

DATE OF MEETING: December 5, 2022

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor
Trustee John Burweger
Trustee Jerry Locascio
Trustee Tom Meyer

The meeting was called to order at 7:05 P.M. with the Pledge of Allegiance.

MOTION by Trustee Locascio to open the Public Hearing to consider any objections or comments concerning the rate schedule in connection with the operation and maintenance costs of the sewerage system: said rate schedule is proposed to be set at \$1,100,000.00 at 7:05 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

There was no public comment.

MOTION by Tom Meyer to close the Public Hearing to consider any objections or comments concerning the rate schedule in connection with the operation and maintenance costs of the sewerage system: said rate schedule is proposed to be set at \$1,100,000.00 at 7:06 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Locascio to open the Public Hearing to consider and approve the apportionment of the debt retirement costs of the sewerage system of the Village of Pawling Sewer District in the amount of \$297,912.00 at 7:06 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

There was no public comment.

MOTION by Trustee Meyer to close the Public Hearing to consider and approve the apportionment of the debt retirement costs of the sewerage system of the Village of Pawling Sewer District in the amount of \$297,912.00 at 7:06 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to open the Public Hearing for the 2023 CDBG Grant Application which is for the water main replacement on what was formerly West Street to Anderson Way at 7:07 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mayor Taylor asked for any questions regarding the grant application. There were no questions or comments.

MOTION by Trustee Burweger to close the Public Hearing on the 2023 Community Development Block Grant Application at 7:07 P.M. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to approve the rate schedule in connection with the operation and maintenance costs of the sewerage system at a rate schedule of \$1,100,000.00. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve the apportionment of the debt retirement costs of the sewerage system of the Village of Pawling Sewer District in the amount of \$297,912.00. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve the Resolution for the 2023 CDBG grant application. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

**Resolution Authorizing the Submission of the
2023 Dutchess County Community Development Block Grant Application
Village of Pawling
Anderson Way Water Main Replacement**

WHEREAS, the Village of Pawling (hereinafter referred to as the Municipality) is participating in the 2023 Dutchess County Community Development Block Grant Consortium; and

WHEREAS, input from citizens and groups has been received and considered at a public hearing; and

WHEREAS, an application has been prepared for the above referenced activity which addresses our community concerns.

NOW, THEREFORE BE IT RESOLVED, that the 2023 application to the Dutchess County Community Development Block Grant Program for the above referenced activity is approved.

BE IT FURTHER RESOLVED, that the submission of the application to the Dutchess County Department of Planning and Development is authorized.

Mayor Taylor asked Mr. Kyle Barnett to brief the Board on the Resolution Authorizing the Public Release of the Investigative Report Related to Former Chairman of the Planning Board Steve Goldberg. Mr. Barnett, an attorney of Van DeWater & Van DeWater, LLP representing the Village of Pawling, stated at the end of 2021 the Village Planning Board

had requested authorization from the Village Board for the assignment of Special Counsel to investigate certain behaviors and actions that were being taken by the former Planning Board Chairman Steve Goldberg. He said it started, in large part, with a concern regarding significant ex parte communications that may have been going on with an applicant but it certainly did not end there – there were other concerns regarding activities that the other members of the Planning Board believed were inappropriate and may have constituted misconduct, maladministration or malfeasance. Mr. Barnett said thereafter the Village Board authorized retaining his firm to conduct an investigation into the allegations and any other activity that may also violate the Code of Ethics and Article 18 of the General Municipal Law. He stated that towards the end of the year and starting the beginning of the year the Chairman was not reappointed but the investigation was still authorized and needed to go forward. He reported from there his office conducted a series of interviews of individuals who have had involvement with the Planning Board, some who did not have any involvement with the Planning Board directly but certainly had involvement with the Chairman during his tenure and following those particular interviews he also took a look at what the law is as it pertains to when is it appropriate and what are some of the appropriate sanctions regarding possible conflicts of interest, possible misconduct by public officials, such as a member of the Planning Board, in this case. He said after doing an analysis of what those standards are and comparing that to the information that was received in the interviews, some of the information of which was corroborated in one instance at least by himself during an actual Planning Board meeting, others were corroborated, not only by the interviews, but also by transcripts of the minutes that took place at some of the Planning Board meetings and then in other cases he actually was provided with audio recordings of an incident that took place during the Village meeting of December of last year and also some video recordings that were taken in public. He said after reviewing all of that

information, he came to the conclusion that under the circumstances, had the Chairman remained on the Planning Board as a member of the Planning Board it would have been his recommendation that he engaged in certain activity, that although doesn't rise to conflict of interest as its defined under the Code of Ethics for the village or violations of General Municipal Law 18, because none of the behavior engaged in any situation where it was for some form of profit or pecuniary benefit, but rather it was other type of behavior such as significant ex parte communications, there was also behavior that clearly would be considered misconduct or maladministration that he was able to determine as a result, it would have been his recommendation that had he remained on the Board that the Mayor begin proceedings to actually have him removed. He said what he did was after he compiled the investigation and came to that conclusion he prepared a report. He stated there was a confidential report that was only shared with the Trustees and it was his recommendation that it should remain confidential for the very purpose of at least protecting the privacy and the interest of some of the individuals who were interviewed but the facts and the conclusions are available in a redacted report. Mr. Barnett said he provided the village with two reports, one redacted which is what he would suggest is appropriate to share with members of the public, then the other report, which is confidential, he would strongly recommend remains so and only be provided to the Trustees with one exception - he would recommend that since the Planning Board was the body that requested the investigation that the unredacted report be shared with them although not distributed if the members so request. He said the members can come to Village Hall where they would be able to review the unredacted report and not be able to retain a copy. Mr. Barnett said both reports were shared earlier that day with the Mayor and he provided the Board with a resolution that would authorize the release of the redacted report to the public and essentially maintain the confidentiality of the full report.

Mayor Taylor asked if the redacted version was to be FOILed. Mr. Barnett responded that would be his recommendation, that anyone who FOILs it should be able to obtain a copy as opposed to just simply distributing it.

Mr. Barnett said it was important to place on the record that he did make a couple of attempts to interview Mr. Goldberg for the purpose of the report. He said first, as some may not be aware, that Mr. Goldberg was represented by counsel and counsel involved himself from the very beginning of the authorization of the investigation and engaged him at that time, at least he reached out to contact him and he told him at that at some point in time his client would have an opportunity to be interviewed. Mr. Barnett stated he reached out to him in August and he didn't hear anything back from the attorney so he reached out again a couple of months later in October and he still had not, to that day, heard back from the attorney. He said he did get an email from Mr. Goldberg without his attorney being even copied on it but, as he was sure his attorney would have explained to him had he been aware, because he is a represented party it would have been inappropriate for him to engage Mr. Goldberg and for some reason or another his attorney had not contacted him at all however he did provide a letter at the beginning of the investigation which he included as part of the report and also he included as part of the report the unsolicited email he received from Mr. Goldberg. He thanked everyone for the opportunity to be of service in the matter and he would be happy to answer any questions.

The Board had no questions.

**VILLAGE BOARD OF TRUSTEES RESOLUTION AUTHORIZING THE PUBLIC
RELEASE OF THE INVESTIGATIVE REPORT RELATED TO FORMER CHAIRMAN OF
THE PLANNING BOARD STEVE GOLDBERG**

Trustee Meyer offered the following resolution which was seconded by Trustee Burweger, who moved its adoption:

WHEREAS, pursuant to a complaint from the Village of Pawling Planning Board, ("Planning Board"), on October 15, 2021, the Village of Pawling Board of Trustees ("Trustees") authorized the retention of legal counsel ("Special Counsel") to investigate and report whether former Planning Board Chairman Steve Goldberg violated his oath of office, served on an application for which there is a conflict of interest, demonstrated partiality on an application, violated the Village of Pawling's code of ethics, violated article 18 of the General Municipal Law or for any other misconduct, maladministration, malfeasance or malversation while in office ("Report") and,

WHEREAS, the taxpayers have a right to transparency of the outcome of this investigation, with names of the witnesses redacted along with any information that would lead someone to identify the individual and,

WHEREAS, all names and identifying information appearing in the reports have been redacted other than information pertaining to the subject(s) of the complaint and,

WHEREAS, this authorization would not only allow for release of all factual data regarding the investigations, but will include the release of expressions of opinion by the Special Counsel and,

WHEREAS, the public release of the findings report and information is not an action pursuant to the State Environmental Quality Review Act, ("SEQRA"), 6 NYCRR 617.2(b), and therefore, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED THAT THE TRUSTEES,

HEREBY DIRECTS the Special Counsel to cause to have the Report, and all factual data regarding the investigation, redacted so as not to disclose any identifying information related to the witnesses involved in the investigations, other than the subject(s) of the complaint and

HEREBY AUTHORIZES, the Special Counsel to release an un-redacted and redacted copy of the investigative report, in each instance, to the Village Trustees and permit the current members of the Planning Board to view the un-redacted copy **only at the Village Hall building** located at Village of Pawling 9 Memorial Ave Pawling, New York 12564, following a request by the Planning Board member to the Mayor and

HEREBY AUTHORIZES the public release of the redacted reports of findings, to include all factual data regarding the investigations, along with the expressions of opinion by the Special Counsel.

The question of the forgoing Resolution was duly put to a vote, the Board of Trustees voting as follows:

Mayor Lauri Taylor	Aye
Trustee Dan Peters	Absent
Trustee John Burweger	Aye
Trustee Jerry Locascio	Aye
Trustee Tom Meyer	Aye.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Introducing Local Law No 11 of the year 2022 entitled "Chapter 10A BUILDING CODE ADMINISTRATION AND ENFORCEMENT PROCEDURES FOR BUILDINGS AND ZONING"

Trustee Burweger moved the following resolutions seconded by Trustee Locascio:
 RESOLVED: That Village of Pawling Local Law No. 11 For the Year 2022 entitled "2022 Amendment and Restatement of Chapter 10A BUILDING CODE ADMINISTRATION AND ENFORCEMENT PROCEDURES FOR BUILDINGS AND ZONING" be introduced;
 RESOLVED: that the text of this proposed local laws is follows:

CHAPTER 10-A

BUILDING CODE ADMINISTRATION AND ENFORCEMENT PROCEDURES FOR BUILDINGS AND ZONING

§ 10-1. Title. This Local Law No 11 of the Year 2022 shall be designated and referred to as "Chapter 10-A Building Code Administration and Enforcement Procedures for Buildings and Zoning."

§ 10-2. Purpose and intent.

- A. This Chapter provides for the administration and enforcement in the Village of the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the State Energy Conservation Construction Code (the Energy Code), this Chapter, Chapter 98 Zoning of the Code of the Village of Pawling ("Zoning Law") and other state and local laws and regulations related to construction, development and/or use of Buildings, Structures and Lots and/or other land within the Village the enforcement of which is lawfully vested in the Village of Pawling or its duly authorized designees.
- B. This Chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other sections of this Chapter, all Buildings, Structures, and Lots and other land in the Village, regardless of use or occupancy, are subject to the provisions this Chapter.

§ 10-3. Definitions. In this Chapter, the following terms shall have the meanings indicated:

APPLICANT - a Person applying for a Building Permit, a Certificate of Occupancy or an Operating Permit, as the case may be.

APPLICATION - an application submitted by an Applicant for a Building Permit, a Certificate of Occupancy, a Certificate of Compliance or an Operating Permit, as the case may be.

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 fifty (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.

AUTHORIZED OFFICER - means the Village Clerk or any other officer of the Village, other than the Building Inspector, who is authorized by the Mayor with the approval of the Board to take any one or more Officer Actions.

BOARD - The Board of Trustees of the Village.

BUILDING - Any Structure or series of connected Structures having a roof or roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING INSPECTOR - The Building inspector appointed pursuant to § 10-5.A of this Chapter.

BUILDING INSPECTOR DOCUMENT - has the meaning set forth in § 10-5.C(3)(a) of this Chapter.

BUILDING INSPECTOR QUALIFICATIONS - has the meaning set forth in § 10-5.B of this Chapter.

BUILDING PERMIT - A permit issued pursuant to § 10-6 of this Chapter. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this Chapter.

CERTIFICATE OF COMPLIANCE - a document issued by the Building Inspector stating that Work was done in compliance with approved construction documents and the Codes.

CERTIFICATE OF OCCUPANCY - A document issued by the Building Inspector certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Building Inspector, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

CHAPTER - Means a Chapter of the Code and "this Chapter" means this Chapter 10-A of the Code.

CODE - the Code of the Village and any other local laws of the Village.

CODES – the Uniform Code and the Energy Code.

CONTRACTED INSPECTOR - has the meaning set forth in § 10-5.C of this Chapter.

CORRECTION DATE - has the meaning set forth in § 10-18.E of this Chapter.

DEMOLITION PERMIT - a Building Permit which involves the demolition of one or more Buildings or other Structures or no other Work for which a Building Permit is required under this Chapter.

ENERGY CODE - The New York State Energy Conservation Construction Code, Subchapter B of Chapter XXXIII of Title 19 of New York Codes, Rules, and Regulations, adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

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

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION - An inspection performed to determine compliance with the applicable provisions of Part 1225 of this Title and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR 1226 of this Title and the publications incorporated therein by reference.

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 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.

LEGAL REQUIREMENT - any provision of the Uniform Code, the Energy Code, this Chapter, the Zoning Law, the Code and/or any other state or local law, ordinance or regulation related to construction, development and/or use of Buildings, Structures and lots and other land within the Village, the administration and/or enforcement of which is lawfully vested in the Village, the Building Inspector, any Authorized Officer and/or any Contracted Inspector, as the case may be.

LOT - A parcel of land whose boundaries are established by some legal instrument such as a recorded deed or map and has been established in accord with applicable Legal Requirements as a separate parcel of land for the purposes of transfer of title.

MOBILE FOOD PREPARATION VEHICLES - Vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

NOTICE OF VIOLATION - means notice of a Violation issued by the Building Inspector to one or more Responsible Persons as provided in § 10-18 of this Chapter.

OFFICER ACTION - has the meaning set forth in § 10-5.C(3).

OPERATING PERMIT - A permit issued pursuant to § 10-12 of this Chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this Chapter.

PERMIT HOLDER - The person to whom a Building Permit or Operating Permit, as the case may be, has been issued.

PERSON - Shall include 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.

PMCNYS – The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR 1226 of this Title

PREMISES IN VIOLATION - Any Lot, land, Building or Structure within the Village upon or with respect to which a Violation is occurring or has occurred and remains uncorrected.

RCNYS – The 2020 Residential Code of New York State as currently incorporated by reference in Part 19 NYCRR 1220 of this Title

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

RESPONSIBLE PERSON - "Responsible Person" means any of the following Persons: (i) the Violating Owner and/or any other Person that the Building Inspector has reasonable cause to believe has committed or materially participated in committing a Violation, either through act or omission. Without limiting the generality of the immediately preceding sentence, a Responsible Person may include without limitation a builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person or entity taking part or assisting in either (i) the Work being performed at the Premises in Violation or (ii) any act or omission causing the Violation in whole or in part. Further if the Premises in Violation is owned by a Person who is not a natural person, a Responsible Person may include without limitation, the owner(s), shareholders, directors, members, managers and/or agents, as the case may be, of the Responsible Person who the Building Inspector determines is taking part or assisting in either (i) the Work being performed at the Premises in Violation or (ii) any act or omission causing the Violation in whole or in part.

STOP-WORK ORDER -An order issued pursuant to § 10-8 of this Chapter.

STRUCTURE -Anything constructed or erected on the ground or with a fixed location on the ground or attached to something having a fixed location on the ground, including but not limited to Buildings, walls, fences, radio towers, power-generating equipment such as freestanding windmills and solar panels, swimming pools, billboards, poster panels and signs.

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 — A certificate issued pursuant to § 10-9.D of this Chapter.

UNCORRECTED VIOLATION — has the meaning set forth in § 10-18.E.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of New York Codes, Rules, and Regulations, adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

UNSAFE STRUCTURE — has the meaning set forth in § 10-11.A.

VILLAGE — The Village of Pawling, New York.

VILLAGE CLERK — The Village Clerk of the Village.

VIOLATING OWNER — The owner of a Premises in Violation.

VIOLATION — “Violation” means any one or more conditions or activities found to exist in, on, or about any Building, Structure, Lot or other land located within the Village where any one or more of the following apply:

- a. Any Building or Structure is being erected, constructed, reconstructed, altered, repaired, converted, or maintained: (i) in violation of any one or more Legal Requirements or (ii) in the opinion of the Building Inspector in a dangerous or unsafe manner, in any case without regard to whether such work is or is not Work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work;
- b. Any Building or Structure is in violation of any one or more Legal Requirements or is dangerous or unsafe;
- c. Any condition or use of any Building, Structure, Lot or other land fails in any respect to comply with any one or more Legal Requirements;
- d. Any Lot or other land is divided into lots, blocks or sites in a manner which fails to comply with any one or more Legal Requirements, including without limitation Chapter 82, Subdivision of Land;

- e. Any Work 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;
- f. Any Work which is not in conformity with either (i) the Building Permit; or (ii) any plans or specifications approved in connection therewith or in connection with an approved site plan.

If there is more than one Violation with respect to a given Building, Structure, Lot or Land, the term "Violation" shall be deemed to mean each such Violation.

WORK – Has the meaning set forth in § 10-6.A.

ZONING LAW — Local Law # 2 of the year 1995 entitled Chapter 98 Zoning Law, as amended.

§ 10-4. Amendment or Repeal of Certain Local Laws of the Village.

- A. Local Law # 1 of the year 1979 entitled "Chapter 10 Building Construction" is hereby repealed.
- B. Local Law #1 for the year 2007 entitled "A local law providing for the administration and enforcement of the NYS Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in this Village" is hereby repealed.
- C. The following Articles of the Zoning Law are repealed: Article VIII "Building Permits", Article IX Certificates of Occupancy and Article XI "Powers and Duties of the Building Inspector; Penalties". Articles VIII, IX and XI of the Zoning Law are reserved for future use.
- D. Local Law #14 for the Year 2015 entitled "Chapter 14 Unsafe Buildings Law of the Village of Pawling" is hereby repealed.
- E. Local Law No 2 of 2022, as amended by Local Law No 5 of 2022 is hereby repealed in its entirety.

§ 10-5. Building Inspector and Contracted Inspectors; Powers of Authorized Officers

- A. The Board of Trustees may appoint one or more Building Inspectors. The Building Inspector shall administer and enforce all the provisions of the Uniform Code, the Energy Code, this Chapter and shall enforce all provisions of the Zoning Law. The Building Inspector shall also administer and enforce other local laws of the Village to the extent provided for therein. For the avoidance of doubt, the Building Inspector shall have duties and rights of a code enforcement official as outlined in 19 NYCRR Part 1203. To the extent that the provisions of this Chapter are in conflict with or are inconsistent with any provisions of the Zoning Law or any other local law of the Village, the

provisions of this Chapter 10-A shall prevail and be controlling. The Building Inspector shall have the following powers and duties:

- (1) To receive, review, and approve or disapprove Applications for Building Permits, Certificates of Occupancy, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such Applications;
- (2) Upon approval of such Applications, to issue Building Permits, Certificates of Occupancy, temporary certificates and operating permits, and to include in Building Permits, Certificates of Occupancy, temporary certificates and operating permits such terms and conditions as the Building Inspector may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections related to enforcement of the Zoning Law, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Chapter; provided however, that unless the owner or owner's agent of a given property located in the Village consents to such inspection in writing or there is an emergency justifying an immediate inspection as provided in § 10-11.G of this Chapter or other applicable law authorizes an inspection or search without a search warrant, the Building Inspector, prior to conducting an inspection on such property, must obtain a search warrant from a court of competent jurisdiction.
- (4) To issue stop-Work orders, Notices of Violation and other notices and orders provided for in this Chapter;
- (5) In connection with any Application to interpret the Zoning Law to the full extent permitted by New York law, subject, however, to the Applicant's right to appeal such determination to the Zoning Board of Appeals pursuant to Village Law 7-712-b.
- (6) To review and investigate complaints;
- (7) To maintain records;
- (8) To collect fees provided for in this Chapter;
- (9) To pursue administrative enforcement actions and proceedings relating to any Violation;
- (10) In consultation with the Village Attorney and subject to the approval of the Board, to commence, pursue and prosecute such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, this Chapter, and any other local law of the Village which

provides for enforcement by the Building Inspector or to abate or correct any Violations, including without limitation, conditions not in compliance with the Uniform Code, the Energy Code, this Chapter, the Zoning Law;

- (11) To inspect all signs in the Village and to enforce all of the provisions of the Village's local law regulating signs;
- (12) The Building Inspector may request and shall receive, as far as may be necessary in the discharge of his duties, the assistance and cooperation of the police and fire officers and all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.
- (13) To exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this Chapter.

B. The Building Inspector may be appointed and removed from office from time to time by the Mayor with the approval of the Board. The Building Inspector's term of office shall be one (1) year from the date of appointment; provided, however, that the Board may by resolution provide for a shorter or longer term of appointment for the Building Inspector. The Building Inspector shall meet or exceed the "Building Inspector Qualifications". "Building Inspector Qualifications" means having background experience related to Building construction and fire prevention and complying with the minimum standards imposed on the Village for Building Safety Inspectors and code enforcement officials as set forth in 19 NYCRR §1208(a) or (b), as the case may, as same may be amended from time to time. The Board by resolution may from time to time amend or modify the Building Inspector Qualifications provided that such amendment or modification does not violate any applicable state or federal law.

C. In addition to or in lieu of the appointment of a Building Inspector, the Board may from time to time employ or engage as an independent contractor one or more individuals, partnerships, corporations, LLCs or other entities to carry out some or all of the duties of the Building Inspector as provided in this Chapter (a "Contracted Inspector"), subject however, to the following:

- (1) Any such Contracted Inspector must at all times meet or exceed the Building Inspector Qualifications;
- (2) Any such Contracted Inspector shall perform the duties and responsibilities of the Building Inspector in compliance with the terms and conditions of any applicable agreement between such Contracted Inspector and the Village; however in no event will a Contracted Inspector take an "Officer Action".
- (3) As used herein "Officer Action" means any one or more of the following actions:

- (a) Execution and issuance of any "Building Inspector Document". As used herein, Building Inspector Document" means any of the following: Building Permit, Certificate of Occupancy, Certificate of Compliance, operating permit, temporary certificate, stop Work orders, Notice of Violation and any other permit, certificate, order, notice or appearance ticket authorized to be issued under this Chapter by the Building Inspector and any documents suspending or revoking any such Building Inspector Document;
 - (b) Pursuing administrative enforcement actions and proceedings relating to any Uncorrected Violation and legal actions and proceedings to the extent of the Building Inspector's authority under this Chapter and/or other applicable law;
 - (c) Any other action within the scope of the Building Inspector's power and authority as provided in this Chapter that a Contracted Inspector is not permitted to take under applicable law.
- D. Notwithstanding anything to the contrary set forth in this Chapter, during any time that the Village is employing or engaging a Contracted Inspector, as the case may be, any Officer Action may be taken by an Authorized Officer, but only if (i) such Officer Action has been recommended and approved by such Contracted Inspector and (ii) such Officer Action is within the scope of the authority granted to such Authorized Officer by the Mayor with the approval of the Board.
- E. "Special Inspectors" may be engaged by the Village from time to time to perform "Special Inspections" subject to and in compliance with 19 NYCRR Part 1208(e)(4).
- F. The compensation for the Building Inspector and any Contracted Inspector shall be fixed from time to time by the Board.

§ 10-6. Building Permits.

- A. Building Permits required. Except as otherwise provided in § 10-6.C, a Building Permit shall be required for any Work. As used in this Chapter, "Work" means any work which is required to conform to the Codes, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any Building or Structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any Work without first having obtained a Building Permit from the Building Inspector.
- B. Conformance with Zoning and Other Laws Required; Frontage Required.

- (1) No Building Permit shall be issued for any proposed Work on any Building or Structure unless the proposed Work and use is in full conformance with the Zoning Law, and other applicable laws and regulations. Without limiting the generality of the foregoing, no Building Permit shall be issued for any use requiring a special permit, site plan approval and/or variance under the Zoning Law unless and until such permit, approval or variance, as the case may be, has been issued.
- (2) No Building Permit shall be issued upon a Lot without access to either (i) a public street or (ii) a private street which is within a Subdivision approved by the Planning Board.

C. Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) Construction or installation of one story detached Structures associated with one or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 100 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 that the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (8) Repairs, provided that the impact does not have an impact on fire and life safety, such as:
 - (a) any part of the structural system;
 - (b) The required means of egress; or
 - (c) The fire protection system or the removal from service of any part of the fire protection system for any period of time.

- D. Exemption not deemed authorization to perform noncompliant Work. The exemption from the requirement to obtain a Building Permit for work in any category set forth in § 10-6.C shall not be deemed an authorization for Work to be performed in violation of the Codes.
- E. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Building Inspector. The Application shall be signed by the owner of the property where the Work is to be performed or an authorized agent of the owner. The Application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that the intended Work complies with all applicable requirements of the Codes. The Application shall include or be accompanied by the following information and documentation:
- (1) A description of the location, nature, extent, and scope of the proposed Work;
 - (2) The Tax Map number and the street address of any affected Building or Structure;
 - (3) The existing and intended use and the occupancy classification of any existing or proposed Building(s) and/or Structures;
 - (4) The number of dwelling units the Building is designed to accommodate;
 - (5) Where applicable, a statement of special inspections to be prepared in accordance with the provisions of the Uniform Code;
 - (6) construction documents (drawings and/or specifications) in the format and quantity acceptable to the Board, prepared in compliance with 19 NYCCR 1203.3(a)(3);
 - (7) any additional submittal documents in the format and quantity acceptable to the Board as required by the applicable provisions of the Codes;
 - (8) Any other information and documentation that the Board or the Building Inspector may deem necessary to allow the Building Inspector to determine that the proposed Work conforms to the Codes.
 - (9) Such other information with regard to the Building, the lot or neighboring lots as may be necessary to determine that the proposed Work will conform to the provisions of the Zoning Law
 - (10) A statement that the Applicant consents to the Building Inspector conducting Construction Inspections of the Lot or other land, Building and/or Structure pursuant to § 10-6.E(10).

F. (Reserved)

G. Construction documents. Construction documents submitted as part of an application for a Building Permit shall be drawn to scale on suitable material or in electronic media. The Board and/or the Building Inspector shall not approve required construction documents unless they show in sufficient detail that they contain the information and/or documentation required by the applicable provisions of the Codes, and including but not limited to the following, where applicable:

- (1) describing the location, nature, extent, and scope of the proposed Work;
- (2) showing that the proposed Work will conform to the applicable provisions of the Codes;
- (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 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;
- (9) evidence that the construction 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; and

(10) include any other information and documentation that the Board may deem necessary to allow the Building Inspector and/or the Board to determine that the proposed work conforms to the Codes.

G-1 Construction documents and any other submittal documents approved as part of a Application for a Building Permit shall be so marked in writing and by stamp, or in the case of electronic media, an electronic marking. One complete set of approved construction documents and other submittal documents shall be retained by the Building Inspector. One complete set of approved construction documents and other submittal documents shall be returned to the Applicant to be available at the Work site for use by the Building Inspector. However, the return of a set of accepted construction documents to the Applicant shall not be construed as authorization to commence Work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

H. Issuance of Building Permits; Demolition Permits.

(1) An Application for a Building Permit or for an amendment thereto shall be examined to ascertain whether the proposed Work is in compliance with the applicable Legal Requirements, including without limitation the requirements of the Codes, this Chapter and the Zoning Law. The Building Inspector shall issue a Building Permit if the proposed Work is in compliance with the applicable requirements of the Codes, the provisions of this Chapter and the Zoning Law. If a Building Permit is denied, the Building Inspector shall provide the Applicant with the reasons for such denial in writing.

(2) A Building Permit which involves only the demolition of a Building or other Structure may be referred to in the Application and other applicable documentation as a Demolition Permit.

I. Building Permits to be displayed. Building Permits shall be visibly displayed at the Work site and shall remain visible until the authorized Work has been completed.

J. Work to be in accordance with construction documents. All Work shall be performed in accordance with the construction documents and other submittal documents which were submitted with and accepted as part of the Application for the Building Permit. The Building Permit shall contain a statement indicating that all work shall be performed in accordance with the approved building permit application including any supporting information and documentation, such as construction documents, written statements, submittal documents, etc. In addition, The Permit Holder shall immediately notify the Building Inspector of any change occurring during the course of the Work. The Building Permit shall include a directive indicating that the Permit

Holder must notify the Building Inspector immediately in the event of changes occurring during the Work. If the Building Inspector determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

- K. Time limits. Building Permits shall become invalid unless the authorized Work is commenced within twelve (12) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this § 10-6.K may be renewed upon Application by the Permit Holder, payment of the applicable fee, and approval of the Application by the Building Inspector.
- L. Revocation or suspension of Building Permits. The Building Inspector is authorized to suspend or revoke a Building Permit in any one or more of the following cases:
 - (1) The Building Inspector determines that a Building Permit was issued in error;
 - (2) Because of materially incorrect, inaccurate or incomplete information submitted by the Applicant or the Applicant's representative(s) to the Village in connection with the Application for the Building Permit, including without limitation false statements or misrepresentations as to a material fact in the Application or in the plans, specifications or other documents submitted in support of the Application or in support of any site plan approval, special permit or variance that was required in order for the Building Permit to be issued;
 - (3) The Building Inspector determines that the Work being performed under the Building Permit is not being carried out in accord with the Application, plans, specifications or other documents submitted by the Applicant or the Applicant's representative(s) in support of the Application or in support of any site plan approval, special permit or variance that was required in order for the Building Permit to be issued;
 - (4) Where the Person to whom a Building Permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.
 - (5) The Work for which a Building Permit was issued violates the Codes or otherwise constitutes a Violation.
- M. In the event that the Building Inspector revokes or suspends a Building Permit pursuant to § 10-6.L above, such revocation or suspension, as the case may be, the Building Inspector shall revoke the Building Permit or suspend the Building Permit until the Building Inspector determines that 1) all Work then completed is in compliance with all applicable provisions of the Uniform Code,

the Energy Code, the Zoning Law and other applicable Legal Requirements, if any; and 2) all Work then proposed to be performed shall be in compliance with all such Legal Requirements.

N. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) 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.

O. Required Survey.

- (1) Applications for the construction of new Buildings or additions to existing Buildings shall be accompanied by an accurate survey showing the exact location of any proposed new construction and all existing Structures to remain.
- (2) The submission of an accurate survey may be waived by the Building Inspector in the case of an interior or exterior alteration to an existing Building or Structure.

§ 10-7. Construction inspections.

A. The Building Inspector shall perform construction inspections required by the Codes including those listed in this paragraph, either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Building 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 Building Inspector that the elements of the construction process conform with the applicable requirements of the Codes. Should a remote inspection not afford the Building Inspector sufficient information to make a determination, an in-person inspection shall be performed. Inspections shall include but not be limited to the following elements of the construction process, where applicable:

- (1) Worksite prior to the issuance of a Building Permit;
- (2) Footing and foundation;
- (3) Preparation for concrete slab;
- (4) Framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the Building;
- (6) Fire resistant construction;
- (7) Fire resistant penetrations;

- (8) Solid fuel-burning heating appliances, chimneys, flues, or gas vents;
 - (9) 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, high-performance lighting, and controls;
 - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
 - (11) A final inspection after all Work authorized by the Building Permit has been completed.
- B. Work for which a Permit has been issued shall remain accessible and exposed until inspected and accepted by the Building Inspector or by an Inspector authorized by the Building Inspector. The Permit Holder shall notify the Building Inspector when any element of Work described in § 10-7.A is ready for inspection.
- C. Inspection results. After each inspection, the Building Inspector shall note the Work or a portion thereof to satisfactory as completed, or the building Permit Holder shall be notified as to the manner in which the Work fails to comply with the Codes, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with applicable provision of either or both of the Codes shall remain exposed until such Work shall have been brought into compliance with all applicable provisions of Codes, reinspected, and found satisfactory as completed.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) of this Chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 10-8. Stop-Work orders.

- A. Authority to issue. The Building Inspector is authorized to issue a stop-Work order pursuant to this section to halt any Violation(s). The Building Inspector is also authorized to issue a stop-Work order pursuant to this section to halt Work that is determined to be contrary to provisions of either or both of the Codes, is being conducted in a dangerous or unsafe manner, is being performed without obtaining a required Building Permit, or when a Building Permit has been issued in error.
- B. Content of stop-Work orders. Stop-Work orders shall:
 - (1) Be in writing;

- (2) Be dated and signed by the Building Inspector;
 - (3) State the reason or reasons for issuance; and
 - (4) If applicable, state the conditions which must be satisfied before Work will be allowed to resume.
- C. Service of stop-Work orders. The Building Inspector shall attempt to cause the stop-Work order, or a copy thereof, to be served on the Violating Owner (and, if the Violating Owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Building Inspector is also authorized but not required, to attempt to cause the stop-Work order, or a copy thereof, to be served on any other Responsible Person personally or by certified mail; provided, however, that failure to serve the Owner or any other Responsible Persons shall not affect the efficacy or validity of the stop-Work order as to the Owner or any other Responsible Person who has been served with such stop-Work order as provided in this § 10-8.C.
- D. Effect of stop-Work order. Upon the issuance of a stop-Work order, the Violating Owner, the Permit Holder and any other Person performing, taking part in or assisting in the Work shall immediately cease all Work which is the subject of the stop-Work order.
- E. Remedy not exclusive. The issuance of a stop-Work order shall not be the exclusive remedy available to address a Violation, and the authority to issue a stop-Work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 10-18 (Violations; penalties for offenses) of this Chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-Work order.

§ 10-9. Certificates of Occupancy, certificates of compliance, and temporary certificates of occupancy.

- A. Certificates of Occupancy required. A Certificate of Occupancy, or if determined to be applicable by the Building Inspector a Certificate of Compliance, shall be required for any Work which is the subject of a Building Permit and required to comply with either or both of the Codes and for all Structures, Buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Except as provided below in § 10-4D permission to use or occupy a Building or Structure, or portion thereof, for which a Building Permit was previously issued, or which has been converted from one use or occupancy classification or subclassification to another, shall be granted only by issuance of a Certificate of Occupancy or a Certificate of Compliance. The determination as to whether Work requires a Certificate of Occupancy or Certificate of Compliance shall be made by the Building Inspector, but in any case one or other shall be required.

B. A Certificate of Occupancy or a Certificate of Compliance, as the case may be, shall not issue until the Building Inspector shall have

(1) inspected the Building, Structure, or Work and determined that the Building, Structure, or Work is in compliance with all applicable provisions of the Codes;

(2) where applicable, received and reviewed each written statement of structural observations and/or a final report of special inspections required by any applicable provisions of the Uniform Code and determined that the information in such written statement or report adequately demonstrates compliance with the applicable provision of the Uniform Code;

(3) where applicable, received and reviewed flood hazard certifications required by any applicable provisions of the Uniform Code and determined that the information in such certifications adequately demonstrates compliance with the applicable provision of the Uniform Code;

(4) where applicable, received and reviewed each written statement of the results of tests performed to show compliance with the Energy Code and determined that the information in such statements adequately demonstrates compliance with the applicable provision of the Energy Code; and

(5) where applicable, verified the affixation of the appropriate seals, insignias, and manufacturers' data plates as required for factory manufactured buildings and/or manufactured homes

Issuance of Certificate of Occupancy. The Building Inspector shall issue a Certificate of Occupancy if the Work which was the subject of the Building Permit was completed in accordance with each of the following: (i) the construction documents submitted by the Applicant as amended and approved by the Building Inspector; (ii) conditions or specifications of any applicable site plan or special permit approval; (iii) all applicable provisions of the Codes, this Chapter, the Zoning Law and any other applicable laws and regulations, and, (iv) if applicable, that the Structure, Building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Codes. The Building Inspector or an Inspector authorized by the Building Inspector shall inspect the Building, Structure or Work prior to the issuance of a Certificate of Occupancy. In addition, 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 Building Inspector, at the expense of the Applicant for the Certificate of Occupancy, shall be provided to the Building Inspector prior to the issuance of the Certificate of Occupancy:

(1) A written statement of structural observations and/or a final report of special inspections; and

- (2) Flood hazard certifications.

C. Contents of Certificate of Occupancy and Certificate of Compliance. A Certificate of Occupancy or Certificate of Compliance, as the case may be, shall 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, address, and Tax Map number of the property;
- (4) If the Certificate of Occupancy or Certificate of Compliance, as the case may be, is not applicable to an entire Building or Structure, a description of that portion of the Building or Structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) The use and occupancy classification of the Building or Structure;
- (6) The type of construction of the Building or Structure;
- (7) The occupant load of the assembly areas in the Building or Structure, if any;
- (8) Any special conditions imposed in connection with the issuance of the Building Permit;
- (9) The signature of the Building Inspector issuing the Certificate of Occupancy or Certificate of Compliance as the case may be and
- (10) the date of issuance of the Certificate of Occupancy or Certificate of Compliance, as the case may be.

D. Temporary certificate. The Building Inspector shall be permitted to issue a temporary Certificate of Occupancy prior to completion of the Work which is the subject of a Building Permit, provided that:

- (1) A temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six months, which shall be determined by the Building Inspector 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 Codes.
- (2) The temporary Certificate of Occupancy shall specify the portion or portions of the Building or Structure that may be occupied pursuant to the temporary Certificate of Occupancy, and any special terms or conditions of such occupancy that the Building Inspector may deem to be 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) The temporary Certificate of Occupancy shall also include the information mentioned in § 10-9 C.

(4) The Building Inspector shall not issue a temporary Certificate of Occupancy until it determines that the following conditions are met:

(a) the Structure or portions thereof may be occupied safely;

(b) 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

(c) all required means of egress from the Structure have been provided.

E. Revocation or suspension of certificates. A Certificate of Occupancy, Certificate of Compliance or a temporary Certificate of Occupancy, as the case may be, which is issued in error or on the basis of incorrect, inaccurate or incomplete information shall be suspended or revoked by the Building Inspector 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 Codes

F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) of this Chapter must be paid at the time of submission of an Application for a Certificate of Occupancy, a Certificate of Compliance, or for a temporary Certificate of Occupancy, as the case may be

§ 10-10. Notification regarding fire or explosion.

The Chief of any fire department providing firefighting services for a property within this Village shall promptly notify the Building Inspector of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

§ 10-11. Unsafe Structures and equipment and imminent danger.

A. An "Unsafe Structure" means any Building or Structure or equipment which the Building Inspector determines: (i) to be structurally unsafe, insanitary or not provided with adequate egress, or (ii) to constitute a fire hazard or otherwise is dangerous to human life, or (iii) which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally.

B. All Unsafe Structures are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this § 10-11.

- C. The Building Inspector shall inspect or cause to be inspected every Unsafe Structure of which the Building Inspector becomes aware and shall make a written record of such examination.
- D. Whenever the Building Inspector shall find any Building or Structure or equipment or portion thereof to be an Unsafe Structure, the Building Inspector shall issue a Notice of Violation in accordance with § 10-18.A.
- E. If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the Building, Structure, or portion thereof to be vacated forthwith and not reoccupied until the specified repair and improvements are completed, inspected and approved by the Building Inspector. The Building Inspector shall cause to be posted at each entrance to such Building a notice: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING INSPECTOR. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents or other persons, to remove such notice without written permission of the Building Inspector, or for any person to enter the Building except for the purpose of making the required repairs or of demolishing same.
- F. In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent or person in control fails, neglects or refuses to comply with the notice to repair, rehabilitate or demolish and remove said Building or Structure or equipment or portion thereof, the Village Attorney shall be advised of all the facts in the case and, subject to the approval of the Board, shall be authorized to institute an appropriate action in a court of competent jurisdiction to compel compliance.
- G. In cases of emergency which, in the opinion of the Building Inspector, involve imminent danger to human life or health, the Building Inspector shall promptly cause such Building, Structure, equipment, or portion thereof to be made safe or to be removed. For this purpose, he may at once enter such Structure or Lot or other land on which it stands, or abutting Lot or other land or Structure, with such assistance and at such cost as may be necessary. He may vacate adjacent Structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way.
- H. Costs incurred under § 10-11.F and § 10-11.G, including reasonable attorney's fees of the Village's attorney, shall be paid out of the Village treasury on certificate of the Building Inspector. Such costs shall be assessed against the Lot or other land on which said Building or Structure is located and shall be and become a lien on said Lot or other land, as the case may be, as of the date of such assessment. The lien of the Village for such cost and expenses shall have priority over all other liens and encumbrances, except the liens of taxes and assessments which constitute prior liens.

§ 10-12. Operating permits.

A. Operation permits required. Operating permits shall be required for conducting any process or activity or for operating any type of Building, Structure, or facility listed in this § as follows:

- (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 listed and described in section 1203.3 (g)(1)(ii) 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 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 section 1203.3 (j);
- (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 this Village; and
- (9) other processes or activities or for operating any type of building, structure, or facility at the discretion of the authority having jurisdiction.

Any person who proposes to undertake any activity or to operate any type of Building, Structure, or facility listed in this §10-12A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- B. Applications for operating permits. An Application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Building Inspector. Such Application shall include such information as the Building Inspector deems sufficient to enable a determination by the Building

Inspector that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Building Inspector 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 Building Inspector, at the expense of the Applicant. Such Application shall include a statement that the Applicant consents to the Building Inspector conducting inspections pursuant to § 10-12.D.

- C. Exemptions. The Board may exempt from the requirement for an operating permit the processes or activities, or the buildings, structures, or facilities listed in § 10-12A, provided that the use is expressly authorized by a Certificate of Occupancy or Certificate of Compliance, fire safety and property maintenance inspections are performed in accordance with § 10-13, and condition assessments are performed in compliance with § 10-23 as applicable. Neither this paragraph nor this Chapter 10-A shall limit or impair the right of the Board nor the Building Inspector to take any other enforcement action, including but not limited to those specified in § 10-18, as may be necessary or appropriate in response to any citation of non-compliance found during a fire safety and property maintenance inspection.
- D. Inspections. The Building Inspector or an Inspector authorized by the Building Inspector shall perform an inspection of the subject premises prior to the issuance or renewal 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 Building 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 Building Inspector that the premises conform with the applicable requirements of the Uniform Code and this Chapter 10A. Should a remote inspection not afford the Building Inspector 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 fails to comply with either or both of the Uniform Code and this Chapter 10A, including a citation to the specific provision or provisions that have not been met.
- E. Multiple activities. In any circumstance in which more than one activity listed in § 10-12.A is to be conducted at a location, the Building Inspector may require a separate operating permit for each such activity, or the Building Inspector may, in his or her discretion, issue a single operating permit to apply to all such activities.
- F. Duration of operating permits. Operating permits shall remain in effect until reissued, renewed, or revoked and shall be issued for a specified period of time consistent with local conditions, but in no event to exceed:
 - (1) 180 days for tents, special event structures, and other membrane structures;

(2) 60 days for alternative activities at a sugarhouse;

(3) years for the activities, structures, and operations determined per §10-12A6 (facilities that store, handle or use hazardous production materials);

(4) one (1) year for all other activities, structures, and operations identified in §10-12A

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 Building Inspector, payment of the applicable fee, and approval of such Application by the Building Inspector.

G. Revocation or suspension of operating permits. The Building Inspector shall revoke or suspend an operating permit where a process or activity, or the operation of any type of Building, Structure, or facility does not comply with any applicable provision of the Uniform Code.

H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) of this Chapter must be paid at the time submission of an Application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 10-13. Fire safety and property maintenance inspections.

A. Inspections required. Fire safety and property maintenance inspections of Buildings and Structures shall be performed by the Building Inspector or an Inspector designated by the Building Inspector either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Building 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 Building Inspector that the premises conform with the applicable requirements of the Codes. Should a remote inspection not afford the Building Inspector sufficient information to make a determination, an in-person inspection shall be performed. Fire safety and property maintenance inspections shall be performed at intervals consistent with local conditions, but in no event shall such intervals exceed:

(1) One year for Buildings which contain an assembly area;

(2) one year 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) (iii) three years for multiple dwellings and all nonresidential occupancies.

B. Inspections permitted.

(1) In addition to the inspections required by § 10-13.A, 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 Building Inspector or an Inspector designated by the Building Inspector at any time upon; the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Building Inspector of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Building Inspector of any other information, reasonably believed by the Building Inspector 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 subsection 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.

(2) After each inspection, the Building Inspector shall note the premises as satisfactory, or the owner and operator 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.

(3) Nothing in this §10-13 shall require or be construed to require regular, periodic inspections of (a) owner-occupied one and two-family dwellings, or (b) agricultural buildings used directly and solely for agricultural purposes, provided, however, that this shall not be a limitation on inspections conducted at the invitation of the owner or occupant, or where conditions on the premises threaten or present a hazard to public health, safety, or welfare.

C. OFPC inspections. In the case of a building referred to in § 10-13A2 (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), the Building Inspector may accept an inspection performed by the Office of Fire Prevention and Control ("OFPC") or other authorized entity pursuant to § 807-a and § 807-b of the Education Law and/or § 156-e of the Executive Law, and Education Law § 807-b in lieu of an inspection performed by the Building Inspector or an Inspector designated by the Building Inspector, provided that:

- (1) The Building Inspector is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR §1203.2 (e)(1) and § 1203.2 (e)(2);

- (2) The Building Inspector 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 Building; and
- (5) upon receipt of each such report, the Building Inspector takes the appropriate action prescribed by §10-13B2 or verifies the authorized entity performing the inspection has taken the appropriate action consistent with §10-13B2.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) of this Chapter must be paid prior to or at the time each inspection is performed pursuant to this section.

§ 10-14. Complaints.

- A. The Building Inspector shall review and investigate complaints which allege or assert the existence of conditions or activities that constitute a Violation. The process for responding to a complaint shall include such of the following steps as the Building Inspector may deem to be appropriate:
- (1) Performing an inspection of the conditions and/or activities alleged to be a 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 a Notice of Violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 10-18 (Violations; penalties for offenses) 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.

§ 10-15. Reserved.

§ 10-16. Recordkeeping.

- A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by the Building Inspector and Inspectors 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, 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 other features and activities specified in or contemplated by § 10-6 through § 10-14, inclusive, of this Chapter, including; and
 - (9) All fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to Buildings or Structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.
- C. A record of all Certificates of Occupancy shall be kept in the office of the Village Clerk.

§ 10-17. Program review and reporting.

- A. The Building Inspector shall annually submit to the Board Village a written report and summary of all business conducted by the Building Inspector and the Inspectors, including a report and summary of all transactions and activities described in § 10-16 (Recordkeeping) of this Chapter and a report and summary of all appeals or litigation pending or concluded. The Building Inspector shall also submit to the Board such additional reports at such time and in such form as may be requested by the Board from time to time.
- B. The Building Inspector shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.
- C. The Building Inspector 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 this Village 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 the activities of this Village in connection with administration and enforcement of the either or both of the Codes as may be requested by the Department of State.

§ 10-18. Violations; penalties for offenses.

- A. Notice of Violation. Upon a finding by the Building Inspector that there is reasonable grounds to believe that a Violation exists, the Building Inspector is authorized to issue a Notice of Violation to any one or more Responsible Persons. Failure to issue a Notice of Violation to one or more Responsible Persons shall not invalidate any Notice of Violation issued to any other Responsible Person or Responsible Persons.
- B. Contents of Notice of Violation.
 - (1) The Notice of Violation shall be in writing, and shall:
 - (a) be dated and signed by the Building Inspector;
 - (b) set forth the address and/or tax identification number of the Premises in Violation;
 - (c) specify the condition or activity that constitutes the Violation;
 - (d) specify the provision or provisions of the Uniform Code, the Energy Code, this Chapter, the Zoning Law or other Legal Requirement, as the case may be, that has been or is being violated;
 - (e) order that the Violation be corrected and specify the time period within which such correction must be completed. Including the following language in the Notice of Violation will satisfy this subparagraph (e):
"The person or entity served with this Notice of Violation must completely remedy each violation of law or regulation as described in this Notice of Violation by _____ [specify date that the Building Inspector has determined is reasonably necessary to correct the Violation] ("Required Correction Date");
 - (f) specify the actions required to be taken in order to remedy the Violation ("Corrective Action";
 - (g) state that an action or proceeding to compel compliance with this Notice of Violation may be instituted if correction of the violation is not achieved on or before the Required Correction Date (including, but not limited to, the imposition of criminal or civil penalties hereunder).

- (h) If the Violation includes that the Building or other Structure is an Unsafe Structure, then the Notice of Violation shall also state that, on or before the Correction Date, the Corrective Action must be completed or the Unsafe Structure must be demolished and all debris removed.
 - (2) Stop Work Order. The Building Inspector is authorized to include in such Notice of Violation a stop-Work order as described in § 10-8 of this Chapter. This paragraph (2) shall not be deemed to limit the authority of the Building Inspector to issue stop Work orders under circumstances not requiring a Notice of Violation.
 - (3) The Building Inspector may include in the Notice of Violation provisions ordering the Responsible Person or Responsible Persons, as the case may be:
 - (a) To begin to remedy the Violation described in the Notice of Violation immediately, or within some other specified period of time which may be less than time period specified for correction therein; to continue diligently to remedy such Violation until it is fully remedied; and, in any event, to complete the remedying of all such Violations within 30 days .
 - (b) To take such other protective actions (such as vacating the Building or barricading the area where the Violation exists) which are authorized by the Building Inspector or by this Chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Building Inspector may deem appropriate, during the period while such Violation are being remedied.
 - (4) A Notice of Violation shall not be deemed defective so long as it substantially complies with the requirements of this § 10-18.
- C. Manner of Service of Notice of Violation. A Notice of Violation in order to be effective against a given Responsible Person shall be served upon such Responsible Person either personally or by certified or registered mail within five days of the date of the Notice of Violation. Failure to serve one or more Responsible Persons with a Notice of Violation shall not be deemed to invalidate service of such Notice of Violation upon any other Responsible Person or Responsible Persons.
- D. Appearance Tickets. For any Violation, the Building Inspector is authorized to issue appearance tickets to the Responsible Person or Responsible Persons, as the case may be, returnable in any court of competent jurisdiction.

- E. Penalties.¹ In the event that the Building Inspector determines that a Violation specified in a Notice of Violation has not been fully corrected on or before the date specified for such correction in the Notice of Violation ("Correction Date"), then such Violation shall be deemed to be an uncorrected violation ("Uncorrected Violation"). With respect to any Uncorrected Violation, each Responsible Person who has been served with a Notice of Violation with respect to Violation which becomes an Uncorrected Violation shall be guilty of a violation as provided in this Chapter shall for (a) a first offense be guilty of a violation as defined in Penal Law §55.10 (3) and subject to a fine of not less than \$500 and not more than \$2,000 or to imprisonment for up to fifteen (15) days, or both; (b) for a second offense be guilty of an unclassified misdemeanor as defined in Penal Law §55.10(2)(c) and subject to a fine of not less than \$1,000 and not more than \$4,000 or imprisonment for up to thirty (30) days, or both; and (c) for the third and all subsequent offenses be guilty of an unclassified misdemeanor and subject to a fine of not less than \$4,000 and not more than \$6,000 or imprisonment for up to sixty (60) days, or both.² Each and every day that any Uncorrected Violation continues beyond the Correction Date shall constitute a separate offense. In addition to the above penalties, the Responsible Person or Responsible Persons, as the case may be, shall be jointly and severally liable to the Village for all of its costs and expenses, including without limitation reasonable attorney's fees, incurred in determining, issuing and/or prosecuting such Uncorrected Violation, including without limitation, in any action or proceeding relating to an Uncorrected Violation which is initiated by the Village against one or more Responsible Persons pursuant to this §98-59, whether criminal and/or civil.

For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.

- F. Remedies Not Exclusive. No remedy or penalty specified in this Chapter shall be the exclusive remedy or penalty available to address any Violation, and each remedy or penalty for any Uncorrected Violations as specified in this § 10-18 shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Chapter, in any other Articles of this Chapter, or under any other applicable law, including without limitation, the remedies specified in Village §7-714 and in Subdivisions (2), (3), and (4) of § 382 of the Executive Law or any regulations promulgated thereunder. Any remedy or penalty specified in this Chapter may be pursued at any time,

¹ See Municipal Home Rule Law §10(4)(b) (the legislative body of a local government shall have power: ...4. In the exercise of its powers to adopt and amend local laws, the legislative body of a local government shall have power:... (b) To provide for the enforcement of local laws by legal or equitable proceedings which are or may be provided or authorized by law, to prescribe that violations thereof shall constitute misdemeanors, offenses or infractions and to provide for the punishment of violations thereof by civil penalty, fine, forfeiture, community service,...)

² The NY Penal Law §80.05 (4) authorizes the Village to impose fines for violations of its local laws which exceed the maximum amount imposed by similar state law. See, *People v Karns*, 365 N.Y.S.2d 725, 735 (N.Y. City Ct., Mar. 18, 1975).

whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Chapter or under any other applicable law. Without limiting the generality of the foregoing, the Village may simultaneously maintain an injunctive action in Supreme Court and a prosecution in Justice Court.

- G. Nothing contained herein shall be deemed to invalidate any Notice of Violation issued by the Building Inspector at any time prior to the effective date of this local law ("Prior Violation"); provided, however, that all of the Village's rights and remedies, including without limitation those specified in § 10-18.D through § 10-18.F shall fully apply to any such Prior Violation which has not been fully corrected prior to such effective date of this Chapter.
- H. Injunctive relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any Violation, and/or to obtain an order directing the removal of the Building or Structure or an abatement of the condition resulting in such Violation. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Board.

§ 10-19. Fees for permits, certificates and inspections.

A fee schedule applicable to permits and certificates issued and inspections made under this Chapter 10-A shall be established and may be amended from time to time by resolution of the Board. The applicable fee set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of any Application, the issuance of any Building Permit, any amended Building Permit, any renewed Building Permit, any Certificate of Occupancy, any temporary certificate, operating permit, construction inspection, fire safety and property maintenance inspection, and other action of the Building Inspector for which a fee is set forth on such fee schedule. No permit or certificate shall be issued and no inspection shall be performed by the Building Inspector until the Applicant has paid to the Village of Pawling the appropriate fee as provided in the fee schedule. The Board shall review such fee schedule from time to time to ensure that such fees are no greater than the amount which the Board has estimated in good faith to be reasonably necessary to cover the costs to the Village of review, issuance and inspection of permits, certificates and inspections provided for in the Chapter; however exact congruence between total expenses and total fees for permits, certificates and inspections is not required.

§ 10-20. Intermunicipal agreements.

The Board may, by resolution, authorize the Mayor to enter into an agreement, in the name of this Village, with other governments to carry out the terms of this Chapter, provided that such 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.

§ 10-21. Severability, Savings Clause, Inconsistencies

If any section of this Chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Chapter.

In addition, to the maximum extent permitted by law, this Chapter shall be interpreted so as to comply with the requirements of 19 NYCRR Section 1203.3 (minimum features of a program for administration and enforcement of the Uniform Code) and any other state laws or regulations applicable to this Chapter.

In the event of any inconsistencies between this Chapter and the Zoning Law or any other local law of the Village enacted prior to the effective date of this Chapter, the terms of this Chapter shall prevail and be controlling.

§ 10-22. When effective.

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

§ 10-23 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:
 - (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 § 304.1.1, § 305.1.1, and § 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) Condition Assessments – general requirements. 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 §10-23, periodic condition assessments as described in subdivision (d) of this §10-23, and such additional condition assessments as may be required under subdivision (e) of this §10-23. 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 the Building Inspector and the Board, in accordance with the requirements of subdivision (f) of this § 10-23. 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.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

- (1) Parking garages constructed on or after August 29, 2018, 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) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

- (3) Any parking garage constructed prior to the effective date of this Chapter 10A that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to ***six (6) months after the effective date of this local law.***
- (d) Periodic Condition Assessments. 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.
- (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 §, 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 Building Inspector becomes aware of any new or increased deterioration which, in the judgment of the Building Inspector, 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 §, 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 Building Inspector 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 Building Inspector within such time as fixed by the Building Inspector. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall 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. 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) Review Condition Assessment Reports. The Building Inspector 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 Building Inspector shall, by Order to Remedy or such other means of enforcement as the Building Inspector 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 Board or the Building Inspector to take any other enforcement action, including but not limited to suspension 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 Building Inspector 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 Building Inspector with a written statement attesting to the fact that he or she has been so engaged, the Building Inspector shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Building Inspector 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 Building Inspector:
 - (1) to perform such construction inspections as are required by §10-7 (Construction Inspections) of this local law;
 - (2) to perform such periodic fire safety and property maintenance inspections as are required by §10-13 (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 Building Inspector 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.

§ 10-24. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

- (a) The Board of Trustees shall determine the climatic and geographic design criteria for buildings and structures constructed within this Village 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:
 - (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 Building Inspector 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 Building Inspector, and shall make such record readily available to the public.

RESOLVED: this local law has been enacted to replace the existing Chapter 10A of the Village Code in order to incorporate into such chapter certain administrative changes which are deemed to be necessary and/or advisable by the Board of Trustees based on recent amendments to 19 NYCRR Part 1208 prescribing. minimum standards for administration and enforcement of the Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code);

RESOLVED: based on the purposes of this Local Law, the Board of Trustees has determined and hereby resolves that the adoption of this proposed local law is a Type II action under New York State Environmental Quality Review Act ("SEQRA") (see 6 NYCRR 617.5 (26) and (33))³ and thus SEQRA review is not required;

RESOLVED: based on the purposes of this Local Law to provide for appropriate administration and enforcement of the Uniform Code, the Energy Code, the Village Zoning Law and other applicable local laws, and in accord with the intermunicipal exemption agreement between the Dutchess County Planning and Development and the Village, the Board of Trustees has determined that this local law does not require referral to Dutchess County Planning and Development under General Municipal Law §239-m; ⁴

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, with such hearing to be held at the Village Hall on December 19, 2022 at 7 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Village of Pawling by the Village Clerk, at least five (5) before such hearing and that such notice shall be in the following form;

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Board of Trustees of the Village of Pawling will hold a public hearing at the Village Hall, 9 Memorial Avenue, Pawling, New York on December 19, 2022, at 7 o'clock p.m., Prevailing Time on Proposed Local Law No. 11 of 2022 entitled

³ See 6 NY ADC 617.5(c)(26) and (33): Type II actions include routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

⁴ See <https://www.dutchessny.gov/Departments/Planning/Docs/Draft-Referral-Exemptions-Intermunicipal-Agreement.pdf> " (REFERRALS TO BE ELIMINATED: The following actions shall be eliminated from the [239-m] referral and review process: a. administrative amendments (zoning amendments regarding fees, procedures, penalties, etc.);

“BUILDING CODE ADMINISTRATION AND ENFORCEMENT PROCEDURES FOR BUILDINGS AND ZONING”;

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Village of Pawling Village Hall, 9 Memorial Avenue, Pawling, New York.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposed local law at the time and place aforesaid.

DATED: Pawling, New York
December 5, 2022
JENNIFER OSBORN, VILLAGE CLERK

The question of the foregoing Resolutions was duly put to a vote, the Board of Trustees voting as follows:

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Absent
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Tom Meyer	Aye.

MOTION by Trustee Burweger to approve the Village Green and Public Assembly Events Permit for Menorah to be placed on the Village Green. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to approve the Village Green and Public Assembly Events Permit for Nativity Scene to be placed at South Street and East Main Street. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mr. Dan Stone, a representative of LaBella, reported that the three inch pipe between the Umscheid wellfield and Baxter Green passed its pressure test which was a step required by the Health Department for permission to use it. He said we are moving forward with the Lower Baxter site and made the plan submission to the NYS DOH and asked them to move forward with that review as quickly as possible. He said we would like to go out bid on the Lower Baxter project in late January/early February of 2023. He stated he would like to make a presentation to the public with Jeff Smith at the December 19th meeting about the proposed water supply rates and wastewater rates.

MOTION by Trustee Locascio to approve payment of the November bills in the amount of \$305,779.79. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Trustee Locascio stated the Board had approved spending \$3,500 to do the road striping in the village for most of the main roads. He said there was some miscommunication and two additional roads were done (South Street and Lakeside Drive) which was an additional \$1,762.50 and he wanted to make the Board aware of that.

MOTION by Trustee Locascio to adjourn the meeting and go into Public Comment at 7:22 P.M. **SECONDED** by Trustee Burweiger. There was no discussion; all were in favor and the motion carried.



Village Clerk