

## **Proposed local law 10-2022**

A local law amending Chapter 162 (Housing/Property Maintenance and Building Code Administration).

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

**Section 1.** Chapter 162 (Housing/Property Maintenance and Building Code Administration) is amended with new matter underlined and deleted matter in **[brackets]**.

### **§ 162-4 Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

#### **ACCESSORY STRUCTURE**

A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

#### **BASEMENT**

A portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground (see "cellar").

#### **BATHROOM**

Enclosed space containing one or more bathtubs or showers, or both, and which may also contain water closets, lavatories or fixtures serving similar purposes (see definition of "toilet room").

#### **BUILDING**

**Any structure used or intended for supporting or sheltering any use of occupancy.**

#### **BUILDING CODE**

The building code officially adopted by the legislative body of the Village of Ossining, or such other code as may be officially designated by the legislative body of the jurisdiction, for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structure.

#### **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 "Assistant Building Inspector" and, where applicable, Enforcement Officers or authorized designees.

**[Amended 7-15-2015 by L.L. No. 5-2015; 4-19-2017 by L.L. No. 3-2017]**

#### **CELLAR**

The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

## **DRIVEWAY**

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

## **DWELLING(S)**

- A. **ONE-FAMILY DWELLING** A building containing one dwelling unit with not more than five lodgers or boarders per family but not more than 20 individuals.
- B. **MULTIFAMILY-APARTMENT HOUSE** A building containing more than two dwelling units.
- C. **BOARDINGHOUSE, LODGING HOUSE and/or TOURIST HOUSE** A building arranged or used for the lodging with or without meals, for compensation, more than five and not more than 20 individuals.
- D. **DORMITORY** A building arranged or used for lodging six but not more than 20 individuals and having common toilet and bathroom facilities.
- E. **HOTEL** A building arranged or used for the sheltering, sleeping or feeding for compensation of more than 20 individuals.

## **DWELLING UNIT**

One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

## **ENFORCEMENT OFFICER**

The official designated herein or otherwise charged with the responsibilities of administering this chapter, or his or her authorized representatives.

## **EXIT**

A way of departure from the interior of a building or structure, to the exterior at street or grade, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes and all other elements necessary for egress or escape.

## **EXTERIOR PROPERTY AREAS**

The open space on the premises and on adjoining property under the control of owners or operators of such premises.

## **EXTERMINATION**

The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

## **FAMILY**

**[Amended 8-3-1999 by L.L. No. 2-1999]**

- A. A householder plus one or more persons related by blood, marriage or adoption and

limited to the spouse, parents, grandparents, children, grandchildren, brothers or sisters of the householder or of the house holder's spouse, living together as a single, not-for-profit housekeeping unit sharing kitchen facilities;

- B. A group of persons headed by a householder caring for a reasonable number of individuals in a family-like living arrangement which to all outward appearances is the functional and factual equivalent to a family of related persons; or
- C. Two or more, up to a maximum of five, persons not sharing a relationship as described above.

#### **GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

#### **GROSS FLOOR AREA**

The total area of all habitable space in a building or structure.

#### **HABITABLE ROOM**

A room or enclosed floor space arranged for living, eating and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces). Minimum height shall be seven feet six inches measured from finished floor to finished ceiling. Rooms with sloping ceiling shall have a minimum of 50% of the floor area at a height of seven feet six inches, finished floor to finished ceiling.

#### **HOTEL**

See "dwellings."

#### **INFESTATION**

The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

#### **KITCHEN**

Space, 60 square feet or more in floor area, used for cooking or preparation of food.

#### **KITCHENETTE**

Space, less than 60 square feet in floor area, used for cooking or preparation of food.

#### **MOTEL**

For purposes of this chapter, a motel shall be defined the same as a hotel.

#### **MULTIPLE-FAMILY (MULTIPLE DWELLING)**

See "dwellings."

#### **OCCUPANT**

Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

**OPENABLE AREA**

That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR**

Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

**OWNER**

The owner or owners of the freehold of the premises or lesser estate therein, a mortgage or vendee in possessions, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or of premises or their duly authorized agents.

**PERSON**

An individual, firm, corporation, association or partnership.

**PLUMBING OR PLUMBING FIXTURES**

Water-heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines or other similar equipment, catch basins, drains, vents or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

**POTABLE WATER**

Water duly approved as satisfactory for drinking, culinary and domestic purposes.

**PREMISES**

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

**RESIDENCE BUILDING**

A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.

**ROOMING HOUSE**

Any residence building or any part thereof containing one or more rooming units in which space is let by the owner or operator to more than five persons who are not members of the family (see "dwellings: boardinghouse").

**ROOMING UNIT**

Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**RUBBISH**

Combustible and noncombustible waste materials, except garbage, and the term shall include, but not be limited to, the residue from the burning of wood, coal, coke and other combustible materials and any type of paper, rags, cartons, boxes, wood,

excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

## **STRUCTURE**

An assembly of materials forming a construction for occupancy or use, including, among others, buildings, stadiums, tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, [fences] **driveways** and display signs. **A structure also includes the following:**

- (1) Fences projecting above the ground not more than 6.5 feet at the lower ground level.**
- (2) Masonry or rock walls projecting above the ground and not more than 3.0 feet at the higher ground level and not more than 6.5 feet at the lower ground level. Retaining walls are excluded.**
- (3) Porches, outdoor bins and other similar structures.**

## **SUPPLIED**

Installed, furnished or provided by the owner or operator.

## **TEMPORARY HOUSING**

Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system for more than 30 consecutive days.

## **TOILET ROOM**

Enclosed space, containing one or more water closets, which may also contain one or more lavatories, urinals, and other plumbing fixtures (see definition of "bathroom").

## **VENTILATION**

The process of supplying and removing air by natural or mechanical means to or from any space.

## **VENTILATION, MECHANICAL**

Ventilation by power-driven devices.

## **VENTILATION, NATURAL**

Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.

## **WORKMANLIKE or WORKMANLIKE STATE OF MAINTENANCE AND REPAIR**

Such maintenance and repair made in a reasonably skillful manner.

## **YARD**

An open unoccupied space on the same lot with a building extending along the entire length of a street or rear or interior lot line.

**Section 2.** Chapter 162, Article VI (Administration and Enforcement) is amended as follows with new matter underlined and deleted matter in **[brackets]**.

**§ 162-28 Building permits.**

- A. Building permits required. Except as otherwise provided in Subsection **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 or maintenance or to allow, commence or continue 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 issued by the Building Inspector or his/her designee is required for the initial installation and/or replacement of driveways in the village. The fee for such permit shall be set by the Board of Trustees and published in the annual fee schedule. If the installation and/or replacement of an existing driveway 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 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 aboveground;
  - (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 four feet by four feet and the proposed awning is not supported by posts;
  - (7) Installation of partitions or movable cases less than five feet nine inches in height; and
  - (8) Painting, wallpapering, tiling, carpeting, or other similar finish work.
  - (9) Resealing of a driveway.

§ 162-30 **Stop-work orders.**

- A. Authority to issue. The Director of Code Enforcement, the Building Inspector, Assistant Building Inspector [or their designee] **and Code Enforcement Officers** are authorized to issue stop-work orders pursuant to this section. Stop-work orders shall be issued to halt: **[Amended 9-17-2018 by L.L. No. 5-2018]**
- (1) Any work that is determined by the Director of Code Enforcement, Building Inspector, Assistant Building Inspector or [their designee] **Code Enforcement Officers** 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] **Code Enforcement Officers**;
  - (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 § **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 § **[168-40] 162-40**, 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 3.      Effective Date.**

**This local law shall become effective upon filing with the Secretary of State as required by section 27 of the Municipal Home Rule Law.**