

Proposed Local Law 14-2021

A local law amending Chapter 162, section 162-32 (Housing/Property Maintenance and Building Code Administration-Certificate of Occupancy) of the Village of Ossining Code.

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

Section 1. Chapter 162, section 162-32 (Housing/Property Maintenance and Building Code Administration-Certificate of Occupancy) is amended with new matter **underlined** and deleted matter in **[brackets]**.

§ 162-32 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 subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy. 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.]
- A. **The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Building Inspector:**
- (1) **Occupancy and use of a building erected, reconstructed, restored, altered or moved or any change in use of an existing building.**
 - (2) **Occupancy, use or change in any use of land.**
 - (3) **Any change in use of a nonconforming use.**
 - (4) **Occupancy and use of any enlargement to an existing structure.**
 - (5) **Occupancy or use after sale or transfer of any improved real property, including an individual condominium unit and an individual cooperative unit which, for the purposes of this section shall be considered a piece of improved real property. Upon sale or transfer of any such real property, an updated certificate of occupancy, issued no earlier than sixty (60) days before closing shall be required before the premises may be used or occupied. It shall be the obligation of the seller or transferor to apply for and obtain the updated certificate of occupancy unless the parties agree otherwise in the contract of sale. The requirement of this subsection shall not apply to transfers of real property from the owner to a limited liability**

company of which the owner is a managing member, a limited liability partnership where the owner is a managing partner; a trust where the owner is a trustee and a transfer from the owner to the owner's spouse either individually or as tenants in common.

- 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 subclassification 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.

F. 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 that the building or structure, or the portion thereof covered by the temporary or partial certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and 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.

G. Revocation or suspension of certificates. If the Building Inspector or Assistant Building Inspector determines 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 § 162-40, Enforcement.

- H. 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.
- I. Penalties for offenses. No prior written notice of violation or request to cure shall be required to enforce the provisions of this section. The owner of the property shall be strictly liable regardless of whether the owner has received actual or constructive notice of the violations. For such violation, the owner of a building or premises or part thereof where the violation has occurred shall be subject to a penalty of not less than \$5,000 nor more than \$10,000 for the first day of each such violation and no less than \$1,000 and no more than \$5,000 for each and every day that any such violation continues thereafter to exist. In addition to the fines and penalties set forth herein, a party convicted of a violation of this section shall pay all costs and expenses incurred by the Village in determining such violation. Penalties shall be collected and violations of this section shall be prosecuted in the same manner prescribed by law in the Village of Ossining.
- J. The provisions in this section relating to certificates of occupancy are similarly applicable to certificates of occupancy issued pursuant to chapter 270 of the Village of Ossining Code (Zoning).

Section 2. Effective date.

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