

Proposed Local Law -2024

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 and use or 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: i) Fences projecting above the ground not more than 6.5 feet at the lower ground level; ii) 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; and iii) 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 Assistant Building Inspector is required for the installation, expansion and/or replacement of driveways or parking areas 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, expansion, and/or replacement of an existing driveway or parking area is part of an approved site plan a separate application for a building permit will not be required. No person shall commence any work for which a building permit is required without first having obtained a building permit from the 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.

- C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection **B** 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.

- (1) The application shall include or be accompanied by the following information and documentation:
 - (a) A description of the proposed work;
 - (b) The Tax Map number and the street address of the premises where the work is to be performed;
 - (c) The occupancy classification of any affected building or structure;
 - (d) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code;
 - (e) At least three sets of construction documents (drawings and/or specifications) which define the scope of the proposed work; are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; indicate with sufficient clarity and detail the nature and extent of the work proposed; substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and 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;
 - (f) 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
 - (g) Other documentation, reports, plans, and/or specifications as required by the Building Inspector or Assistant Building Inspector.
 - (2) 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 the 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 Subsection **D(1)(e)** 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 determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
- I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon written application by the permit holder, provided that:
- (1) The permit has not been revoked or suspended at the time the application for renewal is made;
 - (2) The applicable fee has been paid;
 - (3) All relevant information in the application has been provided and is current; and
 - (4) The application is approved by the Building Inspector, 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 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 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, 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.

M. Utilization of third-party design professional. **[Added 9-1-2021 by L.L. No. 10-2021]**

- (1) The Building Inspector or designee may refer any building permit application, including all construction and other accompanying documents, to a third-party New York State licensed registered architect or professional engineer ("third-party design professional") for review, in whole or in part, for compliance with the Uniform Code, Energy Code and any other applicable law, rule or regulation. The third-party design professional selected by the Building Inspector or designee for review of a building permit application shall not be the applicant, property owner or design professional associated with the application. In determining whether to approve a building permit application, the Building Inspector or designee may rely, in whole or in part, on the third-party design professional's review and recommendations. The ultimate decision to approve a building permit application shall be made solely by the Building Inspector or designee.
- (2) Absent unusual circumstances, which shall be documented in writing by the Building Inspector or designee and provided to the applicant, no building permit application for proposed single-family or two-family detached structures, including additions, alterations or structures accessory thereto, shall be referred to a third-party design professional. All other building permit applications for proposed principal uses, including the construction of single-family or two-family detached residential units that are part of a proposed subdivision, may be referred to a third-party design professional by the Building Inspector or designee as provided herein.
- (3) Should the Building Inspector or designee determine that review of the building permit application by the third-party design professional is appropriate, the Building Inspector or designee shall so notify the applicant, in writing, along with the cost for the review. The cost for the review shall be paid by the applicant to the Village of Ossining for transmittal to the third-party design professional. Where it has been determined that a review by a third-party design professional is warranted, a building permit application will not be further processed until payment for the cost of the review is received.

162-28.1 Accompanying documents for initial installation, expansion and/or replacement of driveways or parking areas.

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

§ 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.