

**VILLAGE OF CROTON-ON-HUDSON  
BOARD OF TRUSTEES**

**LOCAL LAW INTRODUCTORY NO. XX-2023**

**A LOCAL LAW TO AMEND**

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

**Section One.** Chapter 86, Building Construction, of the Code of the Village of Croton-on-Hudson is hereby amended to read as follow:

Article I: Building Code Administration

**§ 86-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**VILLAGE ENGINEER**

The village official designated to head the Engineering Department for the Village of Croton-on-Hudson in accordance with [~~§ establishing Eng. Dept.~~ § 86-2. The term "Village Engineer" shall include his designee authorized to administer the provisions of this chapter.

**§ 86-21. Building Engineering Department established.**

- A. There is hereby established in the Village of Croton-on-Hudson a Department to be designated as the "Building Engineering Department" for the administration and enforcement of the provisions of all laws, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the Village of Croton-on-Hudson.
- B. The Building Engineering Department shall be headed by a village official designated as the "Village Engineer."

**§ 86-32. Appointments and qualifications of Village Engineer.**

- A. The Village Engineer shall be a person who shall be a graduate of a recognized college or university with a bachelor's degree in engineering or architecture and shall have had at least five years' experience as an engineer or architect, building inspector, building contractor or supervisor of building construction and possess a professional engineer's or architect's license. The Village Engineer shall, within the time prescribed by law, obtain

**Commented [TR1]:** New language is underlined. I have indicated where this language is mandated by New York State or is merely optional.

**Commented [TR2]:** Rule 1203 requires that building inspectors have "qualifications comparable to those a person who has met the requirements of Part 1208 applicable to building safety inspectors/code enforcement officials." This is the language used by the model local law and is not mandatory.

such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Village Engineer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

- B. The Village Engineer shall be appointed by the Village Manager at a compensation to be fixed by the Board of Trustees.

**§ 86-43. Assistant Village Engineers; Acting Engineer; other employees.**

- A. Assistant Village Engineer.

(1) The Village Manager may appoint one or more assistants to the Village Engineer, as the need may appear, to exercise, pursuant to the provisions of this Article, any or all of the duties of the Village Engineer as may be delegated to such assistants by the Village Engineer. The compensation of such assistants shall be fixed by the Board of Trustees.

~~(1)~~

(2) Each assistant shall be a person who has had at least three years of practical experience in the design or construction of buildings or in the design, construction or installation of plumbing, heating or electrical equipment or shall have the same qualifications as are required for the office of Village Engineer. Each assistant shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

- B. Acting Village Engineer. In the absence of the Village Engineer or in the case of his inability to act for any reason, the Manager shall have the power, with the approval of the Board of Trustees, to designate a person to act in his behalf and to exercise all of the powers conferred upon him by this Article; provided, however, that no such designation shall be made for periods aggregating more than 60 days during any year, nor shall an Acting Village Engineer be designated for periods aggregating more than 60 days when the office of Village Engineer is vacant, unless the person so designated shall possess the qualifications prescribed by § 86-32A.

C. Fire Inspector. The Fire Inspector for the Village of Croton-on-Hudson or his designee may exercise, pursuant to the provisions of this Article, any or all of the duties of the Village Engineer as may be designated to such assistants by the Village Engineer.

~~C.D.~~ Other employees. The Village Manager may appoint such other employees as may be required from time to time by the Village Engineer to carry out the functions of the ~~Building Engineering~~ Department

**§ 86-54. Restrictions on Department employees.**

No officer or employee of the ~~Building Engineering~~ Department shall engage in activity inconsistent with his duties or with the interests of said office, nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the Village of Croton-on-Hudson, excepting only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure for his own occupancy owned by him.

Commented [TR3]: Should we revise this Chapter to use gender-neutral (or gender inclusive) language or just leave it?

**§ 86-65. Relief from personal liability.**

No official or employee of the ~~Building Engineering~~ Department shall, while acting within the scope of his duties pursuant to the provisions of this Article, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, provided that such acts are performed in good faith and without gross negligence.

**§ 86-76. Powers and duties of Village Engineer.**

- A. Except as otherwise specifically provided by law, ordinance or regulation or except as herein otherwise provided, the Village Engineer ~~or his designee~~ shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof, pursuant to the provisions of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”) and State Energy Conservation Construction Code (the “Energy Code”) and all other applicable laws, ordinances and regulations.
- B. He shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction, as set forth by the latest amended copy of the Uniform Code and Energy Code. ~~New York State Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code~~. He shall receive applications for sand bank and

other excavations and issue permits ensuring compliance with ordinances governing said type of excavations, except as may be otherwise specifically provided by law, ordinance or regulation.

- C. He shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from Assistant Village Engineers or other employees of the ~~Building-Engineering~~ Department or from generally recognized and authoritative service and inspection bureaus, provided that the same are certified by a responsible official thereof.
- D. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction as set forth by the latest amended copy of the ~~Uniform Code~~~~New York State Uniform Fire Prevention and Building Code~~ and ~~Energy Code~~~~State Energy Conservation Construction Code~~, he may require the performance of tests in the field by experienced professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.
- E. If deemed necessary, he may obtain such engineering assistance as he may require to ensure an accurate inspection of building plans and specifications, and the cost for such services shall be borne by the applicant.
- F. The Village Engineer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or Energy Code. The process for responding to a complaint shall include such of the following steps as the Village Engineer -may deem to be appropriate:
  - 1. performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
  - 2. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 86-29 ~~section 17~~ (Violations) of this local law;
  - 3. if appropriate, issuing a stop work order;
  - 4. if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing

**Commented [TR4]:** Section 230-172 requires that Village Engineer shall keep records of complaints pursuant to "this chapter" (i.e., zoning) - not applicable to Uniform Code/Energy Code violations

a final written report reflecting such abatement or correction, and filing such report with the complaint.

G. Local energy conservation construction code.

1. Notwithstanding any provision herein to the contrary, the Village of Croton-on-Hudson hereby adopts, as its local energy conservation construction code, the State Energy Code as modified in the manner contemplated by NYStretch. Such local energy conservation construction code shall consist of the provisions currently set forth in Part 1240 and in the publications currently incorporated by reference in Part 1240; provided, however, that the 2020 ECCCNY and ASHRAE 90.1-2016 shall be deemed to be modified as follows:
  - a. In each case where a section, table, or appendix in the 2018 IECC is modified by NYStretch, the corresponding section, table, or appendix in the 2020 ECCCNY shall be deemed to be modified in the same manner;
  - b. In each case where a section, table, or appendix is added to the 2018 IECC by NYStretch, such section, table, or appendix shall be deemed to be added to the 2020 ECCCNY subject to the following exception:
    - i. Section R403.6.2, which is added to the 2018 IECC by Section 3.11 of NYStretch, shall not be deemed to be added to the 2020ECCCNY;
  - c. Each section or table in ASHRAE 90.1-2016 that is modified by NYStretch shall be deemed to be so modified; and
  - d. Each section added to ASHRAE 90.1-2016 by NYStretch shall be deemed to be added to ASHRAE 90.1-2016.
2. A copy of NYStretch is annexed hereto and made part hereof.

**§ 86-87. Department records and reports; program review and reporting.**

- A. The Village Engineer shall keep permanent official records of all transactions and activities of the Building Engineering Department, including all applications received, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. Where feasible, such records shall be permanently bound. Such applications, permits and certificates shall be numbered consecutively. All such records shall be public records open to public inspection during business hours.
- B. The Village Engineer shall annually submit to the Board of Trustees a written report and summary of all business conducted by the Building Engineering Department, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.
- C. The Village Engineer shall make a report to the Board of Trustees once each month, or more often if directed by the Board of Trustees, including a statement of permits and certificates issued or refused, fees paid and orders promulgated, zoning violations and

action taken with respect thereto and such other matters as the Board of Trustees may request.

- D. The Village Engineer shall annually submit to the Secretary of State, on behalf of the Village of Croton-on-Hudson, on a form prescribed by the Secretary of State, a report of the activities of the Village of Croton-on-Hudson relative to administration and enforcement of the Uniform Code.
- E. The Village Engineer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials the Village of Croton-on-Hudson is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

**Commented [TR5]:** 1203.4 requires Village to submit to Secretary of State an annual "report of its activities relative to administration and enforcement of the Codes" and to provide records to the DoS upon request. This language is suggested by the model local law.

**§ 86-98. Cooperation of other departments.**

The Village Engineer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Police and Fire Departments and of all other village officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

**§ 86-109. Building permits required; application.**

- A. No person, firm or corporation shall commence any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure or cause the same to be done without first obtaining a separate building permit from the Building-Engineering Department for each such building or structure.
- B. No building permit shall be required for
  - 1. The performance of ordinary repairs, provided that the work does not have an impact on fire and life safety, such as:
    - i. Any part of the structural system;
    - ii. The required means of egress; or
    - iii. The fire protection system or the removal from service of any part of the fire protection for any period of time.
  - 2. The construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses).

**Commented [TR6]:** This language is required.

**Commented [TR7]:** The existing section 86-9A contains the exemption for repairs. I separated it and made the exemption its own section because NYS enumerates specific requirements for the repairs exemption.

which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 20 square feet.

B. No building permit shall be required for the performance of ordinary repairs, provided that the work does not have an impact on fire and life safety, such as:

1. Any part of the structural system;
2. The required means of egress; or
3. The fire protection system or the removal from service of any part of the fire protection for any period of time.

C. Application for a building permit shall be made to the Village Engineer on forms provided by the Building Engineering Department and shall contain the following information:

1. A description of the land on which the proposed work is to be done, including section, block and lot numbers, if any.
2. A statement of the use or occupancy of all parts of the land and of the building or structure
3. The valuation of the proposed work.
4. The full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations.
5. A brief description of the nature, location, extent, and scope of the proposed work.
6. A duplicate set of plans and specifications set forth in Subsection E of this section.
7. Where applicable, a statement of special inspections to be prepared in accordance with the provisions of the Uniform Code.
8. Such other information and documentation as may reasonably be required by the Village Engineer to establish compliance of the proposed work with the requirements of applicable building laws, including the Uniform Code and Energy Code, ordinances and regulations.

D. Applications shall be made by the owner or lessee or agent of either or by the architect, engineer or building contractor employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

E. Each application for a building permit shall be accompanied by ~~duplicate-triplicate~~ (3) copies of plans and specifications, including but not limited to the following, where applicable:

1. Describing the location, nature, extent and scope of the proposed work and the materials to be incorporated;

**Commented [TR8]:** These provisions re: repairs are required by Rule 1203

**Commented [TR9]:** Inserted per Dan's comments

**Commented [TR10]:** The existing section 86-9A contains the exemption for repairs. I separated it and made the exemption its own section because NYS enumerates specific requirements for the repairs exemption.

**Commented [TR11]:** Rule 1203 permits additional exemptions, listed below. Does the Village want to include any additional exemptions in its Code?

(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;

(2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(4) installation of partitions or movable cases less than 5'-9" in height;

(5) painting, wallpapering, tiling, carpeting, or other similar finish work;

(6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;

**Commented [TR12]:** These provisions re: repairs are required by Rule 1203

**Commented [TR13]:** The inserted language in this section is required.

**Commented [TR14]:** These specifications are required by Rule 1203. The Village may include additional requirements as it sees fit.

2. Showing that the proposed work will conform to the applicable provisions of the Uniform Code and Energy Code;
3. Showing the location, construction, size, and character of all portions of the means of egress;
4. Showing a representation of the building thermal envelope;
5. Showing structural information including but not limited to braced wall designs; the size, section and relative locations of structural members; design loads; and other pertinent structural information;
6. Showing the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building;
7. A written statement indicating compliance with the Energy Code;
8. A site plan, drawn to scale and in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site; distances from the lot lines; the established street grades and the proposed finished grades; and, as applicable, flood hazard areas, floodways, and design flood elevations;
9. Evidence that the plans and specifications were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number, and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number; and
10. All other information and documentation that the Village Engineer may deem necessary to allow the Village Engineer to determine that the proposed work conforms to the Uniform Code, Energy Code, and all other ordinances and regulations.

**Commented [TR15]:** This covers existing Code sec. 86-F

Plans and specifications which are accepted as part of the application for a building permit shall be marked as accepted by the Village Engineer in writing or by stamp, or in the case of electronic media, an electronic marking. One or more complete sets of approved plans and specifications and other submittal documents shall be retained by the Village Engineer. ~~One complete~~Two complete sets shall be returned to the applicant to be available at the work site for use by the Village Engineer. The return of a set of approved plans and specifications to the applicant shall not be construed as an authorization to commence work, nor as an indication that a building permit will be issued. Work shall not commence until and unless a building permit is issued.

**Commented [TR16]:** This language is suggested by the model local law. The rest of this paragraph is required.



F. All work shall be performed in accordance with the plans and specifications 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 Engineer of any change occurring during the course of work. The building permit shall contain such a directive. If the Village Engineer 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.

**Commented [TR17]:** Building permits are required to contain the two directives listed in this section. This is the model law's suggested language. It incorporates amendments so I deleted existing section 86-9E

G. An application for a permit for any proposed work shall be deemed to have been abandoned upon the lapse of 90 days after the date of filing unless a permit has been issued before the expiration of that period. The Village Engineer may grant, for reasonable cause, one or more extensions of time for additional periods not exceeding 90 days each.

H. In the case of any parcel of property for which site plan approval would be required for issuance of a building permit, no person, firm or corporation shall effect any change in the nature of use of property used or occupied by it or extend or change the use thereof or change the access from said parcel of property to a street or streets or cause any of the same to be done or continue in effect any such change of use or access effected after May 18, 1964, without first obtaining a change of use or access permit from the ~~Building Engineering~~ Department. The fee shall be in an amount set by resolution of the Board of Trustees, except that, where site plan approval is independently required in connection with obtaining a building permit, no separate change of use or access permit shall be required or fee charged. The provisions of this Article, and particularly those of §§ 86-109, 86-110, 86-121, 86-143 through 86-197 and 86-241, shall, to the extent applicable, apply to a change of use or access permit as to a building permit.

**Commented [TR18]:** This is the "Alternative to posting bond" section. This section number will need to be updated, along with the rest of Article II.

I. Payment of taxes and other payments required. No permits, variances, licenses, subdivision or other approvals or authorizations shall be issued, no applications therefor shall be considered, and no informal preliminary review or other procedure in relation thereto shall be conducted by the Village Board, the Planning Board, the Zoning Board of Appeals, the Building Inspector or any other board, commission or agency of the village, with respect to any premises within the village, unless and until all amounts due the village on said premises in real estate taxes, special assessments and any other payments, chargeable to the owner or possessor of said premises, together with all penalties and interest thereon, shall have been paid in full. The Village Board reserves the right to waive any and all of the above conditions as deemed necessary to fit special circumstances.

**§ 86-110. Issuance or denial of building permits; display of permit required.**

A. The Village Engineer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code.

Energy Code, and all other ordinances and regulations. He shall approve or disapprove the application within a reasonable time.

- B. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable building regulations, including the Uniform Code and Energy Code, the Village Engineer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Village Engineer shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.
- C. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

Commented [TR19]: This is required.

**§ 86-124. Expiration of permits; inspections.**

- A. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six months after the date of its issuance. For good cause shown, and provided that there shall have been no material change in applicable laws, ordinances or regulations or in conditions immediately affecting the vicinity in which the property to which the permit relates is located, the Village Engineer may allow one extension of time for an additional period of ~~three~~ months. The three-month permit extension shall require a fee in an amount determined by a fee schedule established by resolution of the Board of Trustees.
- B. All permits issued under this article shall be void and of no effect after six months from the date of issue thereof (or ~~nine~~ months from the date of issue thereof if the permit has been extended), unless the work for which the permit was issued has been actually commenced and not been abandoned during that period. If any permit becomes void as herein provided, 1/2 of the fee paid for such permit, not including any special fee covering examination of plans of a structure of complex design, may be refunded to the person who obtained the permit, provided that no work has been commenced and an application for refund is made within the six- or ~~nine~~-month period, but in no case shall refunds be made on fees based on a construction of less than \$1,000; and provided, further, that, notwithstanding any other provision hereof, all permits shall expire two years from the date of issuance unless the proposed work has been completed and a certificate of occupancy has been issued or unless such permit is extended by the ~~Board of Trustees~~ Village Engineer in accordance with Section A above. The permit extension shall require a fee in an amount set by resolution of the Board of Trustees.
- C. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building laws, ordinances or regulations. All work shall conform to the approved application, plans and specifications, except that no building permit shall be valid insofar as it authorized the performance of work or the use of

materials which are not in accordance with the requirements of the applicable building regulations and village ordinances.

- D. Buildings or structures subject to the provisions of this article hereafter erected without a permit shall be removed at the expense of the owner, if so ordered by the Board of Trustees.

**§ 86-132. Building Permit fees.**

- A. Upon the filing of an application for a building permit, the applicant shall pay a fee therefor in an amount set by resolution of the Board of Trustees, based on the total valuation of the proposed work.
- B. The term "valuation" shall mean the reasonable value, as determined by the Village Engineer, of all services, labor, materials and use of equipment, scaffolding and other appliances entering into and necessary for the prosecution of the work; except that the cost of grading, landscaping and decorating or other work intended only for embellishment shall not be deemed part of the cost.
- C. In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided that no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.

**§ 86-143. Revocation of permits.**

If the Village Engineer determines 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 or Energy Code, or any other ordinance or regulation, the Village Engineer shall revoke the building permit or suspend the building permit until such time as the Permit Holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the Uniform Code, Energy Code, and all other ordinances and regulations.

The Village Engineer may revoke a building permit therefore issued and approved where the Permit Holder fails or refuses to comply with a stop order issued by the Village Engineer.

**Commented [TR20]:** Revocation of a building permit is mandatory under these circumstances; sec. 86-13 is permissive.

**§ 86-15XX. Construction inspections.**

- A. Work shall remain accessible and exposed until inspected and accepted by the Village Engineer or by his or her designee. The Permit Holder shall notify the Village Engineer when any element of work described in subdivision B of this section is ready for inspection.
- B. The following elements of the construction process shall be inspected, where applicable.

**Commented [TR21]:** The NYS rule requires a construction inspection provision more stringent than what is established in Code sec. 86-11D.

**Commented [TR22]:** This is required.

**Commented [TR23]:** The underlined elements are required - I combined some of the requirements from 86-11D (construction inspections) into this section.

1. Work site prior to the issuance of a building permit;
2. Inspection of soil-bearing conditions for suitable bearing and checking proposed structure for front and side yard requirements as per applicable zoning regulations.
3. Footing and foundation;
4. Preparation for concrete slab;
5. Framing, before inside finish is completed;
6. Structural, electrical, plumbing, mechanical, fire-protection and other similar service systems of the building;
7. Fire resistant construction;
8. Fire resistant penetrations;
9. Solid fuel burning heating appliances, chimneys, flues, or gas vents;
10. inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
11. Installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
12. A final inspection after all work authorized by the building permit has been completed.

C. At the discretion of the Village Engineer or his or her designee authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Village Engineer or his or her designee, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Village Engineer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Village Engineer or his or her designee sufficient information to make a determination, an in-person inspection shall be performed.

Commented [TR24]: This provision is entirely optional

D. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code, Energy Code, or any other regulation or ordinance, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code, Energy Code, or any other regulation or ordinance shall remain exposed until such work shall have been brought into compliance with applicable portions of the Uniform Code, Energy Code, or any other regulation or ordinance, reinspected, and found satisfactory as completed.

Commented [TR25]: This provision is required.

**§ 86-164. Stop work orders.**

Whenever the Village Engineer has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the Uniform Code, Energy Code, and applicable building laws, ordinances or regulations or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same to such person by registered or certified mail at the address listed on the application.

**§ 86-175. Right of entry.**

- A. The Village Engineer, in the discharge of his duties, shall have the authority to enter any building or structure or premises at any reasonable hour with the consent of the person in possession or occupancy.
- B. If admission is refused or cannot be obtained from the person, in possession or occupancy, the Village Engineer shall be authorized to obtain a warrant to make an inspection, provided probable cause is shown.
- C. In case of an emergency, the Village Engineer may, without a warrant, enter any premises, or parts of premises, to inspect the same, at any time, without the permission of the person in possession or occupancy.

~~Any employee of the Building Department, upon the showing of proper credentials and in the discharge of his duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.~~

**§ 86-186. Certificate of occupancy required.**

- A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Village Engineer.
- B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Village Engineer.
- C. No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy shall have been issued by the Village Engineer.

**§ 86-197. Inspections; issuance of certificates; temporary certificates.**

**Commented [TR26]:** The existing Right of Entry provision is likely unconstitutional. I revised accordingly. Consider adding a "consent to inspection" clause or form to any application that requires inspection by a municipal official.

A. Inspection prior to issuance.

1. Before issuing a certificate of occupancy, the Village Engineer shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy, and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued.
2. 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 Village Engineer, at the expense of the applicant for the certificate of occupancy, shall be provided to the Village Engineer prior to the issuance of the certificate of occupancy:
  - i. a written statement of structural observations and/or a final report of special inspections,
  - ii. flood hazard certifications,
  - iii. a written statement of the results of tests performed to show compliance with the Energy Code, and
  - iv. where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes
3. There shall be maintained in the Building Engineering Department a record of all such examinations and inspections, together with a record of findings of violations of the law.

Commented [TR27]: This is required.

B. Issuance of certificate of occupancy.

1. When, after final inspection, it is found that the proposed work has been completed in accordance with the Uniform Code, Energy Code, and all other applicable buildings laws, ordinances and regulations and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Village Engineer shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the Village Engineer shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations as set forth by the Uniform Code and Energy Code.
2. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances and regulations and contain the following information:
  - i. The building permit number, if any;

Commented [TR28]: The underlined is required by Rule 1203.

- ii. The date of issuance of the building permit, if any;
- iii. The name (if any), address and tax map number of the property;
- iv. 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;
- v. The use and occupancy classification of the structure;
- vi. The type of construction of the structure;
- vii. The occupant load of the assembly areas of the structure, if any;
- viii. Any special conditions imposed in connection with the issuance of the building permit; and
- ix. The signature of the Village Engineer issuing the certificate of occupancy and the date of issuance.

C. Temporary certificate of occupancy. Upon request, the Village Engineer may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that (1) such portion or portions as have been completed may be occupied safely without endangering life or the public welfare; (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational; and (3) that all required means of egress from the structure have been provided. The Village Engineer may include in a temporary certificate of occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. The temporary certificate of occupancy shall contain all information as prescribed in subsection B(2) of this section.

Commented [TR29]: This is required

Commented [TR30]: This language is suggested and not mandatory

A temporary certificate of occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the ~~Code Enforcement Officer~~ Village Engineer and specified in the temporary certificate of occupancy. During the specified period of effectiveness of the temporary certificate of occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, Energy Code, and all other applicable building laws, regulations and ordinances.

Commented [TR31]: The existing temporary CO has a cross reference to 86-11B, which provides for a 6 month effective period.

D. If the Village Engineer determines that a certificate of occupancy or a temporary certificate of occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Village Engineer within such period of time as shall be specified by the Village Engineer, the Village Engineer shall revoke or suspend such certificate.

Commented [TR32]: This is required

~~§ 86-20XX. Notification regarding fire or explosion.~~

Commented [TR33]: This is required.

The Chief of the Fire Department of the Village of Croton-on-Hudson or his ~~or her~~ designee shall promptly notify the Village Engineer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

**§ 86-21XX. Unsafe buildings.**

Unsafe buildings, structures and equipment and conditions of imminent danger in the Village of Croton-on-Hudson shall be identified and addressed in accordance with the provisions of Chapter 90 of the Village Code, as now in effect or as hereafter amended from time to time.

**§ 86-22XX. Operating permits.**

- A. Operating permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
1. manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
  2. buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
    - a. Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;
    - b. Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
    - c. Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
    - d. Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
    - e. Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
    - f. Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
    - g. Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
    - h. Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of

**Commented [TR34]:** Rule 1203 requires a reference to the unsafe buildings provision.

**Commented [TR35]:** This entire section is required by 1203. This language is taken from the model local law. This could potentially be included under Chapter 125, fire prevention



- hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
- i. Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
  - j. Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
  - k. Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
  - l. Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
  - m. Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle.
3. energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS
  4. buildings containing one or more assembly areas;
  5. outdoor events where the planned attendance exceeds 1,000 persons;
  6. facilities that store, handle or use hazardous production materials;
  7. parking garages as defined in ~~§ 86-24 [PARKING GARAGES]~~ of this local law;
  8. buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of the Village of Croton-on-Hudson.
  9. Other processes or activities or for operating any type of building, structure or facility as determined by resolution adopted by the Board of Trustees of the Village of Croton-on-Hudson.
- B. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Village Engineer and include any fee established by the Village Board of Trustees. Such application shall include such information as Village Engineer deems sufficient to permit a determination by the Village Engineer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Village Engineer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Village Engineer, at the expense of the applicant.

- C. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs 1 through 7 of subdivision A of this section, provided that the use is expressly authorized by a certificate of occupancy, fire safety and property maintenance inspections are performed in accordance with § 86-23 ~~[section 11 fire safety & PM]~~ of this local law, and condition assessments are performed in compliance with § 86-24 ~~[section 13 parking garages]~~ of this local law, as applicable.
- D. The Village Engineer ~~or his or her designee~~ shall inspect the subject premises prior to the issuance of an operating permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Village Engineer ~~or his or her designee~~, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Village Engineer ~~or his or her designee~~ that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village of Croton-on-Hudson sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.
- E. In any circumstance in which more than one activity listed in subdivision A of this section is to be conducted at a location, the Village Engineer may require a separate operating permit for each such activity, or the Village Engineer may, in their discretion, issue a single operating permit to apply to all such activities.
- F. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
- a. ~~One hundred eighty (180)[specify interval not to exceed 180 days]~~ days for tents, special event structures, and other membrane structures;
  - b. ~~[specify interval not to exceed Sixty (60) days]~~ days for alternative activities at a sugarhouse;
  - c. ~~[specify interval not to exceed three (3) years]~~ Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (A~~a~~) of this section ~~unless sooner designated by resolution of the Board of Trustees~~, and
  - d. ~~[specify interval not to exceed one (1) year]~~ One (1) year for all other activities, structures, and operations identified in subdivision (A~~a~~) of this section.

**Commented [TR36]:** The language re: remote inspections is optional.

The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Village Engineer, payment of the applicable fee, and approval of such application by the Village Engineer.

G. If the Village Engineer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

**§ 86-~~23XX~~. Fire safety and property maintenance inspections.**

- A. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Village Engineer, the ~~Chief of the Fire Department of the Village of Croton-on-Hudson~~ Fire Inspector in accordance with Chapter 125, or their designee(s) at the following intervals:
1. at least once every ~~[specify interval not to exceed twelve (12) months]~~ months for buildings which contain an assembly area;
  2. at least once every ~~[specify interval not to exceed twelve (12) months]~~ months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
  3. at least once every ~~twenty-four (24) months~~ ~~[specify interval not to exceed thirty-six (36) months]~~ months for multiple dwellings; and
  - 3.4. at least once every thirty-six (36) months for all other ~~and all~~ nonresidential occupancies.

Commented [TR37]: This is required

Following the inspection, the Village Engineer, Chief, or their designee shall note the inspected premises as satisfactory or the owner and operator of the premises shall be notified as to the manner in which the premises fails to comply with the Uniform Code, including a citation to the specific Uniform Code provision or provisions that have not been met.

- B. At the discretion of the Village Engineer, the Chief, or their designee(s) authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Village Engineer, the Chief, or their designee(s), the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Village Engineer, the Chief, or their designee(s) that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Village Engineer, the Chief, or their designee(s) sufficient information to make a determination, an in-person inspection shall be performed.
- C. In addition to the inspections required by subdivision A of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Village Engineer, the Chief, or their designee(s) to perform fire safety and property maintenance inspections at any time upon:

Commented [TR38]: This provision is optional but recommended

1. the request of the owner of the property to be inspected or an authorized agent of such owner;
2. receipt by the ~~Code Enforcement Officer~~Village Engineer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
3. receipt by the ~~Code Enforcement Officer~~Village Engineer of any other information, reasonably believed by the ~~Code Enforcement Officer~~Village Engineer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

D. ~~OFPC Inspections.~~ Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Village Engineer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Village Engineer or by an Inspector, provided that:

1. the Village Engineer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
2. the Village Engineer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
3. such inspections are performed no less frequently than once a year;
4. a true and complete copy of the report of each such inspection is provided to the Village Engineer; and
5. upon receipt of each such report, the Village Engineer takes the appropriate action prescribed by § 86-29 of this local law.

**§ 86-24XX. Condition assessments of parking garages.**

A. For the purposes of this section:

1. the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

**Commented [TR39]:** Does the Village wish to include the following?:

[INCLUDE THE FOLLOWING PROVISIONS IF THE CITY / TOWN / VILLAGE WISHES TO RELY ON THE INSPECTIONS PERFORMED BY OFPC OR OTHER AUTHORIZED ENTITY, AND DOES NOT WISH TO HAVE THE CODE ENFORCEMENT OFFICER INSPECT BUILDINGS THAT ARE INSPECTED BY OFPC OR OTHER AUTHORIZED ENTITY:

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) such inspections are performed no less frequently than once a year;
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.]

**Commented [TR40]:** This entire section is required; language is derived from the model local law

**Commented [TR41]:** These definitions are used in Rule 1203

2. the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
3. the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
  - i. buildings in which the only level used for parking or storage of motor vehicles is on grade;
  - ii. an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
  - iii. a townhouse unit with attached parking exclusively for such unit;
4. the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
5. the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
6. the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
7. the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision C of this section, periodic condition assessments as described in subdivision D of this section, and such additional condition assessments as may be required under subdivision E of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to Village Engineer, in accordance with the requirements of subdivision F of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

~~B.~~

C. Each parking garage shall undergo an initial condition assessment as follows:

~~1.~~ Parking garages constructed in whole or in part prior to the effective date of this local law shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

~~2.1.~~ ~~[intentionally omitted]~~

~~3.2.~~ Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six (6) months ~~[specify date not more than six (6) months after the effective date of this local law].~~

~~D.~~ Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years. ~~[specify interval not to exceed three (3) years].~~

~~D.~~

E. Additional Condition Assessments.

1. If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision C of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

~~+~~

2. If the Village of Croton-on-Hudson becomes aware of any new or increased deterioration which, in the judgment of the Village Engineer, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision C of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Village Engineer to be appropriate.

F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Village Engineer within [specify time]. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

Commented [TR42]: This is the language that Jim and I have been using for other municipalities - Rule 1203 imposes deadlines for initial condition assessments that have already passed

1. an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
2. an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
3. an evaluation and description of the unsafe conditions;
4. an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
5. an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
6. an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
7. the responsible professional engineer's recommendation regarding preventative maintenance;
8. except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
9. the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

G. The Village Engineer shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Village Engineer shall, by Order to Remedy or such other means of enforcement as the Village Engineer may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision F. All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Village of Croton-on-Hudson to take any other enforcement action, including but not limited to suspension

**Commented [TR43]:** An Order to Remedy is a remedy prescribed by Section 382 of the Executive Law

or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

- H. The Village Engineer shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Village Engineer with a written statement attesting to the fact that he or she has been so engaged, the Village Engineer shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Village Engineer shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- I. This section shall not limit or impair the right or the obligation of the Village Engineer to:
1. to perform such construction inspections as are required by section ~~§ 86-15 -XXX~~ (~~Construction Inspections~~) of this local law;
  2. to perform such periodic fire safety and property maintenance inspections as are required by section ~~§ 86-23 XXX~~ (~~Fire Safety and Property Maintenance Inspections~~) of this local law; and/or
  3. to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Village Engineer by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

**§ 86-25XX. Climatic and Geographic Design Criteria.**

- A. The Village Engineer shall determine the climatic and geographic design criteria for buildings and structures constructed within the Village of Croton-on-Hudson as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:
1. design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
  2. heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
  3. flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

Commented [TR44]: This section is required.



- i. the accompanying Flood Insurance Rate Map (FIRM);
- ii. Flood Boundary and Floodway Map (FBFM); and
- iii. related supporting data along with any revisions thereto.

B. The Village Engineer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision A of this section, shall maintain such record within the office of the Village Engineer, and shall make such record readily available to the public.

**§ 86-~~2618~~. Testing of materials or construction.**

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the applicable building laws, ordinances or regulations, the Village Engineer may require the same to be subjected to tests paid for by the applicant in order to furnish proof of such compliance.

**§ 86-~~2719~~. Compliance with building standards required; interpretation.**

No dereliction of duty or errors on the part of the Village Engineer shall legalize the erection, construction or alteration of any building not in conformity with the Uniform Code, Energy Code, New York State Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code and other applicable ordinances and regulations. The building permit shall not be construed as authority to violate, cancel or set aside any of the provisions of the New York State Uniform Code, Energy Code, Fire Prevention and Building Code and State Energy Conservation Construction Code, this Article or of any other statute or ordinance pertinent thereto.

**§ 86-~~2820~~. Regulation of vacant lots.**

When a building has been demolished and no building operation has been projected or approved or in the event of substantial interruption of work on a building or structure prior to the issuance of a certificate of occupancy as the result of a stop-work order, the revocation or expiration of a building permit or for any other cause, the premises shall be maintained free from the accumulation of rubbish or water and all other unsafe or hazardous conditions which endanger the life or health of the public. The premises shall be safeguarded in the manner ordered by the Village Engineer, including, among other requirements, the taking down of walls or the covering of areas between walls. If the owner of the property fails to comply with the order, the Village Engineer may employ such labor and materials and other services as may be necessary to perform the required work. All costs and expenses so incurred by the village shall be paid by the owner or may be assessed against the land.

**§ 86-~~291~~. Violations; Penalties for offenses.**

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or

portion thereof in violation of any provision of this article or to fail in any manner to comply with a notice, directive or order of the Village Engineer or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

B. The ~~Code Enforcement Officer~~Village Engineer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Village Engineer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; shall direct the discontinuance of the illegal action or condition; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_\_ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Village Engineer may deem appropriate, during the period while such violations are being remedied. The Village Engineer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Village Engineer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order. Unless the violation is abated within said period, the Village Engineer shall suspend or revoke the permit for the building operation under which the violation was committed.

~~C. The person responsible for the erection, construction, alteration, extension, repair, use or occupancy of a building shall abate any violation of the provisions of this article or of a detail statement or plan approved thereunder or of an order, permit or certificate issued under the provisions of this article within the time specified in a written notice from the~~

**Commented [TR45]:** Written orders to remedy (written notice from a code enforcement officer to bring your construction into compliance with the law) are governed by Executive Law Sections 381/382, which establishes specific procedures and fixes the time for such orders. This is the language recommended by the model local law.

~~Village Engineer. Such notice shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Unless the violation is abated within said period, the Village Engineer shall suspend or revoke the permit for the building operation under which the violation was committed.~~

D. If the notice of violation is not complied with as provided herein, the Village Engineer shall request the Village Attorney to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation and to require the removal or termination of the unlawful condition or use of the building or structure.

E. Every person who shall violate this Article shall be subject to a penalty as provided in § 382 of the Executive Law.

F. The imposition of the penalties herein prescribed shall not preclude the taking of any appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, disorderly conduct, business or use of a building, structure or premises.

#### **Section Two. Severability.**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

#### **Section Three.**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.