

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

LOCAL LAW INTRODUCTORY NO. ____ OF 2025

**A LOCAL LAW CREATING A NEW CHAPTER 188 ENTITLED,
“RETAINING WALLS, MAINTENANCE AND REPAIR OF”**

BE IT ENACTED by the Board of Trustees of the Village of Croton-on-Hudson as follows

Section One. The Code of the Village of Croton-on-Hudson is hereby amended to add a new Chapter 188 “Retaining Walls, Maintenance and Repair of” as follows

§ 188-1. Local findings.

In order to minimize potential detrimental impacts associated with disturbance of established vegetation on existing steep slopes and avoid creating new steep slopes or grading that is disharmonious with neighborhood topography or character, the Village Board of Trustees finds it imperative to establish regulations for the regular maintenance and repair of retaining walls.

§ 188-2. Duty to repair retaining walls.

The owner of any property having any retaining walls as defined in § 230-4 of this code, or any wall or system of walls retaining less than 4 feet of earth shall keep same in a safe and reasonably attractive condition and perform all necessary preventive and corrective maintenance to accomplish such result. All retaining walls shall require a renewable permit and shall be subject to inspection every five years. Walls retaining less than 4 feet of earth shall require a permit only if shown on a site plan and/or subdivision plat in connection with any application to the Planning Board.

§ 188-3. Retaining wall inventory.

The Building Inspector shall create and maintain an inventory of all retaining walls.

§ 188-4. Defective retaining walls.

- A. Any retaining wall that is not constructed or maintained in accordance with the standards set forth herein shall be deemed defective. Defective retaining walls include those which are
- (1) of unacceptable quality including but not limited to having holes, depressions, breaks or projections,
 - (2) leaning, crumbling, falling or having other deterioration or failure,
 - (3) missing, rotting or deteriorated in portions thereof,
 - (4) unsafe as determined by the Building Inspector or their designee,
 - (5) failing to meet safety factors required by the New York State Uniform Fire Prevention and Building Code, or
 - (6) failing to such a degree that the Retaining Wall effects waterflow onto neighboring

properties.

- B. The above shall be applicable regardless of the type of retaining wall, whether wood ties, brick, concrete, rock or any other material.
- C. Any defective retaining wall within the terms stated above is hereby declared to be a public nuisance.
- D. All construction and repair of any retaining wall shall comply with the New York State Uniform Fire Prevention and Building Code.

§ 188-5 Notice requirements.

- A. The Building Inspector shall have jurisdiction for the purpose of ordering the repair of a defective retaining wall and for taking remedial action towards making it in good repair.
- B. The Building Inspector or his designee shall inspect retaining walls at least once every five years and file a report in their office. Within the applicable inspection period, a property owner with a retaining wall subject to such inspection may submit a report from a New York State Licensed Design Professional certifying that the retaining wall is in good repair and that such inspection be waived.
- C. If the report shall confirm the existence of a defective retaining wall as defined herein, the Building Inspector shall cause a notice to be served upon the owner or their executor, legal representative or agent, either personally or by first-class prepaid mail, addressed to the last known address of the owner or other person mentioned herein as said address is shown on the records of the Assessor. If the name of the owner or their place of residence cannot be ascertained, notice shall be served by posting in a conspicuous place upon the premises.
- D. Contents of notice. The notice shall contain the following:
 - (1) A description of the premises upon which the retaining wall is located.
 - (2) The details of the defect in the retaining wall.
 - (3) A designation of the area in which repair or replacement is to be made.
 - (4) An order that the repair or replacement of the defective portion of the retaining wall shall commence within 30 days of personal service or within 40 days of service by mailing.
 - (5) A statement that, in the event of neglect or refusal to comply with the order to repair or replace the defective retaining wall, the Village Board is authorized to provide that the retaining wall be secured and repaired and that all expenses thereof be assessed against the land adjoining said retaining wall or the right-of-way on which said retaining wall is located, including related necessary or incidental expenses.
- E. The Building Inspector may extend time requirements for cause and in writing and upon reasonable terms and conditions.

§ 188-6. Work and material requirements.

- A. The property owner is responsible for the quality of the finished retaining wall. The Building Inspector or their designee will inspect the project from time to time (and may require the owner to remove and replace new construction that does not meet construction standards as set forth

herein and as may be modified from time to time.

- B. Before engaging upon any retaining wall repair or construction, the contractor on behalf of the owner must first obtain a building permit from the Building Inspector or their designated agent. The applications shall be furnished by the Building Inspector.
- C. At the time of making application to the Village for a building permit to construct or repair a retaining wall, the owner or contractor shall pay to the Village a permit fee in such amount as the Board of Trustees may from time to time determine by resolution. The owner and contractor shall also be responsible for payment of an inspection fee in such amount as the Board of Trustees may from time to time determine by resolution. The Board of Trustees may set different fee rates for retaining walls inspected by or for the Building Department and those inspected by New York State Licensed Design Professionals hired by a property owner.
- D. No person shall repair or reconstruct any retaining wall unless the same shall be in accordance with plans filed and approved by the Building Inspector.
- E. All retaining wall repairs or construction shall be performed in accordance with rules and regulations established by the Building Inspector and the Village of Croton-on-Hudson.
- F. If deemed necessary by the Building Department due to the nature or complexity of the proposed work, a third-party inspector, shall be consulted and will perform a field inspection of the work site at the expense of the property owner.

§ 188-7. Enforcement; penalties for offenses; reimbursement of costs.

- A. Any person, firm or corporation who violates the provisions hereof shall, upon conviction, be subject to the penalties provided by § [1-12](#) of Chapter [1](#) of the Village of Croton-on-Hudson Code. Such penalties may be in addition to any other remedies or actions that may be taken by the Village either as provided herein or as may otherwise be permitted by law.
- B. The Village shall be reimbursed for the cost of the work performed or services rendered as provided in this by assessment against and collection from the lots or parcels of land where such work was performed or services rendered for so much of the actual and complete cost as was incurred upon and from each lot or lots, in the manner provided for the assessment of the cost of public improvements by applicable law, together with appropriate interest.
- C. Nothing in the chapter shall prevent the Village or the Building Inspector from taking any other legal actions necessary to protect public safety or public property.

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 thereof, which other portions shall continue in full effect.

Section Three. Effective Date.

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.

BE IT FURTHER ENACTED that the Board of Trustees of the Village of Croton-on-Hudson deems this matter a Type II action under New York's State Environmental Quality Review Act and no further action is required.