

PROPOSED LOCAL LAW \_\_\_\_ – 2023

A Proposed Local Law to amend the Code of the Village of Mamaroneck regarding the administration of building and zoning laws

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK  
AS FOLLOWS:**

*(Language in strike-through ~~abcedefghijk~~ to be deleted; language in **bold** is to be added)*

*Section 1.*

The Code of the Village of Mamaroneck is amended by adding Part III, entitled “Building and Land Use Legislation.”

*Section 2.*

Chapter 126 of the Code of the Village of Mamaroneck is repealed and is replaced by Chapter 350 of Part III of the Code of the Village of Mamaroneck, entitled “Building Code administration and Enforcement,” as follows:

**Part III: Building and Land Use Legislation**

**Chapter 350 Building Code Administration and Enforcement**

**§ 350-1 Purpose and intent.**

This chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Village of Mamaroneck in accordance with the regulations adopted by the New York State Department of State regarding local programs for administering and enforcing the Uniform Code and the Energy Code. It also provides for the enforcement of chapters 96 (Amusements), 100 (Antennas), 106 (Auctions and Auctioneers), 116 (Bingo), 120 (Blasting), 150 (Dance Halls and Cabarets), 164 (Electrical Standards), 172 (Excavations), 196 (Games of Chance), 200 (Garbage, Rubbish and Refuse), 234 (Laundries and Dry Cleaning), 246 (Motels), 250 (News Racks), 274 (Peddling and Soliciting), 278 (Plumbing Standards), 280 (Property Maintenance), 285 (Sidewalk Cafes), 286 (Signs) and 300 (Swimming Pools) of the Code of the Village of Mamaroneck. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this chapter, all buildings, structures, and premises, regardless of their use or occupancy, are subject to the provisions this chapter.

**§ 350-2 Definitions**

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

## **ASSEMBLY AREA**

An area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering 50 or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

## **BUILDING**

Any structure having a roof supported by columns or by walls and intended for shelter, housing, protection or enclosure of persons, animals, or property. A building is a structure.

## **BUILDING PERMIT**

A permit, including a construction permit and a demolition permit, which authorizes the performance of work, including a permit which is renewed, amended, or extended pursuant to any provision of this chapter.

## **CERTIFICATE OF COMPLIANCE**

A document issued by the Code Enforcement Officer stating that work was done in compliance with approved construction documents and the Codes.

## **CERTIFICATE OF OCCUPANCY**

A document issued certifying that the building or structure, or a portion of the building or structure, complies with the approved construction documents and indicating that the building or structure, or a portion of the building or structure, is in a condition suitable for occupancy.

## **CODE ENFORCEMENT OFFICER**

The Building Inspector of the Village of Mamaroneck.

## **CODE ENFORCEMENT PERSONNEL**

The code enforcement officer and all inspectors.

## **CODES**

The Uniform Code and the Energy Code.

## **ENERGY CODE**

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

## **FIRE CODE**

The 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

## **FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION**

An inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated in that part by reference and the

applicable provisions of 19 NYCRR Part 1226 and the publications incorporated by reference in that part.

## **HAZARDOUS PRODUCTION MATERIALS**

A solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by National Fire Protection Association (NFPA) 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end-product, materials that are not hazardous.

## **INCLUDING**

Including means “including but not limited to.”

## **INSPECTOR**

An inspector appointed pursuant to § 350-3(D) of this chapter.

## **MOBILE FOOD PREPARATION VEHICLE**

Any vehicle that contains cooking equipment that is used to prepare and serve food to the public and which produces smoke or grease-laden vapors. The term does not include vehicles intended for private recreation.

## **OPERATING PERMIT**

A permit issued pursuant to section 10 of this chapter and includes an operating permit that is renewed, amended, or extended pursuant to any provision of this chapter.

## **ORDER TO REMEDY**

An order issued by the Code Enforcement Officer pursuant to § 350-17 of this chapter.

## **PERMIT HOLDER**

The person to whom a permit has been issued.

## **PERSON**

An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

## **PROPERTY MAINTENANCE CODE**

The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

## **REPAIR**

The reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

## **RESIDENTIAL CODE**

The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

**STOP WORK ORDER**

An order issued pursuant to § 350-6 of this chapter.

**STRUCTURE**

Anything constructed, erected, or installed the use of which requires location on or under the ground level, in whole or in part, or attachment to something having location on or under the ground.

**SUGARHOUSE**

A building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

**TEMPORARY CERTIFICATE OF OCCUPANCY**

A certificate issued pursuant to subdivision (d) of section 7 of this chapter.

**UNIFORM CODE**

The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

**VILLAGE**

The Village of Mamaroneck.

**VILLAGE CODE**

The code of the Village of Mamaroneck.

**WORK**

Any tangible physical activity conducted by persons with or without the use of mechanical equipment that leads to or is intended to lead to the erection of a building or structure on a parcel of land.

**§ 350-3 Code enforcement officer and inspectors.**

**A.** The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer is required to administer and enforce all the provisions of the Uniform Code, the Energy Code, and this chapter. The Code Enforcement Officer has the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits, and the plans, specifications, and construction documents submitted with those applications;
- (2) upon approval of applications, to issue building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits, and to include in building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits the terms and conditions the Code Enforcement Officer determines to be

appropriate;

- (3) to conduct construction inspections; inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this chapter;
  - (4) to issue stop work orders;
  - (5) to review and investigate complaints;
  - (6) to issue orders and appearance tickets pursuant to § 350-17 of this chapter;
  - (7) to maintain records;
  - (8) to collect the fees established by the Board of Trustees;
  - (9) to pursue administrative enforcement actions and proceedings;
  - (10) in consultation with the Village Attorney and Village Prosecutor, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or the code of the Village of Mamaroneck; and
  - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by law.
- B.** The Village Manager appoints the Code Enforcement Officer pursuant to chapter 76 of the Village Code. The Code Enforcement Officer must possess background experience related to building construction or fire prevention, must, 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 requires for code enforcement personnel, and must obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated under that law and those regulations.
- C.** If the Code Enforcement Officer is unable to serve for any reason for a period of time, the Village Manager is authorized to appoint an Acting Code Enforcement Officer who will, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.
- D.** The Village Manager is authorized to appoint one or more Inspectors to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in exercising the powers and fulfilling the duties conferred upon the Code Enforcement Officer by law. Each Inspector must, within the time prescribed by law, obtain the basic training, in-service training, advanced in-service training, and other training the State of New York requires for code enforcement personnel and obtain certification from the New York State Department of State pursuant to the Executive Law and the regulations promulgated by the Department of State.

#### § 350-4 **Building permits.**

- A.** Building permits required. Except as otherwise provided in subsection B, a building permit is required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion of a building or structure, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit.
- B.** No building permit may be issued for a building or structure that does not comply with the requirements of this Code, including the additional standards and requirements that may apply, unless those requirements have been varied in accordance with this Code. Where site development plan approval is required, a building permit may be issued only for a building or structure conforming to the approved site development plan.
- C.** It is a violation of this chapter to commence any work for which a building permit is required without first having obtained a building permit under this chapter authorizing that work.
- D.** No building permit is required for the following categories of work, but the work must still comply with the Uniform Code and the Energy 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; or
  - (8) repairs, if the work does not have an impact on fire and life safety and does not involve any part of the structural system, the required means of egress, the fire protection system, or the removal from service of any part of the fire protection system for any period of time.
- E.** Applications for building permits. An application for a building permit must be made in

writing on a form designated by the Code Enforcement Officer. The application must be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application must include the information the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code, the Energy Code, and the Village Code. The application must include or be accompanied by the following information and documentation:

- (1) the name and address of the applicant and an email address at which the applicant consents to be served with notices and orders under this chapter;
- (2) the name and address of the property owner and an email address at which the property owner consents to be served with notices and orders under this chapter;
- (3) a description of the location, nature, extent, and scope of the proposed work;
- (4) the tax map number and the street address of any affected building or structure;
- (5) the occupancy classification of any affected building or structure;
- (6) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (7) at least two sets of construction documents (drawings and/or specifications) which
  - (a) describe the location, nature, extent, and scope of the proposed work;
  - (b) show that the proposed work will conform to the applicable provisions of the Codes;
  - (c) show the location, construction, size, and character of all portions of the means of egress;
  - (d) show a representation of the building thermal envelope;
  - (e) show structural information including braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;
  - (f) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building;
  - (g) include a written statement indicating compliance with the Energy Code;
  - (h) include a site plan, drawn to scale and drawn 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 lot lines, the established street grades, and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and
  - (i) evidence that the documents 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.

- F.** Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in subsection (E)(7) of this section. Construction documents which are accepted as part of the application for a building permit must be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents must be retained by the Code Enforcement Officer and one set of the accepted construction documents must be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. The return of a set of accepted construction documents to the applicant is not an authorization to commence work, nor an indication that a building permit will be issued. No work is permitted to be commenced unless and until a building permit is issued.
- G.** Issuance of building permits. An application for a building permit must be examined to ascertain whether the proposed work complies with the applicable requirements of the Uniform Code, the Energy Code, and the Village Code. The Code Enforcement Officer will issue a building permit if the proposed work complies with the applicable requirements of the Uniform Code, the Energy Code, and the Village Code. The building permit must provide that all work must be performed in accordance with the construction documents that were submitted with and accepted as part of the application for the building permit and that the permit holder must notify the Code Enforcement Officer immediately of any change occurring during the course of the work.
- H.** Building permits to be displayed. Building permits must be visibly displayed at the work site and must remain visible until the authorized work has been completed.
- I.** Work to be in accordance with construction documents. All work must be performed in accordance with the construction documents that were submitted with and accepted as part of the application for the building permit. The permit holder must notify the Code Enforcement Officer immediately of any change occurring during the course of the work. The Building Permit must contain such a directive. If the Code Enforcement Officer determines that the change is material and warrants a new or amended building permit, the change may not be made unless and until a new or amended



building permit reflecting the change is issued.

- J. Time limits. A building permit is invalid if the authorized work is not commenced within six months following the date of issuance. The Code Enforcement Officer is authorized, upon good cause shown and payment of the required fee, to grant two three-month extensions of the time within which to commence the authorized work. A building permit expires 12 months after the date of issuance. The Code Enforcement Officer is authorized, upon good cause shown and payment of the required fee, to renew a building permit that has expired.
- K. Revocation or suspension of building permits. If the Code Enforcement Officer 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, the Energy Code, or the Village Code, the Code Enforcement Officer is required to revoke the building permit or suspend the building permit until the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code, and the Village Code and all work then proposed to be performed will be in compliance with all applicable provisions of the Uniform Code, the Energy Code, and the Village Code.
- L. Fee. The fee specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a Building Permit.

#### **§ 350-5 Construction inspections.**

- A. Work to remain accessible and exposed. All work must remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder must notify the Code Enforcement Officer promptly when any element of work described in subdivision (b) of this section is ready for inspection.
  - (1) Elements of work to be inspected. The following elements of the construction process must be inspected, where applicable:
    - (a) work site prior to the issuance of a building permit;
    - (b) footing and foundation;
    - (c) preparation for concrete slab;
    - (d) framing;
    - (e) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
    - (f) fire resistant construction;
    - (g) fire resistant penetrations;

- (h) solid fuel burning heating appliances, chimneys, flues, or gas vents;
  - (i) inspections required to demonstrate Energy Code compliance, including 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;
  - (j) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
  - (k) a final inspection after all work authorized by the building permit has been completed.
- (2) Remote inspections. At the discretion of the Code Enforcement Officer or an Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or the authorized Inspector, 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 Code Enforcement Officer 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 Code Enforcement Officer or the authorized Inspector sufficient information to make a determination, the Code Enforcement Officer or Inspector must perform an in-person inspection.
- (3) Inspection results. After inspection, the Code Enforcement Officer or Inspector must either note that the work is satisfactory as completed or notify the permit holder as to the manner in which the work fails to comply with the Uniform Code or Energy Code, 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 or Energy Code must remain exposed until that work has been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- (4) Fee. The fee specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter must be paid prior to or at the time of each inspection performed pursuant to this article.

#### **§350-6 Stop work orders.**

- A. Authority to issue.** The Code Enforcement Officer is authorized to issue stop work orders pursuant to this section. The Code Enforcement Officer is authorized to issue a stop work order to halt:
- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether that work is or is not work for which a building permit is required, and

without regard to whether a building permit has or has not been issued for that work, or

- (2) any work that is being conducted in a dangerous or unsafe, without regard to whether that work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for that work, or
- (3) any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

**B. Content of stop work orders. Each stop work orders must**

- (1) be in writing;
- (2) be dated and signed by the Code Enforcement Officer;
- (3) state the reason or reasons for issuance; and
- (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

**C. Service of stop work orders. The Code Enforcement Officer must cause the stop work order, or a copy of the stop work order, to be posted at the affected property and to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally, by email or by certified mail at the address stated on the permit application. It is a violation of this chapter to remove or deface a stop work order that has been posted at a property. The Code Enforcement Officer is permitted, but is not required, to cause the stop work order, or a copy of the stop work order, 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 affected by the stop work order, personally, by email or by certified mail, but the stop work order is effective even if it is not served on any person identified in this sentence.**

**D. Effect of stop work order. Upon the issuance of a stop work order, the owner of the affected property, the permit holder, and any other person performing, taking part in, or assisting in the work must immediately cease all work which is the subject of the stop work order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the stop work order.**

**E. Remedy not exclusive. The issuance of a stop work order is not the exclusive remedy available to address any event described in subdivision (a) of this section. The authority to issue a stop work order is in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 350-17 of this chapter or under any other applicable state or local law. Any other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop work order.**

### **§350-7 Certificates of occupancy and certificates of compliance.**

- A.** Certificates of occupancy and certificates of compliance required. A certificate of occupancy or certificate of compliance is required for any work which is the subject of a building permit and for all structures, buildings, and portions of structures or buildings which are converted from one use or occupancy classification or subclassification to another. A building or structure, or a portion of a structure or building, for which a building permit has been issued is not permitted to be used or occupied until the Code Enforcement Officer has issued a certificate of occupancy or certificate of compliance.
- B.** Issuance of certificates of occupancy and certificates of compliance. The Code Enforcement Officer is authorized to issue a certificate of occupancy or certificate of compliance if the work which was the subject of the building permit has been completed in accordance with all applicable provisions of the Uniform Code, the Energy Code, and the Village Code and, if applicable, that the structure, building or portion of the structure or building that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. Before a certificate of occupancy or certificate of compliance is issued:
- (1) the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer must inspect the building, structure, or work;
  - (2) the fee established in accordance with the provisions set forth in § 350-18 of this chapter must be paid; and
  - (3) where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by a person or persons designated by the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy or certificate of compliance, must be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy or certificate of compliance:
    - (a) a written statement of structural observations and/or a final report of special inspections;
    - (b) flood hazard certifications;
    - (c) a written statement of the results of tests performed to show compliance with the Energy Code; and
    - (d) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.
- C.** Contents of certificates of occupancy and certificates of compliance. A certificate of occupancy or certificate of compliance must contain the following information:
- (1) the building permit number, if any;

- (2) the date of issuance of the building permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the certificate of occupancy or certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy or certificate of compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the building permit; and
- (9) the signature of the Code Enforcement Officer issuing the certificate of occupancy or certificate of compliance and the date of issuance.

**D. Temporary certificate of occupancy.** The Code Enforcement Officer is authorized to issue a temporary certificate of occupancy allowing the temporary occupancy of a building or structure, or a portion of a building or structure, prior to completion of the work which is the subject of a building permit while the permit holder undertakes to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, the Energy Code and the Village Code.

- (1) The Code Enforcement Officer is authorized to issue a temporary certificate of occupancy only if the Code Enforcement Officer determines that:
  - (a) the building or structure, or the portion of the building or structure, which will be covered by the temporary certificate of occupancy, can be occupied safely;
  - (b) all 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
  - (c) all required means of egress from the structure have been provided.
- (2) The Code Enforcement Officer is authorized to include in a temporary certificate of occupancy those terms and conditions that the Code Enforcement Officer determines are 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.
- (3) A temporary certificate of occupancy is effective for a period of time determined by the Code Enforcement Officer and specified in the temporary certificate of occupancy, but which does not exceed six months.

**E. Revocation or suspension of certificates.** If the Code Enforcement Officer determines that a certificate of occupancy, certification of compliance, 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 Code Enforcement Officer within the period of time specified by the Code Enforcement Officer, the Code Enforcement Officer is authorized to revoke or suspend the certificate.

**§ 350-8 Notification regarding fire or explosion.**

The chief of any fire department providing firefighting services for a property within the Village must promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

**§ 350-9 Unsafe buildings, structures, and equipment; conditions of imminent danger.**

Unsafe buildings, structures, and equipment and conditions of imminent danger must be identified and addressed in accordance with the procedures established by this Code.

**§ 350-10 Operating permits.**

**A.** Operating permits required. Except as provided in subsection B, no person is permitted to conduct any of the following processes or activities or operate any type of building, structure, or facility involving those processes or activities without obtaining an operating permit prior to commencing the process, activity, or operation and in accordance with that operating permit:

- (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 Fire Code;
- (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 Fire Code 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 Fire Code;
  - (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 Fire Code;
- (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 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 § 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;"
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the Fire Code or exceeds the permitted aggregate ratings in section R327.5 of the Residential Code;
  - (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 § 350-13(a) of this chapter;
  - (8) places of amusement and mechanical amusement devices under Chapter 96 of this Code;
  - (9) antennas under Chapter 100 of this Code;
  - (10) auctions and auctioneers under Chapter 106 of this Code;

- (11) bingo under Chapter 116 of this Code;
- (12) blasting under Chapter 120 of this Code;
- (13) dance halls and cabarets under Chapter 150 of this Code;
- (14) electrical standards under Chapter 164 of this Code;
- (15) excavations under Chapter 172 of this Code;
- (16) games of chance under Chapter 196 of this Code;
- (17) garbage, rubbish and refuse under Chapter 200 of this Code;
- (18) laundries and dry cleaning under Chapter 234 of this Code;
- (19) motels under Chapter 246 of this Code;
- (20) news racks under 250 of this Code;
- (21) peddling and soliciting under Chapter 274 of this Code;
- (22) plumbing standards under Chapter 278 of this Code;
- (23) property maintenance under Chapter 280 of this Code;
- (24) sidewalk cafes under Chapter 285 of this Code;
- (25) signs under Chapter 286 of this Code; and
- (26) swimming pools under Chapter 300 of this Code.

- B.** Applications for operating permits. An application for an operating permit must be in writing on a form prescribed by the Code Enforcement Officer. The application must include all information the Code Enforcement Officer determines to be sufficient to permit a determination by the Code Enforcement Officer that the quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, the tests or reports must be performed or provided, at the expense of the applicant, by persons designated by or otherwise acceptable to the Code Enforcement Officer.
- C.** Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer is required to inspect the subject premises prior to the issuance of an operating permit. The inspection must be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, 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 Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the Village Code. The Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer must perform an in-person inspection if a remote inspection does not provide sufficient information to make a determination. After the



inspection is conducted, the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer premises must either issue the operating permit or notify the permit holder 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.

- D. Multiple Activities.** In any circumstance in which more than one activity for which an operating permit is required is to be conducted at a location, the Code Enforcement Officer is authorized to require a separate operating permit for each such activity or issue a single operating permit to apply to all of the activities.
- E. Duration of operating permits.** Operating permits are effective for the specified period of time set forth in the operating permit, but in no event to exceed the following:
  - (1) 180 days for tents, special event structures, and other membrane structures;
  - (2) 60 days for alternative activities at a sugarhouse;
  - (3) three years for the activities, structures, and operations identified in paragraph (A)(9) of this section; and
  - (4) one year for all other activities, structures, and operations identified in subdivision A of this section.
- F. Renewal of operating permits.** The Code Enforcement Officer may renew an operating permit, upon payment of the applicable fee, if the processes or activities are being operated in accordance with the operating permit and the relevant circumstances have not materially changed since the operating permit was issued.
- G. Revocation or suspension of operating permits.** The Code Enforcement Officer may revoke or suspend an operating permit upon determining that any activity, process or building for which an operating permit was issued does not comply with any applicable provision of the permit or the Uniform Code.

#### **§ 350-11 Fire safety and property maintenance inspections.**

- A. Inspections required.** Fire safety and property maintenance inspections of buildings and structures must be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer and authorized to perform fire safety and property maintenance inspections to determine if the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated in those regulations by reference.
- B. Frequency of inspections.** Fire safety and property maintenance inspections must be conducted at least once every 12 months.
- C. Remote inspections.** The Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, is authorized to perform a remote inspection in lieu of an in-person inspection if 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 Code Enforcement Officer or such authorized Inspector. If a remote inspection does not give the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, the Code Enforcement Officer or authorized Inspector must perform an in-person inspection.

- D.** Inspections permitted. 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 Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of the owner;
  - (2) receipt by the Code Enforcement Officer 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 of any other information, reasonably believed by the Code Enforcement Officer 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;
- E.** Court orders or warrants. Nothing in this subdivision permits an inspection under any circumstances under which a court order or warrant permitting the inspection is required unless a court order or warrant has been obtained.
- F.** Inspections by the New York State Office of Fire Prevention and Control. Nothing in this section or in any other provision of this chapter supersedes, limits, or impairs the powers, duties and responsibilities of the Office of Fire Prevention and Control and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b. 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, if:
- (1) the Code Enforcement Officer determines that the individual performing the inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
  - (2) the Code Enforcement Officer determines that the inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
  - (3) the inspections are performed no less frequently than once a year;
  - (4) a true and complete copy of the report of each inspection is provided to the Code Enforcement Officer; and
  - (5) upon receipt of each report, the Code Enforcement Officer takes the appropriate

action prescribed by § 350-17 of this chapter.

- G. Fee.** The fee specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision does not apply to inspections performed by the Office of Fire Prevention and Control.

### **§ 350-12 Complaints**

- A.** The Code Enforcement Officer is required to review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code.
- B.** The process for responding to a complaint must include the following steps as the Code Enforcement Officer determines 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 § 350-17 of this chapter;
  - (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 a final written report reflecting such abatement or correction, and filing such report with the complaint.

### **§ 350-13 Condition assessments of parking garages.**

- A. Definitions.** 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;
  - (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:
    - (a) buildings in which the only level used for parking or storage of motor

vehicles is on grade;

(b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(c) a townhouse unit with attached parking exclusively for such unit;

(3) 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;

(4) 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, but does not limit 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 the condition assessment;

(5) 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 Property Maintenance Code; and

(6) 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. Condition Assessments – general requirements.** The owner operator of a parking garage must cause the 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 must be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment must be prepared, and provided to the Code Enforcement Officer, 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 must review all available previous condition assessment reports for such parking garage.

**C. Initial Condition Assessment.** Initial condition assessments must be conducted prior to December 31, 2023.

**D. Periodic Condition Assessments.** Following the initial condition assessment of a parking garage, a periodic condition assessment of each parking garage must be conducted not less frequently than every three years.

**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 the parking garage, or any portion of the parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision D of this section, the owner or operator of the parking garage must cause an additional condition assessment of the parking garage (or, if applicable, the portion of the parking garage identified by the responsible professional engineer) to be conducted no later than the date recommended in the condition assessment report.

- (2) If the Code Enforcement Officer becomes aware of any new or increased deterioration which, in the judgment of the Code Enforcement Officer, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by the new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision D of this section, the owner or operator of such parking garage must cause an additional condition assessment of the parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to be conducted no later than the date specified by the Code Enforcement Officer.

**F. Condition Assessment Reports.** The responsible professional engineer must prepare, or directly supervise the preparation of, a written report of each condition assessment, and must submit such condition assessment report to the Code Enforcement Officer within 90 days of the date on which the assessment is conducted. The condition assessment report must be sealed and signed by the responsible professional engineer, and must include:

- (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, considering 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 the exercise of professional judgment.

**G. Review Condition Assessment Reports.** The Code Enforcement Officer is authorized to take the enforcement action or actions in response to the information in the condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in the report. In particular, but not by way of limitation, the Code Enforcement Officer is authorized, by order to remedy or such other means of enforcement as the Code Enforcement Officer may deem appropriate, to 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. All repairs and remedies must comply with the applicable provisions of the Uniform Code. This section does not limit or impair the authority of the Code Enforcement Officer to take any other enforcement action, including suspending or revoking a parking garage's operating permit, as may be necessary or appropriate in response to the information in the condition assessment report.

**H.** The Code Enforcement Officer must 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 Code Enforcement Officer with a written statement attesting to the engagement, the Code Enforcement Officer must make the previously prepared condition assessment reports for the parking garage (or copies of such reports) available to the professional engineer. The Code Enforcement Officer may require the owner or operator of the parking garage to pay the reasonable costs and expenses associated with making the previously prepared condition assessment reports (or copies of those reports) available to the professional engineer.

**I.** This section does not limit or impair the authority of the Code Enforcement Officer:

- (1) to perform construction inspections as required by § 350-5 of this chapter;
- (2) to perform periodic fire safety and property maintenance inspections as are required by § 350-11 of this chapter; or

- (3) to take enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Code Enforcement Officer by means of the Code Enforcement Officer's 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.

#### **§ 350-14 Climatic and geographic design criteria.**

- A.** The Code Enforcement Officer must determine the climatic and geographic design criteria for buildings and structures constructed within the Village of Mamaroneck as required by the Uniform Code. Those determinations must 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 determined must include, but are not necessarily 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 Residential Code. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the Residential Code; 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:
    - (a) the accompanying Flood Insurance Rate Map (FIRM);
    - (b) Flood Boundary and Floodway Map (FBFM); and
    - (c) related supporting data along with any revisions thereto.
- B.** The Code Enforcement Officer must prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision A of this section, maintain that record within the office of the Code Enforcement Officer, and make that record readily available to the public.

#### **§ 350-15 Record keeping.**

- A.** The Code Enforcement Officer must keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:
  - (1) all applications received, reviewed, and approved or denied;
  - (2) all plans, specifications and construction documents approved;
  - (3) all building permits, certificates of occupancy, certificates of compliance,

temporary certificates, stop work orders, and operating permits issued;

- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by § 350-4 through 350-14, inclusive, of this chapter.

**B.** All records identified in the preceding subsection are public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances to buildings and structures must be retained for at least the minimum time period required by state law and regulation.

#### **§ 350-16 Program review and reporting.**

- A.** The Code Enforcement Officer must annually submit to the Board of Trustees a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in § 350-15 of this chapter.
- B.** The Code Enforcement Officer must annually submit to the Secretary of State, on behalf of the Village, on a form prescribed by the Secretary of State, a report of the activities of the Village relative to the administration and enforcement of the Uniform Code.
- C.** The Code Enforcement Officer must, 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 is required to maintain; true and complete copies of the portion of those records and related materials as may be requested by the Department of State; and/or those 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.

#### **§ 350-17 Violations.**

**A.** Orders to remedy.

- (1) The Code Enforcement Officer 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 chapter. An order to remedy must:



- (a) be in writing, be dated and signed by the Code Enforcement Officer;
  - (b) specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter;
  - (c) specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is or are violated by the specified condition or activity;
  - (d) state the date by which the specified condition or activity must be remedied; and
  - (d) 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 [insert date]."
- (2) The order to remedy may include provisions ordering the person or entity served with the order to remedy to:
- (a) begin to remedy the violations described in the order to remedy immediately, or within some other specified period of time;
  - (b) continue diligently to remedy such violations until each violation is fully remedied; and
  - (c) complete the remedying of the violations within 30 days of the date of the order to remedy; and/or
  - (d) take such other protective actions (such as vacating the building or barricading the area where the violations exist) as are authorized by this chapter or by any other applicable statute, regulation, rule, local law, or ordinance, and which the Code Enforcement Officer determines to be appropriate during the period while the violations are being remedied.
- (3) The Code Enforcement Officer must cause the order to remedy, or a copy of the order to remedy, to be served on the owner of the affected property and the permit holder personally, by email or by certified mail within five days after the date of the order to remedy. The Code Enforcement Officer may, but is not required, to cause the order to remedy, or a copy of the order to remedy, 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, by email or by certified mail within five days after the date of the order to remedy, but the failure to serve any person mentioned in this sentence does not make the order to remedy ineffective.

**B. Appearance tickets.** The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code or the Village Code.

**C. Penalties.** In addition to any other penalties as may be prescribed by state or local law:

- (1) any person who fails to comply with an order to remedy any condition found to

exist in, on, or about any building in violation of the Uniform Code within the time period stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or agent or any other person taking part or assisting in the construction of any building who knowingly violates any of the applicable provisions of the Uniform Code or any order of the Code Enforcement Officer made under the Uniform Code regarding standards for construction, maintenance, or fire protection equipment and systems, is punishable by a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both for the first 180 days, and for the following 180 days shall be punishable by a fine of no less than \$25 and not more than \$1,000 dollars per day of violation or imprisonment not exceeding one year, or both and thereafter is punishable by a fine of no less than \$50 and not more than \$1,000 per day of violation or imprisonment not exceeding one year, or both; and

- (2) any person who violates any provision of chapters 96 (Amusements), 100 (Antennas), 106 (Auctions and Auctioneers), 116 (Bingo), 120 (Blasting), 150 (Dance Halls and Cabarets), 164 (Electrical Standards), 172 (Excavations), 196 (Games of Chance), 200 (Garbage, Rubbish and Refuse), 234 (Laundries and Dry Cleaning), 246 (Motels), 250 (News Racks), 274 (Peddling and Soliciting), 278 (Plumbing Standards), 280 (Property Maintenance), 285 (Sidewalk Cafes), 286 (Signs) and 300 (Swimming Pools) of the Code of the Village of Mamaroneck of this Code or any term, condition, or provision of any building permit, certificate of occupancy, certificate of compliance, temporary certificate of occupancy, temporary certificate of compliance, stop work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, may be punished by a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding 15 days, or both; and
- (3) any person who violates any provision of the Uniform Code, the Energy Code or chapters 96 (Amusements), 100 (Antennas), 106 (Auctions and Auctioneers), 116 (Bingo), 120 (Blasting), 150 (Dance Halls and Cabarets), 164 (Electrical Standards), 172 (Excavations), 196 (Games of Chance), 200 (Garbage, Rubbish and Refuse), 234 (Laundries and Dry Cleaning), 246 (Motels), 250 (News Racks), 274 (Peddling and Soliciting), 278 (Plumbing Standards), 280 (Property Maintenance), 285 (Sidewalk Cafes), 286 (Signs) and 300 (Swimming Pools) of the Code of the Village of Mamaroneck of this Code, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate of occupancy, temporary certificate of compliance, stop work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, is liable to pay a civil penalty of not more than \$1,000 for each day or part of a day during which the violation continues, recoverable in an action instituted in the name of the Village; and
- (4) in addition to any other applicable remedy or penalty, where a building has been altered in violation of any provision of the uniform code or any lawful order obtained under the uniform code and the alteration impedes a person's egress

from the building during a fire or other emergency evacuation, the owner of the building, and any builder, architect, contractor, subcontractor or construction superintendent, or an agent of any builder, architect, contractor, subcontractor or construction superintendent who has knowledge of the alteration, or an owner who reasonably should have had knowledge of the alteration based on an inspection or repair of a leased premises with consent from the tenant, is subject to a civil penalty of up to \$7,500.

- D. Injunctive relief.** The Mayor, at the direction of the Board of Trustees, is authorized to institute an action or proceeding in the name of the Village, in the Supreme Court or other court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of building permit, certificate of occupancy, certificate of compliance, temporary certificate of occupancy, temporary certificate of compliance, stop work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter and to direct the removal of the building or structure or an abatement of the condition that constitutes the violation. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop work order, order to remedy or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of the Village in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing.
- E. Remedies not exclusive.** No remedy or penalty specified in this section is the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section is in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 350-6 or any other section of this chapter or other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 350-6 or any other section of this chapter, or in any other applicable law. Each remedy and penalty specified in this section is in addition to, and not in substitution for or limitation of, the penalties specified in Executive Law § 382(2) and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Executive Law § 382(2).

### **§ 350-18 Fees**

The Code Enforcement Officer must charge and collect the fees required by the fee schedule established by resolution of the Board of Trustees and set forth in Appendix A347 (Fees) of this Code, for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, temporary certificates of compliance, operating permits, fire safety and property maintenance inspections, and

other actions of the Code Enforcement Officer described in or contemplated by this chapter.

#### **§ 350-19 Intermunicipal agreements.**

The Board of Trustees may, by resolution, authorize the Village Manager to enter into an agreement in the name of the Village with other governments to carry out the terms of this chapter, provided that the agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

#### *Section 3.*

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, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

#### *Section 4.*

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

#### *Section 5.*

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.