

Proposed Local Law 16-2021

A Local Law amending Chapter 162 (Housing/Property Maintenance and Building Code Administration) 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 (Housing/Property Maintenance and Building Code Administration) is amended to add a new Article XII (NY Stretch Energy Code-2020) with new matter underlined and further amended to conform the existing code with the new Article XII, new matter being underlined and deleted matter in **[brackets]**.

Section 162-66 **Legislative Intent**

The Board of Trustees of the Village of Ossining seeks to protect and promote the public health, safety and welfare of its residents with energy efficient building standards. The Village has taken the lead on sustainable initiatives including, but not limited to, having village staff use electric vehicles, providing electric charging stations for vehicles, adopting a revise Freshwater Wetlands local law, and revising the Village's Comprehensive Plan. The Board of Trustees requested that Village staff look into the implementation of the NY Stretch Energy Code-2020 ("NY Stretch Energy"). NY Stretch Energy is a supplement to the existing 2020 Energy Conservation Construction Code of New York State ("ECCCNYS"). NY Stretch Energy contains standards which are intended to make buildings approximately 10% more efficient by creating new standards for items such as insulation, ventilation and lighting.

Section 162-67 **Adoption of NY Stretch Energy Code-2020**

The Village of Ossining Board of Trustees hereby adopts the NY Stretch Energy Code-2020, published by the New York State Energy Research and Development Authority ("NYSERDA"). The provisions of the NY Stretch Energy Code shall be effective for all building permit applications filed on or after January 1, 2022 and shall be applicable to all new construction, substantial alterations and additions unless superseded by more restrictive provisions adopted by the Board of Trustees of the Village of Ossining or New York State.

Section 162-68 **Conflicts with Conservation Construction Code of New York State**

Any provision in the NY Stretch Energy Code-2020 which conflicts with any provision of the Conservation Construction Energy Code of New York State-2020 shall be severed from the Village's adoption of the NY Stretch Energy Code-2020. Specifically, NY Stretch Energy Code-2020, section R403.6.2 is excluded from the adoption of this local law.

Section 162-69 **Authority**

This local law is enacted pursuant to New York Energy Law section 11-109(1), and Municipal Home Rule Law section 10 and in accordance with the procedures detailed in Municipal Home Rule Law section 20.

Section 162-70 **Severability**

If any section or subdivision, paragraph, clause, phrase of this local law shall be adjudged invalid or held to be unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

Section 2 Chapter 162, section 162-26 (Additional Definitions) is amended as follows with new matter **underlined** and deleted matter in **[brackets]**.

ENERGY CODE

[The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time].

The NY Stretch Energy Code-2020, published by the New York State Energy Research and Development Authority, as currently in effect and as hereafter amended from time to time.

Section 3 Chapter 162, section 162-9 (Application of Building Code) is amended as follows with new matter **underlined** and deleted matter in **[brackets]**.

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 chapters of the building construction, plumbing and electrical codes used by the Village of Ossining, the New York State Uniform Fire Prevention and Building Code, found at Title 19 NYCRR Chapter XXXIII, Subchapter A (hereinafter referred to as the “Uniform Code”), as hereinafter amended from time to time, and the **NY Stretch Energy Code-2020 published by the New York State Energy Research and Development Authority for all building permit applications submitted on or after January 1, 2022 and applicable to all new construction, substantial renovations, alterations and additions, [and the 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 4 Chapter 162, section 162-48 (Permit required for change in commercial occupancy) is amended as follows with new matter **underlined** and deleted matter in **[brackets]**.

Prior to occupying any commercial space within any building in the Village of Ossining, a change in commercial occupant must be applied for and approved by the Building Department. If **the proposed occupant intends** [you are proposing] a new store or business within the Village of Ossining, whether it involves a purchase or lease of a storefront, commercial space, or portion of an existing building, plans may be required to be presented to the Building Department for the utilization of such commercial space/building. Plans may be required even if there are no proposed renovations or alterations. A permit and plan

may be necessary so that Building Department personnel can confirm that the proposed business is permitted under the Zoning Code and that the intended use of the space/building complies with the New York State Fire Prevention and Building Code (Uniform Code) and the **NY Stretch Energy Code-2020 [the New York State Energy Construction Conservation Code (Energy Code)]** and the Village of Ossining Code.

Section 5 Chapter 91 (Building Construction), section 91-1 (Adoption of Standards) is amended as follows with new matter **underlined** and deleted matter in **[brackets]**.

- A. The Board of Trustees hereby adopts accepts the applicability of the New York State Fire Prevention and Building Code (“Uniform Code”) and the **NY Stretch Energy Code-2020 published by the New York State Energy Research and Development Authority [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 their designees.

Section 6 Chapter 178 (Noise), section 178-5 (Permitted and regulated noises) is amended as follows with new matter **underlined** and deleted matter in **[brackets]**.

D. Domestic tools and equipment, vehicle repair, gas-powered leaf blowers and emergency generators.

4 Operation of permanent emergency generators

(a) All permanent emergency generators shall be installed and maintained in compliance with all federal, state, county and local laws, including the New York State Uniform Fire Prevention and Building Code, **[and] the Energy Conservation Code and the NY Stretch Energy Code-2020 and any amendments thereto.**

Section 7. **Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.