

LOCAL LAW NO. 5-2015

CODE REVISIONS TO CORRECT INCONSISTENCIES AND ERRORS AND PROVIDE  
CLARIFICATION RELATED TO BUILDING CODE ENFORCEMENT

A LOCAL LAW amending Chapters 133, 162, 201 and 270 of the Village Code of the Village of Ossining entitled, respectively, "Fire Hazard Inspections", "Housing Standards", "Plumbing", and "Zoning".

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

Section 1. Chapter 133, Section 2. "Inspections authorized" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

- A. Upon referral by [T]the Fire Chief of the Fire Department of the Village of Ossining or an Assistant or Deputy Fire Chief or [the Building Department or Building Inspector thereof, when authorized by him or her] in response to a complaint based upon personal observation, or as otherwise may be required by law or regulation, the Building Inspector 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 or block the ingress and egress to said Department or other emergency personnel in the event of fire or emergency and whether there are any conditions existing on said premises creating danger to life or property [in the event of fire].
- B. [The Fire Chief, or the Assistant Fire Chief or the Building Department or Building Inspector authorized] The Fire Chief or an Assistant Fire Chief, the Building Inspector or his or her authorized designee or a certified fire inspector acting as agent of the Village shall designate such areas at, on or near any interior street, roadway or driveway which, if obstructed, by the parking or placing of any [automobile, truck,] motor vehicle or any physical object or material will cause interference with the ingress and egress of fire-fighting or other emergency equipment or which, if obstructed in any way, will create a condition which is dangerous to life or property [in the event of fire]. Such areas shall thereupon be marked with standard police signs and/or such other markings deemed necessary and proper by the [Fire Chief, or the Assistant Fire Chief, the Building Department or Building Inspector authorized] The Fire Chief or Assistant Fire Chief, or the Building Inspector or his or her authorized designee or a certified fire inspector acting as agent of the Village indicating that said area is a restricted fire zone. The parking or placing of any [automobile, truck,] motor vehicle or physical object or material within any such restricted fire zone is hereby expressly prohibited. [ Said signs and markings shall be installed at the expense of the owner of the property who shall promptly pay to the Village Treasurer the actual cost thereof as certified in writing to said Village

Treasurer by the Fire Chief, or Assistant Fire Chief, the Building Department or Building Inspector].

Section 2. Chapter 133, Section 3. "Notice of violation and summons" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

The Village of Ossining Building Inspector or his or her authorized designee, or [A]any police officer of the Ossining Police Department shall issue a summons, appearance ticket or other accusatory instrument as appropriate for the violation of this [c]Chapter to the owner or any person operating or controlling any [automobile, truck,] motor vehicle, physical object or material parked or placed within any restricted fire zone as hereby designated. Whenever any other violation of any of the provisions of this [c]Chapter is found to exist, [it shall be reported by the Fire Chief or Assistant Fire Chief, authorized to the Village Manager, who shall then] the Building Inspector shall issue an order directed to the owner or occupant of the premises affected to remove any dangerous materials or remedy any other hazardous conditions as he or she may direct within a reasonable timeframe for compliance as may be deemed appropriate, but said timeframe may not be more than 24 hours and upon the failure or refusal of the person to whom such order is directed duly to comply therewith, [upon the complaint of the Fire Chief or Assistant Fire Chief authorized,] a summons, an appearance ticket or similar accusatory instrument as appropriate shall be issued to such person for such violation.

Section 3. Chapter 162 is renamed as follows, with deleted matter in [brackets] and new matter underlined, "Housing [Standards] and Property Maintenance".

Section 4. Chapter 162, Section 4. "Definitions" is hereby amended as follows, 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 or her authorized [representative] designee. Any reference to Building Inspector in this Chapter shall also be deemed to include and refer to the Director of Code Enforcement.

Section 5. Chapter 162, Section 9. "Application of building code" is hereby amended as follows, 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 of the building, plumbing and electrical code and multiple dwelling code used by the municipality, including, but not limited to, the NYS Uniform Codes and any promulgated regulations as adopted.

Section 6. Chapter 162, Section 35(B) is hereby deleted in its entirety.

Section 7. Chapter 162, Section 38. "Demolition as compliance" is hereby deleted in its entirety.

Section 8. Chapter 201, Section 2. "Definitions" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

As used in this chapter, the following terms shall have the indicated meanings, unless, from the context, a different meaning clearly appears:

**[APPRENTICE**

One who has been engaged in the trade, business or calling of plumbing for less than five years. Graduation from an accredited trade school shall be equivalent to three years of apprenticeship.]

**COUNTY**

Westchester County, the authority which issues trade licenses to qualified plumbers in the Village of Ossining.

**EMPLOYING OR MASTER PLUMBER**

A person or corporation duly registered with the [Village Building Department] County engaging in the trade, business or calling of a plumber or of plumbing in the Village and who may employ other persons (not including corporations) to assist him or her in carrying out such business, trade or calling.

**[JOURNEYMAN**

One who has fulfilled the requirements of apprenticeship.]

**PLUMBING**

The system in or adjacent to a structure or building, either installed or to be installed, which is utilized in the distribution and transmission of water, wastes, and gas (including but not limited to natural gas, liquefied petroleum, also known as LP gas, and medical gases). The system includes all pipes, fittings, fixtures, drains, valves, valve assemblies and devices, and all other similar and associated apparatuses and devices. This system shall be constructed, installed, altered and maintained by an individual authorized in accordance with the requirements of this Chapter to conduct such work.

**PROPER ADMINISTRATIVE AUTHORITY**

Building Inspector or Director of Code Enforcement, or a duly authorized designee.

**[TOWN**

The Town of Ossining.]

**[TRADE SCHOOL**

A school for plumbers licensed by the Department of Education of this state.]

Section 9. Chapter 201, Section 3. "Statement of purpose" is hereby 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 plumbing work [in] servicing existing or proposed buildings and structures and the materials used therefor, and by prohibiting any installation, alteration or removal or the use of any materials which do not comply with such regulations and providing for the plumbing work to be conducted by duly licensed [licensing of] plumbers.

Section 10. Chapter 201, Section 5. "Fees" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

All fees paid for plumbing permits[, examinations, reexaminations, etc.,] required by the provisions of this chapter shall be the fees as set forth in the fee schedule of the Village [contained in the Building Administration Code] or such other fees as may from time to time be enacted by the Board of Trustees. Where a system is rejected or incomplete at the time of inspection, an additional fee [shall] may be imposed for re-inspection.

Section 11. Chapter 201, Article II. "Examination and Registration of Plumbers" is hereby renamed, with deleted matter in [brackets], [Examination and] Registration of Plumbers.

Section 12. Chapter 201, Section 6. "Registration required" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

§ 201-6. Registration [required].

Every employing plumber or master plumber carrying on his or her trade, business or calling in the Village or desiring or intending to do so or desiring to do plumbing shall first be duly registered [by] with the [Building Department and, thereupon,] County and shall be [entitled to receive a certificate of] required to produce evidence of such registration; [provided, however, that such employing or master plumber shall pay all fees, file a surety bond and pass the Village test of competency from an Examining Board of Plumbers, as provided in this article, and] it shall be unlawful for a person to conduct such business, trade or calling without first becoming [having obtained such certificate] so registered and producing evidence of same.

Section 13. Chapter 201, Sections 7-14 (inclusive) are hereby deleted in their entirety.

Section 14. Chapter 201, Section 15. "Work to be done by registered plumber" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined.

§ 201-[15] 7. Work to be done by registered plumber.

All plumbing work done in the Village, except in public streets by the Village and under the supervision of the Department of Public [w]Works, shall be done by an employing or master plumber registered under the [provisions of this article or] provisions set forth by the County by his or her employee under his or her supervision.

Section 15. Chapter 201, Sections 16-21 are hereby deleted in their entirety.

Section 16. Chapter 201, Section 22. "Permit required" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

§201-[22]8. Permit required.

Before the construction or alteration of any plumbing or drainage system is commenced, the owner or lessee or the agent of either shall obtain a written permit therefor from the Building Department.

Section 17. Chapter 201, Section 23. "Application" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

§201-[23]9. Application.

A. Generally. For the purpose of obtaining the permit required by this article, the applicant shall file an application for such permit with the Building Inspector [comprising three copies of the specifications and working drawings] including the specifications of the proposed system or alteration and [such additional] working drawings and such other information as the Building Inspector may require.

[B. Specification blanks. The specifications shall, if required, be on blanks provided by the Building Inspector.]

[C] B. Working drawings. On all new construction, the working drawings shall be drawn on a scale of not less than ¼ inch to one foot, with all dimensions plainly indicated thereon, and they must consist of such floor plans and sections as may be necessary to show clearly all the plumbing work to be done. On alterations of existing systems, the Building Inspector may require working drawings if the work is extensive.

[D] C. Name, location of work, etc. Every application for a permit required by this article shall contain, at a minimum, a verified statement giving the full name and residence of the owner and a description of the lot where the work is to be done, by section, sheet, block and lot number.

Section 18. Chapter 201, Sections 24 and 25 shall be renumbered as Section 201-10 and Section 201-11, respectively.

Section 19. Chapter 201, Section 26. "Approval; issuance of permit and approved plans" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

Section 201-[26]12.

A. The [Building Inspector] proper administrative authority shall approve or reject any application for a permit required by this article, within a reasonable time and, if approved, shall promptly issue a permit therefor to the applicant, together with [two] a certified [copies] copy of the approved specifications and drawings.

Section 20. Chapter 201, Sections 28 and 29 shall be renumbered as Section 201-13 and Section 201-14, respectively.

Section 21. Chapter 201, Section 29. "Expiration; revocation" is hereby amended as follows, with new matter underlined:

§201-[29]15.

[A permit required by this article under which no substantial work has been done] All work associated with a permit duly issued under this Article must be completed within one year from its date of issuance or such permit shall expire and be void. [shall expire by limitation.] A permit may be extended for an additional period not to exceed 6 months

upon application to the Building Department. Permits remaining open for more than eighteen (18) months from the date of issuance are void and a new permit must be obtained before conducting the work. The Building Inspector may, by written notice, revoke any permit in case of false statement or any misrepresentation as to a material fact in the application for the permit; and thereupon all work shall be stopped and such work shall be deemed in violation of the requirements of this chapter and any other applicable provision of law, code or regulation.

Section 22. Chapter 201, Section 30 shall be renumbered Section 201-16.

Section 23. Chapter 201, Section 31. "Inspection required" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

§201-[31]17.

All piping, traps and fixtures of a plumbing system shall be inspected by the proper administrative authority to ensure compliance with all the requirements of this chapter and the applicable provisions of the New York State Uniform [Fire Prevention and Building Construction] Codes as [it applies] they apply to such plumbing and to ensure that the installation and construction of the system is in accordance with the approved plans for the permit required by Article III of this chapter.

Section 24. Chapter 201, Section 32. "Notification; testing" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

§201-[32]18.

A. It shall be the duty of the plumber to notify the Building Department at least 24 hours in advance that the work is ready for inspection and to obtain an appointment for such inspection to be conducted.

[A] B. It shall be the duty of the plumber to notify [the proper administrative authority and] the owner, or his or her authorized agent, orally by telephone, or in writing, between the hours of 9:00 a.m. and [4]8:00 p.m. not less than eight working hours before the work is to be inspected or tested in accordance with the provisions of this article.

[B] C. It shall be the duty of the plumber to make sure that the work will stand the tests prescribed before giving the above notification.

Section 25. Chapter 201, Section 33 shall be renumbered Section 201-19.

Section 26. Chapter 201, Section 34. "Certificate of compliance" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

§201-[34]20.

A certificate [of the Plumbing Inspector certifying compliance with the provisions of this chapter] by the proper administrative authority evidencing that the plumbing work has passed

final inspection shall be issued to the owner of the premises involved at the completion of the inspection provided for in § 201-31.

Section 27. Chapter 270 "Zoning", Section 43. "Building permits" is hereby amended as follows, with deleted matter in [brackets] and new matter underlined:

§270-43. Building and demolition permits.

No building or retaining wall in any district shall be erected, demolished, reconstructed or restored or structurally altered without a building permit and/or demolition permit duly issued upon application to the Building Inspector. No building permit or demolition permit shall be issued unless the proposed construction, demolition or use is in full conformity with all the provisions of the law. Any building permit or demolition permit issued in violation of the provisions of this [c]Chapter shall be null and void and of no effect, without the necessity for any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any permit shall be unlawful.

A. At a minimum, [E]very application for a building permit shall contain the following information and be accompanied by the required fee and by a plot plan drawn to scale and signed by the person responsible for such drawing. If no such plot plan is available, a survey, prepared by a licensed engineer or land surveyor, is required. Additional information and documentation may be required by the Building Inspector when context appropriate.

- (1) The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected or of the lot on which it is situated, if an existing building.
- (2) The section, block and lot numbers as they appear on the latest tax records.
- (3) The exact size and locations on the lot of the proposed building or buildings or alteration of an existing building and of other existing buildings on the same lot, including driveways and walks.
- (4) The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot.
- (5) The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate.
- (6) Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.

B. At a minimum, every application for a demolition permit shall contain the following information and be accompanied by the required fee. Additional information and documentation may be required by the Building Inspector when context appropriate.

- (1) Location of the property to be the subject of the demolition, including the street address and the section, block and lot numbers as they appear on the latest tax records.
- (2) Name and contact information for the owner of the property.
- (3) The building type and dimensions, including square footage and number of stories.

- (4) Certificates of insurance of the type and in the coverage limits set from time to time by the Building Inspector and as set forth on the face of the application.
- (5) Notice from utility providers that service has been disconnected.
- (6) Certificate of compliance by licensed exterminator.
- (7) Test results from a New York State certified inspector as to the presence of asbestos and other similar hazards.
- (8) A bond or cash deposit in an amount deemed by the Building Inspector to cover the cost of compliance with this Chapter.
- (9) Photographs of all sides of the building(s) to be demolished.
- (10) Demolition plans stamped and signed by a licensed architect or engineer, the sufficiency of the level of detail on such plans to be determined by the Building Inspector as context appropriate.

[B] C. No building permit shall be issued for the construction or alteration of any building upon a lot without access to a street or highway as stipulated in § 7-736 of the Village Law.

[C] D. No building permit shall be issued for any building subject to site plan approval by the Planning Board or subject to review by the Board of Architectural Review, except in conformity with the plans approved by either or both of said boards, as appropriate.

[D] E. No building permit shall be issued for a building to be used for any conditional use in any district where such use is subject to approval by the Planning Board, unless and until such approval has been duly granted by the Planning Board.

[E] F. No building permit shall be issued for a building to be used for any special permit in any district where such use is subject to approval by the Village Board, unless and until such approval has been duly granted by the Village Board.

[F] G. No building permit shall be issued for a building permitted subject to a variance granted by the Zoning Board of Appeals, except in accordance with all conditions which may have been prescribed by such Board.

H. No Demolition Permit shall be granted without consideration of and compliance with Chapter 270-25 (E) "Regulated conduct for alteration, demolition or new construction affecting landmarks or historic districts", if applicable.

[G] I. The building and demolition permit application and all supporting documentation shall be made in such number of copies as may be required by the Building Inspector. Upon issuance of a building permit, the Building Inspector shall return one copy of all filed documents to the applicant.

[H] J. The Building Inspector or his or her duly authorized designee shall, after the filing of a complete and properly prepared application, either issue or deny a building or demolition permit. If a building or demolition permit is denied, the Building Inspector or his or her duly authorized designee shall state, in writing, to the applicant the reasons for such denial.

[I] K. Every building permit shall expire if the work authorized has not commenced within three months after the date of issuance, or has not been completed 12 months



from such date for construction costing less than \$1,000,000 and has not been completed within 18 months from such date for construction costing in excess of such amount. If no amendments to this chapter or to other codes or regulations affecting subject property have been enacted in the interim, the Building Inspector may authorize, in writing, the extension of either of the above periods for an additional six months, following which no further work is to be undertaken without a new building permit.

- L. Every demolition permit issued pursuant to this Chapter may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformity with applicable law or regulation, or with any condition attached to such permit, or if there has been a misrepresentation or falsification of a material fact in connection with the application for the permit.

A demolition permit issued pursuant to this Chapter shall expire six months from the date of issuance. A demolition permit may, upon written request, be renewed for up to two (2) successive six month periods. Renewals of permits may be granted only if:

- (1) the permit has not been revoked or suspended at the time the application for renewal is made;
- (2) the relevant information in the application is up to date; and
- (3) any applicable renewal fee is paid.

- [J] M. As soon as the construction of any foundation of a building or of any addition to an existing building is completed, and before first-story framing or wall construction is begun, there shall be filed with the Building Inspector an accurate survey, signed by the person responsible for said survey, showing the exact location of such foundation with respect to the street and property lines of the lot.

- [K] N. Applications for a building permit or a demolition permit, and any extensions thereof, shall be accompanied by a fee, as set forth in the fee schedule of the Village of Ossining.

Section 27. Except as otherwise provided herein, all other provisions of Chapters 133, 162, 201 and 270 entitled, respectively, "Fire Hazard Inspections", "Housing Standards", "Plumbing", and "Zoning" shall remain the same.

Section 28. This Local Law shall take effect immediately upon publication, filing and posting as required by law.