing Report") is hereby amended as follows with deleted matter in [brackets] and new matter underlined:

Reports from persons designated to make said survey of the property must be furnished to the Building Inspector or Assistant Building Inspector of the Village of Ossining not later than 30 days from the date of designation of the surveyors appointed by the Village and not later than 30 days from the date of notification of designation mailed to the Village Clerk by the property owner pursuant to section 95-7 of this chapter. Upon receipt of all reports or such reports as may have been filed upon the expiration of the time limits herein imposed, the Building Inspector, Assistant Building Inspector or their designee shall file said reports with the Clerk of the Village of Ossining. The Building Inspector, Assistant Building Inspector or their designee shall also post a signed copy of the survey on the building or structure in a conspicuous location and mail a copy thereof in the same manner as provided in section 95-6 of this chapter.

Section 15. Chapter 95 ("Buildings and Structures, Unsafe and Demolition of") is hereby amended to add section 16 "Vacation of Premises/Immediate Danger":

If Code Enforcement Personnel responsible for the enforcement of the provisions of this chapter find that there is 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, as detailed in Chapter 95, Section 6 shall be provided to the owner, owner's agent, person responsible for the building or structure and any lessees that the building, structure or portion thereof be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by appropriate Code Enforcement Personnel. There shall be posted at each entry to such building or structure a notice: "This Building is Unsafe and its Use or Occupancy has been Prohibited by Village of Ossining Code Enforcement Personnel." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, their agents, servants or employees to remove such notice without written permission of the Village of Ossining Building Inspector, Assistant Building Inspector or Code Enforcement Officer, where applicable, or for any person

to enter the building or structure except for the purpose of making the required repairs or of demolishing the same. A violation of this section shall result in a penalty pursuant to section 95-15.

Section 16. Chapter 95 ("Buildings, Unsafe and Demolition of") is hereby amended to add section 17 "Appeals":

- A. Any person, owner, corporation and/or agent aggrieved by the service of a notice and order detailed in this chapter may appeal the notice and order including any requirement to undertake repairs, vacate the building or structure and/or demolish the building or structure to the Village of Ossining Code Board of Appeals.
- B. Within ten(10) days after the date of service of the notice detailed in this chapter, the aggrieved person may appeal to the Village of Ossining Code Board of Appeals. The appeal shall be in writing and addressed to the Village of Ossining Building Department. The appeal shall be transmitted by the Building Department to the Village of Ossining Code Board of Appeals and the Corporation Counsel within five (5) days of receipt. No appeal will be considered after expiration of the ten (10) day period.
- C. In addition to the powers and duties listed in Chapter 162, Section 53, the Village of Ossining Code Board of Appeals shall decide questions involving the interpretation of provisions in this chapter including whether the notice/order appealed from should be affirmed, modified or revoked and if the notice/order is affirmed or modified, the time to comply with the order.

Section 17. Chapter 114, Section 2 ("Statement of Purpose") is amended as follows with deleted matter in [brackets] and new matter underlined:

The purpose of this chapter is to safeguard life and property by regulating the manner of installation, alteration, removal and inspection of all electrical work in existing or proposed buildings and structures in the Village and the materials to be used therein by prohibiting any installation, alteration or removal or the use of any materials which do not comply with such regulations[;]. [by providing for the licensing of master electricians and limited master electricians; and by providing for the issuance of limited homeowners' licenses.]

Section 18. Chapter 114, Chapter 5 ("Enforcement of chapter") is amended as follows with deleted matter in [brackets] and new matter underlined:

The provisions of this chapter shall be enforced by the Building Inspector and Assistant Building Inspector (hereinafter collectively referred to as "Building Inspector") of the Village. The Building Inspector is hereby empowered to deputize one or more regular inspectors of a corporation that is a member of the International Association of Electrical Inspectors and licensed by Westchester County pursuant to Westchester County Law, Article XVII, section 277-706-A and that applies the National Electric Code as the standard for inspection and certification as his or her deputy inspector or inspectors of all electrical installations as provided for in this chapter. In no event, will the cost or expense of such inspections or reinspection be a charge against the Village. The corporation shall be subject to approval by the Village Board of Trustees.

Section 19. Chapter 114, Article II ("Board of Electrical Examiners") is hereby deleted in its entirety.

Section 20. Chapter 114, Section 20 ("Master electrician's license required") is deleted in its entirety and replaced with the following that is underlined:

Chapter 114, Article [III] II "Licenses" Section 13:

No person shall contract to, or to conduct a business to maintain, install, erect, extend, alter or repair electrical wiring, apparatus, fixtures, devices, appliances and or equipment utilized or designed for the utilization of electricity for light, heat, cooling, power purposes or for signaling systems in the Village until such person shall apply for and obtain a Master Electrician's License from Westchester County pursuant to Westchester County Law Article XVII, "Electrical Licensing Board and the Licensing of Master Electricians and Electrical Inspectors."

Section 21. Chapter 114, Section 21 ("Limited master electrician's license required") is deleted in its entirety and replaced with the following that is underlined:

Chapter 114, Section 14:

Special Electrician-Master Electrician's License Required

No institution, commercial, industrial or business establishment or residence located in the Village shall permit the installing, erecting, extending, altering, or repairing of electrical wiring, apparatus, fixtures, devices, appliances and equipment utilized or designed for the utilization of electricity for light, heat, cooling, power purposes or for signaling systems within its buildings or property unless a Special Electrician's License has been applied for and obtained from Westchester County pursuant to Westchester County Law, Article XVII, Section 277.705(2). A Special Electrician is "a master electrician who is licensed to perform the work of a master electrician in a particular location." (Westchester County Law, Article XVII, section 277.701(2)).

Section 22. Chapter 114, Section 22 ("Special A license required") is deleted in its entirety.

Section 23. Chapter 114, Section 23 ("Work Permits") is renumbered with deleted matter in [brackets] and new matter underlined:

An electrical contractor who is a bona fide holder of a [certificate of registration or license duly issued to him or her by some other municipality in the state] Master Electrician's License or a Reciprocal Master Electrician's License issued by the Westchester County Electrical Licensing Board shall be entitled to a permit for electrical work upon filing with the Village Building Inspector [of the Village] a certified copy of such license and payment of the prescribed fee, [provided that the municipality issuing such license recognizes in a reciprocal manner licenses issued by the Building Inspector of the Village to electricians and provides for revocation and suspensions in the same manner as licenses issued by the Village] provided that holders of a Reciprocal Master Electrician's License issued by the Westchester County Licensing Board comply with the requirements in Westchester County Law section 277.706(6).

Section 24. Chapter 114, Section 24 ("Fees") is amended as follows with deleted matter in [brackets] and new matter underlined:

All fees paid for work permits [, examinations, reexaminations, etc.] pursuant to the provisions of this article shall be the fees as set forth in the fee schedule of the Village or such other fees as may from time to time be approved by the Board of Trustees.

Section 25. Chapter 114, Section 25 ("Transfer to or use by others prohibited") is deleted in its entirety.

Section 26. Chapter 114, Section 26 ("Suspension or revocation") is deleted in its entirety.

Section 27. Chapter 114, Section 27 ("Expiration; renewal") is deleted in its entirety.

Section 28. Chapter 133, Section 2 ("Fire Hazard Inspections-Inspections authorized") is amended with deleted matter in [brackets] and new matter underlined:

- A. Upon referral by the Fire Chief of the Fire Department of the Village of Ossining or an Assistant or Deputy Fire Chief or in response to a complaint based upon personal observation, or as otherwise may be required by law or regulation, the Building Inspector, Assistant Building Inspector and Code Enforcement Officer or his or her authorized designee, or a certified fire inspector acting as agent of the Village, are hereby authorized and empowered at any and all reasonable times and as often as necessary to enter upon and inspect all premises which are classified under Chapter 270, Zoning, of the Village of Ossining as being located in districts denominated Multifamily Residence, Professional Office, General Business, Neighborhood Business, Central Business, Office-Research and Waterfront Development and all the interior streets, roadways, and driveways thereof to determine whether there exists any conditions

therein conducive to danger from fire and whether there are obstructions to property, fire escapes, stairs, passageways, doors and windows which might impede the operations of the Fire Department or other emergency services personnel in the event of a fire or emergency and whether there are any conditions existing on said premises creating danger to life or property. If any owner, occupant or any other person in charge of a building or structure subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the building or structure where inspection is authorized, the Village may seek in a court of competent jurisdiction either an order that such owner, occupant or other person in charge cease and desist with such interference and allow the inspection to proceed or to obtain a warrant as provided by law.

Section 29. Chapter 162 ("Housing and Property Maintenance") shall be re-named as follows with deleted matter in [brackets] and new matter underlined:

Housing [and] Property Maintenance and Building Code Administration.

Section 30. Chapter 162, Section 4 ("Definitions") is amended with deleted matter in [brackets] and new matter underlined:

BUILDING INSPECTOR

The official designated by the municipality to enforce building, zoning or similar laws and this chapter, or his authorized designee. Any reference to "Building Inspector" in this chapter shall also be deemed to include and refer to [the "Director of Code Enforcement"] "Assistant Building Inspector" and, where applicable, Enforcement Officers or authorized designees.

Section 31. Chapter 162, Section 5 ("Title") is amended with deleted matter in [brackets] and new matter underlined:

This chapter shall be known as the "Housing [and] Property Maintenance and Building Enforcement Code of the Village of Ossining."

Section 32. Chapter 162, Section 9 ("Application of building code") is amended with deleted matter in [brackets] and new matter underlined:

Any alterations to buildings or changes of use therein which may be caused directly or indirectly by the enforcement of this chapter shall be done in accordance with applicable [sections] chapters of the building construction, plumbing and electrical code [and multiple dwelling code] used by the [municipality] Village of Ossining [including], the New York State Uniform Fire Prevention and Building Code[s], found at Title 19 NYCRR Chapter XXXIII, Subchapter A (Hereinafter referred to as "Uniform Code") as hereinafter amended from time to time and New York State Energy Conservation Construction Code found at Title 19 NYCRR Chapter XXXIII, Subchapter B (hereinafter referred to as the "Energy Code") as hereinafter amended from time to time and such other codes as may be added by the New York State Department of State Division of Code Enforcement and Administration.

Section 33. Chapter 162, Article VI ("Administration and Enforcement") is deleted in its entirety and is replaced with the following as underlined:

Section 34. Chapter 162, Section 25 ("Legislative Intent and Purpose")

This article, part of chapter 162, provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the State Energy Conservation Construction Code (the Energy Code) and the Village of Ossining Code, where applicable. This article is adopted pursuant to section 10 of

the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this article.

Section 35. Chapter 162, Section 26 ("Additional Definitions")

The following additional definitions are applicable herein

"Building Permit" shall mean a permit issued pursuant to section 28 of this chapter. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Certificate of Occupancy" shall mean a certificate issued pursuant to subdivision (B) of section 32 of this chapter.

"Code Enforcement Personnel" shall include the Code Enforcement Officers, the Building Inspector and Assistant Building Inspector and their designees.

"Order to Remedy" shall mean an order issued by Code Enforcement Personnel pursuant to subsection (A) of section 40 of this chapter.

"Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

"Operating Permit" shall mean a permit issued pursuant to section 35 of this chapter. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Permit Holder" shall mean the Person to whom a Building Permit has been issued.

"Person" shall include 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.

"Stop Work Order" shall mean an order issued pursuant to section 30 of this chapter.

"Temporary or Partial Certificate" shall mean a certificate issued pursuant to subsection (D) of section 32 of this chapter.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

"Village" shall mean the Village of Ossining.

Section 36. Chapter 162, Section 27 ("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 Code of the Village of Ossining. Code Enforcement Personnel, where indicated, shall have the following powers and duties:

(1) The Building Inspector and Assistant Building Inspector shall receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Temporary or Partial Certificates of Occupancy and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) Upon approval of such applications, the Building Inspector, Assistant Building Inspector shall issue Building Permits, Certificates of Occupancy, Temporary or Partial Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary or Partial Certificates of Occupancy and Operating Permits such terms and conditions as the Building Inspector or Assistant Building Inspector may determine to be appropriate;

(3) The Building Inspector and Assistant Building Inspector shall conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Temporary or Partial Certificates. Code Enforcement Personnel (Building Inspector, Assistant Building Inspector, Code Enforcement Officer and their designees) shall conduct inspections for Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under this chapter or elsewhere in this Code;

(4) The Building Inspector, Assistant Building Inspector and their designees shall issue Stop Work Orders, where appropriate;

(5) Code Enforcement Personnel shall review and investigate complaints;

(6) Code Enforcement Personnel shall issue orders pursuant to subsection (A) of section 40 ("Enforcement") of this chapter;

(7) Code Enforcement Personnel shall maintain records through the Village's Building Department;

(8) Code Enforcement Personnel shall collect fees as set by the Board of Trustees of the Village of Ossining, which fees are detailed in the Village of Ossining Fee Schedule;

(9) Code Enforcement Personnel shall pursue administrative enforcement actions and proceedings;

(10) Code Enforcement Personnel shall 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 local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) Exercise all other powers and fulfill all other duties conferred upon Code Enforcement Personnel by this chapter as well as other chapters of the Code of the Village of Ossining.

(B) Code Enforcement Personnel shall be appointed by the Village Manager. Code Enforcement Personnel shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require, and the Code Enforcement Personnel shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(C) As detailed in Chapter 162, Section 26, the term "Code Enforcement Personnel" shall include the Village's Building Inspector, Assistant Building Inspector, Code Enforcement Officer and their designees. All individuals so appointed as Code Enforcement Personnel in the Village of Ossining must possess and maintain the training as required by the State of New York for their respective job responsibilities.

Section 37. Chapter 162, Section 28 ("Building Permits"):

(A) Building Permits Required. Except as otherwise provided in subdivision (B) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Village of Ossining 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 (13.88 square meters);

(2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3) 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 24 inches and are installed entirely above ground;

(4) installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) construction of temporary motion picture, television and theater stage sets and scenery;

(6) 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 4 feet x 4 feet and the proposed awning is not supported by posts;

- (7) installation of partitions or movable cases less than 5'-9" in height; and
- (8) painting, wallpapering, tiling, carpeting, or other similar finish work.

(C) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (B) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(D) Applications for Building Permits. Applications for a Building Permit shall be made in writing 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 Village of Ossining Building Department deems sufficient to permit a determination by the Building Inspector or Assistant Building Inspector that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the proposed work;

(2) the tax map number and the street address of the premises where the work is to be performed;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;

(5) at least 3 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines;

(6) proof that taxes, water and sewer bills, 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

(7) other documentation, reports, plans, and/or specifications as required by the Building Inspector or Assistant Building Inspector.

(8) Except where an application is submitted for the purpose of curing existing violations or will result in the curing of existing violations, no application for a building permit shall be accepted, processed or considered where there is an existing violation of any provision of Uniform Code, Energy Code or Village Code.

(E) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (D) of this section.

Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Building Inspector, Assistant Building Inspector or their designee in writing or by stamp. Two sets of the accepted construction documents shall be retained by the Village of Ossining 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 the Building Inspector, Assistant Building Inspector or their designee. 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.

(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, Energy Code and the Village of Ossining Code, where applicable. The Building Inspector or Assistant Building Inspector shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and Village of Ossining Code, where applicable.

(G) 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 and a Certificate of Occupancy issued.

(H) 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 Village of Ossining Building Department of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Building Inspector or Assistant Building Inspector determine 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.

(I) Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon written application by the Permit Holder, provided that: a) the permit has not been revoked or suspended at the time the application for renewal is made; b) the applicable fee has been paid; c) all relevant information in the application has been provided and is current; and d) approval of the application by the Building Inspector, Assistant Building Inspector or their designee.

(J) Revocation or suspension of Building Permits. If the Building Inspector or Assistant Building Inspector determine that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code, the Energy Code or the Village of Ossining Code, where applicable, the Building Inspector, Assistant Building Inspector or their designee shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all

work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code and the Village of Ossining Code, where applicable and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code and the Village of Ossining Code, where applicable.

(K) Fee. The fee specified in the Village of Ossining 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.

(L) Code Enforcement Personnel, upon showing of proper credentials and in the discharge of his or her duties pursuant to this chapter, may enter any building or structure, or premises at any reasonable hour for the purposes of enforcing this chapter, and no person shall interfere with or prevent such entry. If any owner or other person in charge of a building or structure refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the building or structure by Code Enforcement Personnel where inspection is authorized, the Village may seek in a court of competent jurisdiction either an order that such owner or other person in charge cease and desist with such interference and allow the inspection to proceed or to obtain a warrant as provided by law.

Section 38. Chapter 162, Section 29 ("Construction Inspections")

(A) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector or Assistant Building Inspector. The Permit Holder shall notify the Building Inspector or Assistant Building Inspector when any element of work described in subsection (B) of this section is ready for inspection.

(B) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) work site prior to the issuance of a Building Permit;

(2) footing and foundation;

(3) preparation for concrete slab;

(4) framing;

(5) building systems, 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) Energy Code compliance; and

(10) a final inspection after all work authorized by the Building Permit has been completed.

(C) 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 where the work fails to comply with the Uniform Code, the Energy Code or the Village of Ossining Code, where applicable. Work not in compliance with any applicable provision of the Uniform Code, the Energy Code or the Village of Ossining Code, where applicable 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 of Ossining Code, where applicable, reinspected, and found satisfactory as completed.

(D) Fee. The fee specified in the Village of Ossining's Fee Schedule must be paid prior to or at the time of each inspection performed pursuant to this section.

Section 39. Chapter 162, Section 30 ("Stop-work orders):

(A) Authority to issue. The Building Inspector, Assistant Building Inspector or their designee are authorized to issue Stop-Work Orders pursuant to this section. Stop-Work Orders shall be issued to halt:

(1) any work that is determined by the Building Inspector, Assistant Building Inspector or their designee to be contrary to any applicable provision of the Uniform Code, the Energy Code or the Village of Ossining Code, where applicable without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of 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, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(B) Content of Stop-Work Orders. Stop-Work Orders shall (1) be in writing, (2) be dated and signed by the Building Inspector, Assistant Building Inspector or their designee, (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 to be served in accordance with the provisions of section 162-31 ("Service of orders")

(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.

(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 40 ("Enforcement") of this chapter or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop-Work Order.

Section 40. Chapter 162, Section 31 ("Service of Orders"):

(A). Service of notices and orders issued by Code Enforcement Personnel or their designees under this chapter may be made:

(1) By delivery of a copy thereof personally to the owner, permit holder, lessee or occupant of the building, premises or property affected thereby; or

(2) By delivery of a copy thereof personally to any person of suitable age and discretion in charge of or apparently in charge of such building, premises or property, or any building work being performed thereon and mailing a copy thereof to the owner of such building, premises or property at his, her, its last known address, in which case, the service shall be deemed to have been effected on the date of mailing; or

(3) By mailing a copy thereof by registered or certified mail to the last known address of the owner, permit holder, lessee or occupant of the building, premises affected thereby and by posting a copy thereof in a conspicuous place upon such building, premises or property in which case the service shall be deemed to have been effected on the date of mailing; or

(4) Such other method of service authorized by the Civil Practice Law and Rules of the State of New York.

(B) Code Enforcement Personnel shall be permitted, but not be required, to cause a copy of the notice or order to be served upon any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents or any other person taking part or assisting in work affected by the notice or order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this subsection shall not affect the efficacy of such notice or order.

Section 41. Chapter 162, Section 32 ("Certificate of Occupancy"):

(A) Certificate of Occupancy required. A Certificate of Occupancy 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 sub-classification 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. No building or structure in the Village which is subject to the Uniform Code, the Energy Code or the Village Code, where applicable, shall be used or occupied until a Certificate of Occupancy has been issued by Code Enforcement Personnel, except as provided in Subsection (D) of this section.

(B) Issuance of Certificates of Occupancy. The Building Inspector or Assistant Building Inspector shall issue a Certificate of Occupancy 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 that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with applicable provisions of the Uniform Code, the Energy Code and the Village Code. The Building Inspector or Assistant Building Inspector shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy. 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 or Assistant Building Inspector, at the expense of the applicant for the Certificate of Occupancy, shall be provided to the Village of Ossining Building Department prior to the issuance of the Certificate of Occupancy:

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

(C) Except where the issuance of a certificate of occupancy will result in the curing of existing violations, no Certificate of Occupancy shall be issued where there is an existing violation of any provision of the Village Code.

(D) No Certificate of Occupancy shall be issued without proof that the taxes, water and sewer bills, fines payable to the Town 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.

(E) Contents of Certificates of Occupancy. A Certificate of Occupancy 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, address and tax map number of the property;

(4) if the Certificate of Occupancy is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of the structure, if any;

(8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Building Inspector or Assistant Building Inspector issuing the Certificate of Occupancy and the date of issuance.

(D) Temporary or Partial Certificate. The Village Building Inspector or Assistant Building Inspector shall be permitted to issue a Temporary or Partial Certificate allowing the temporary or partial 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 or Assistant Building Inspector issue a Temporary or Partial Certificate unless the Building Inspector or Assistant Building Inspector determine (1) that the building or structure, or the portion thereof covered by the Temporary or Partial Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Building Inspector or Assistant Building Inspector may include in a Temporary or Partial Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary or Partial Certificate shall be effective for periods of time, not to exceed 90 days, but not more than one year in the aggregate, which shall be determined by the Building Inspector or Assistant Building Inspector and specified in the Temporary or Partial Certificate. During the specified period of effectiveness of the Temporary Certificate, 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, where applicable. Additionally, the Building Inspector or Assistant Building Inspector shall require a cash deposit, in an amount to be determined by the Building Inspector or Assistant Building Inspector or the Village Engineer to ensure and guarantee the completion of the improvements.

(E) Revocation or suspension of certificates. If the Building Inspector or Assistant Building Inspector determine that a Certificate of Occupancy or a Temporary or Partial Certificate 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 or Assistant Building Inspector within such period of time as shall be specified by the Building Inspector or Assistant Building Inspector, the Certificate of Occupancy or Temporary or Partial Certificate shall be revoked or suspended. A Certificate of Occupancy or Temporary or Partial Certificate may be revoked or suspended for a violation of this chapter pursuant to section 40 ("Enforcement").

(F) Fee. The fee specified in the Village of Ossining Fee Schedule must be paid at the time of submission of an application for a Certificate of Occupancy or for Temporary or Partial Certificate.

Section 42. Chapter 162, Section 33 ("Notification Regarding Fire or Explosion"):

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

Section 43. Chapter 162, Section 34 ("Unsafe Buildings and Structures"):

Unsafe buildings, structures and equipment in this Village shall be identified and addressed in accordance with the procedures established by Local Law Number 2-2017 (Chapter 91), as now in effect or as hereafter amended from time to time.

Section 44. Chapter 162, Section 35 (“Operating Permits”):

(A) Operating Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1), 5003.1.1(2), 5003.1.1(3), 5003.1.1(4) in the publication entitled “Fire Code of New York State” and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village.

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

(B) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by the Village of Ossining Building Department. The application shall include such information as Code Enforcement Personnel deem sufficient to permit a determination by Code Enforcement Personnel that quantities, materials, and activities conform to the requirements of the Uniform Code. If Code Enforcement Personnel determine that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to Code Enforcement Personnel, at the expense of the applicant.

(C) Inspections. Code Enforcement Personnel or an Inspector authorized by Code Enforcement Personnel shall inspect the subject premises prior to the issuance of an Operating Permit.

(D) 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, Code Enforcement Personnel may require a separate Operating Permit for each such activity, or Code Enforcement Personnel may issue a single Operating Permit to apply to all such activities.

(E) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by Code Enforcement Personnel to be consistent with local conditions. 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 Village of Ossining Building Department, payment of the applicable fee, and approval of such application by Code Enforcement Personnel.

(F) Revocation or suspension of Operating Permits. If Code Enforcement Personnel determine that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(G) Fee. The fee specified in the Village of Ossining Fee Schedule must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

Section 45. Chapter 162, Section 36 ("Fire Safety and Property Maintenance Inspections"):

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

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.

(B) 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 Code Enforcement Personnel or an Inspector designated by Code Enforcement Personnel 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 Code Enforcement Personnel of a written statement alleging that conditions exist of non-compliance with the Uniform Code, Energy Code or Village Code, where applicable; or

(3) receipt by Code Enforcement Personnel of any other information, reasonably believed by Code Enforcement Personnel to be reliable, giving rise to a reasonable cause to believe that conditions exist of activities failing to comply with the Uniform Code, Energy Code or Village Code, where applicable;

provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(C) 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.

(D) Fee. The fee specified in the Village of Ossining 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 46. Chapter 162, Section 37 ("Complaints"):

Code Enforcement Personnel, where applicable, 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, and this chapter. The process for responding to a complaint shall include such of the following steps as Code Enforcement Personnel may deem to be appropriate:

(A) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(B) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 40 ("Enforcement") of this chapter;

(C) if appropriate, issuing a Stop-Work Order;

(D) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

Section 47. Chapter 162, Section 38 ("Record Keeping"):

(A) The Village of Ossining 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, Temporary or Partial Certificates, 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 other features and activities specified in or contemplated by sections 28 through 37 of this chapter; and

(9) all fees charged and collected.

(B) All such records shall be public records open for public inspection during normal business hours except that 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 so required by State law and regulation.

Section 48. Chapter 162, Section 39 ("Program Review and Reporting"):

(A) The Village of Ossining Building Department 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 38 ("Record Keeping") of this chapter and a report and summary of all appeals or litigation pending or concluded.

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

(C) The Village of Ossining Building Department shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

Section 49. Chapter 162, Section 40 ("Enforcement")

(A) Orders to Remedy. Code Enforcement Personnel 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, and/or the Village Code, where applicable. An Order to Remedy shall be in writing; shall be

dated and signed by Code Enforcement Personnel; shall specify the condition or activity that violates the Uniform Code, the Energy Code, and/or the Village of Ossining Code; shall specify the provision or provisions of the Uniform Code, the Energy Code, and/or the Village of Ossining Code 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 described in this Order to Remedy by _____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

Code Enforcement Personnel may include in the Order to Remedy provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this 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, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. 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” similar to that authorized by Civil Practice Law and Rules 308(2)), the Order to Remedy shall be deemed to be 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 is mailed. Service of the Order to Remedy also may be effected using the manner of service detailed in Section 31. Code Enforcement Personnel shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Order.

(B) Other means of enforcing the Uniform Code. Nothing in this section shall be construed as requiring Code Enforcement Personnel to issue an Order to Remedy in a given situation where violations of the Uniform Code, Energy Code and/or Village Code, where applicable, are found to exist if, in the judgment of Code Enforcement Personnel, such violations can be addressed adequately by the use of other enforcement tools or by other means. Nothing in this section shall be construed as limiting the authority the Village to employ any other means of enforcing the Uniform Code and/or Energy Code and/or Village Code, where applicable, including, but not limited to:

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(1) issuing notices of violation;

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(2) issuing appearance tickets;

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(3) commencing and prosecuting an appropriate action or proceeding pursuant to that part of [subdivision 2 of section 382 of the Executive Law](#) that provides that any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the "construction" (as defined in [subdivision 4 of section 372 of the Executive Law](#)) of any building who shall knowingly violate any of the applicable provisions of the Uniform Code or any lawful order of a city, village, town, county, state agency or the Secretary of State made thereunder regarding standards for construction, maintenance, or fire protection equipment and systems, shall be subject to a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both;

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(4) commencing and prosecuting an appropriate action or proceeding pursuant to [subdivision 3 of section 382 of the Executive Law](#) which seeks, in a case where the construction or use of a building is in violation of any provision of the Uniform Code or any lawful order obtained thereunder, an order from a Justice of the Supreme Court directing the removal of the building or an abatement of the condition in violation of such provisions;

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(5) issuing stop work orders;

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(6) revoking or suspending building permits, operating permits and/or certificates of occupancy pursuant to the procedures established in the code enforcement program of the Authority Having Jurisdiction or pursuant to any other applicable statute, regulation, rule, local law or ordinance;

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(7) commencing and prosecuting an appropriate action or proceeding to impose such criminal and/or civil sanctions as may be provided in any applicable statute, regulation, rule, local law or ordinance;

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(8) condemning and/or placarding a building in accordance with the applicable provisions of the Uniform Code;

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(9) taking any action authorized by the procedures for identifying and addressing unsafe structures and equipment as established in the Village's code enforcement program or by any other applicable statute, regulation, rule, local law or ordinance; or

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(10) issuing orders to remedy violations of the Energy Code pursuant to [subdivision \(1\) of section 11-108 of the Energy Law](#);

(11) issuing orders to remedy violations of the Village of Ossining Code.

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(C) Civil Penalties. In addition to those penalties prescribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or the Village Code, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary or Partial Certificate, 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 a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Village.

(D) Injunctive Relief. An action or proceeding may be instituted in the name of the Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary or Partial Certificate, 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 or structure is in violation of any provision of the Uniform Code, the Energy Code, the Village Code, or any Stop-Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or the Village Code, an action or proceeding may be commenced in the name of the Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Trustees.

(E) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in any other section of the Village Code, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

Section 50, Chapter 162, Section 41 ("Fees"):

A fee schedule shall be established by resolution of the Board of Trustees. Such fee schedule may thereafter be amended from time to time by 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 or Partial Certificates, Operating Permits, Fire Safety and Property Maintenance Inspections, and other actions of Code Enforcement Personnel described in or contemplated by this chapter.

Section 51. Chapter 162, Section 42 ("Administrative Liability"):

Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the Village charged with the enforcement of this chapter shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter. Any suit brought against any officer, agent or employee of the Village, as a result of any act required or permitted in the discharge of his or her duties under this chapter, shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

Section 52. Chapter 162, Section 43 ("Village of Ossining Code Board of Appeals"):

(A) The Village of Ossining Code Board of Appeals ("Code Board of Appeals") is hereby established. The Code Board of Appeals will have five members, appointed by the Village Manager, each member to serve without compensation for a term of two years. At least one member shall have experience in the construction trades or property maintenance. Members must be residents of the Village of Ossining. Vacancies during a term shall be filled for the remainder of such term only. A member may be reappointed to the Code Board of Appeals at the end of his/her term. The Code Board of Appeals members shall designate the Chairperson. Two alternate members will be appointed in the event one or more of the sitting members is unable to hear a particular matter. The Village of Ossining Building Inspector or Assistant Building Inspector shall be an ex-officio member but shall have no vote on any matter before the Code Board of Appeals. The Corporation Counsel or a Deputy Corporation Counsel shall serve as an advisor to the Code Board of Appeals and shall not be considered a member.

(B) The Code Board of Appeals shall adopt rules of procedure for the conduct of its business provided such rules and any amendments thereto shall be a part of its written record and not conflict with the provision of this chapter. Such rules of procedure shall be submitted to the Village's Board of Trustees for review. Failure of the Board of Trustees to approve, reject or modify such rules of procedure within thirty (30) days after submission shall be deemed to constitute approval thereof.

Section 53, Chapter 162, Section 44 ("Right of Appeal to Village of Ossining Code Board of Appeals"):

(A) Any person, owner, corporation, etc., ("appellant") who is aggrieved with the decision and/order of Code Enforcement Personnel relative to the interpretation or enforcement of any provisions of this chapter and the provisions of Chapter 95, may appeal the decision and/or order to the Village of Ossining Code Board of Appeals.

(B) Within ten (10) days after service of an Order to Remedy, Stop-Work Order, Notice of Violation, Order to Repair/Vacate and/or Demolish pursuant to Chapter 95, the appellant may appeal to the Village of Ossining Code Board of Appeals for relief from said order or notice by filing a notice of appeal, the order and/or decision appealed from and any papers in support of the appeal. Such appeal shall be in writing and filed with the Village of Ossining Building Department. Within five (5) days of receipt of the appeal from the appellant, the Village of Ossining Building Department shall transmit to the members of the Code Board of Appeals all papers constituting the appeal. No appeal will be accepted for filing after expiration of said ten (10) day period. All appeals shall be decided no more than fourteen (14) days after the appeal is transmitted to the Code Board of Appeals unless extenuating circumstances exist.

(C) Hearings before the Code Board of Appeals shall be open to the public. The appellant, appellant's representative, Code Enforcement Personnel and other persons whose interest are affected shall be given an opportunity to be heard by the Code Board of Appeals. A quorum consists of a majority of the total voting membership.

(D) All decisions of the Code Board of Appeals to reject, modify or affirm the decision and/or order appealed from shall be in writing; and a copy of the decision shall be sent to the applicant and the Village of Ossining Building Department. A copy of the Code Board of Appeals' decision with all records relevant to the appeal shall be filed so as to be available for public inspection. If the decision of the Code Board of Appeals either affirms or modifies the decision and/or order and further directs that work be done on the building,

structure or premises, the decision of the Code Board of Appeals also will include a date by which the work shall be completed.

(E) An appeal shall stay all proceedings in furtherance of the action appealed from, unless Code Enforcement Personnel charged with the enforcement of this chapter and chapter 95, certify to the Code Board of Appeals, after the appeal has been filed with the Village of Ossining Building Department, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Code Board of Appeals or by a court of record on application, on notice to Code Enforcement Personnel from whom the appeal is taken and on due cause shown.

Section 54, Chapter 162, Section 46 ("Penalties for Offenses"):

Any person who shall violate or assist in the violation of any of the provisions of this chapter or who shall violate or fail to comply with any order made thereunder shall upon conviction be punished as provided in § 382, Subdivision 2, of the Executive Law for each offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violation or defects within the time set forth and each day that such violation continues shall constitute a separate offense. The term "person," as used in this section, shall include the owner, occupant, mortgagee, vendee in possession, assignee of rents receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building or part thereof.

Section 55. Chapter 162, Section 47 ("Intermunicipal Agreements"):

The Board of Trustees of the Village of Ossining 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 New York Code Rules and Regulations, or any other applicable law.

Section 56. ("Partial Invalidity")

If any section of this Local Law 2-2017 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 local law.

Section 57 ("Effective Date")

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

