A local law amending Chapter 100 of the Town Code of the Town of Greenburgh pursuant to New York State Constitution Article IX and New York Municipal Home Rule Law § 10.

BE IT ENACTED by the Town Board of the Town of Greenburgh:

§ 1. Title.
§ 2. Legislative Findings.
§ 3. Amendment to § 100-1. Purpose.
§ 4. Amendment to § 100-4. Definitions.
§ 5. Amendment to § 100-5. Building permit, certificate of occupancy and related fees; home improvement license.
§ 6. Amendment to § 100-6. Stop-work orders.
§ 7. Amendment to § 100-7. Bureau of Fire Prevention
§ 10. Amendment to § 100-9. Sprinkler systems.
§ 11. Amendment to § 100-10. Fire alarm systems.
§ 12. Amendment to § 100-11. Lighting.
§ 15. New Section 17 entitled, “Constructions Inspections.”
§ 17. New Section 19 entitled, “Fire Safety and Property Maintenance Inspections.”
§ 18. Amendment to § 100-20. Penalties for offenses; enforcement.
§ 19. Severability.
§ 20. Effective Date.

§ 1. Title.

This law is entitled “A local law amending Chapter 100 of the Town Code of the Town of Greenburgh.”

§ 2. Legislative Findings.

The Town Board of the Town of Greenburgh finds it necessary to amend the “Building, Fire and Plumbing” Chapter of the Town Code of the Town of Greenburgh to establish regulations related to inspections of construction, fire safety and property maintenance as
well as to the issuance of operating permits to comply with the standards of the New York State Uniform Fire Prevention and Building Code and the Town Code of the Town of Greenburgh.

§ 3. Amendment to § 100-1. Purpose.

§ 100-1 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

This Chapter is intended to establish minimum, uniform safeguards to protect human health, safety and welfare, as well as property, by establishing reasonable regulations governing building construction and maintenance and fire safety. Pursuant to Town Law § 130, the Town Board hereby declares its right to set such standards and enforce compliance. This chapter seeks to establish minimum building regulations and fire safety standards consistent with this goal.

§ 4. Amendment to § 100-4. Definitions.

§ 100-4 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

BUILDING INSPECTOR – Shall mean the Building Inspector of the Town of Greenburgh, or any of his or her duly appointed representatives.

BUILDING PERMIT – a permit issued pursuant to Section 5 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 OCCUPANCY – a certificate issued pursuant to subsection (B) of Section 5 of this Chapter.

CODE ENFORCEMENT OFFICER – shall mean any New York State Certified code Enforcement Officer employed by the Town of Greenburgh.

CODE ENFORCEMENT PERSONNEL – shall include the Building Inspector, Code Enforcement Officers and Building Staff Assistant.

ENERGY CODE – the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

GREASE INTERCEPTOR – A plumbing appurtenance that is installed in a sanitary drainage system to intercept oily and greasy wastes from wastewater discharge. Such device has the ability to intercept free-floating fats and oils.
NOTICE OF VIOLATION – an order issued by the Building Inspector or Code Enforcement Officer.

OPERATING PERMIT – a permit issued pursuant to Section 18 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 has been issued.

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

UNIFORM FIRE PREVENTION AND BUILDING CODE -- shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 5. Amendment to § 100-5. Building permit, certificate of occupancy and related fees; home improvement license.

§ 100-5 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

A. Building permit required. It shall be unlawful to erect, build, construct, improve, remodel, alter, repair, destroy or replace any building or structure or any portion thereof, unless a permit has been issued by the Building Inspector of the Town of Greenburgh. See also Greenburgh Town Code § 285-44.

B. Certificate of occupancy. No building or structure may be occupied or used for any purpose until a certificate of occupancy authorizing the use has been issued by the Building Inspector. For buildings constructed before January 1, 1945, the owner, or any other interested party, may apply for a substitute certificate of occupancy seeking legalization of the building's existence. A substitute certificate of occupancy may be issued only after the Building Inspector is satisfied that a building complies with all applicable provisions of Chapter 285, Zoning. See also Greenburgh Town Code § 285-46.

C-B. Application. An application for a building permit, certificate of occupancy or substitute certificate of occupancy shall be made to the Building Inspector. Applications for a Building Permit shall be made in writing on a form provided by the Building Inspector. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Building Inspector deems necessary to determine compliance with the Uniform Code and applicable laws, rules and regulations and to protect the public health, safety and welfare. The Building Inspector may require whatever information he or she deems
necessary to determine compliance with applicable laws, rules and regulations and protect the public health, safety and welfare. The application shall include or be accompanied by the following:

(1) Description of the proposed work;

(2) The tax map number and street address of the premise where the work is to be performed;

(3) The occupancy classification of any affected building or structure;

(4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) Three (3) sets of original construction documents (drawings and/or specifications) which:

   (a) define the scope of the proposed work;

   (b) are prepared by a New York State registered architect or licensed professional engineer where so required by the Building Inspector;

   (c) indicate with sufficient clarity and detail the nature and extent of the work proposed;

   (d) substantiate that the proposed work will comply with the Uniform Code, Energy Code, and all local laws; and

   (e) where applicable, include a site plan that shows any existing and proposed drainage, septic, well or drywell systems, the location of the intended work, and the distance between the building and structures and the lot lines.

C. Construction documents. Construction documents will not be accepted as part of an application of a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (C) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Building Inspector by stamp. One set of the accepted construction documents shall be retained by the Building Inspector, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. 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.

D. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the
applicable requirements of the Uniform Code and Energy Code. The Building Inspector shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

E. 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.

F. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Permit Holder shall immediately notify the Building Inspector of any change occurring during the course of the work. If the Building Inspector determines that such change warrants a new or revised Building Permit, such change shall not be made until and unless a new or revised Building Permit reflecting such change is issued.

G. Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) 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 subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Building Inspector.

H. Revocation or suspension of Building Permits. If the Building Inspector determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Building Inspector shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

I. Certificate of occupancy and Certificate of Completion. No building or structure may be occupied or used for any purpose until a certificate of occupancy or completion authorizing the use has been issued by the Building Inspector. See also Greenburgh Town Code § 285-46.

J. Substitute Certificate of Occupancy. For buildings constructed before January 1, 1945, the owner, or any other interested party, may apply for a substitute certificate of occupancy seeking legalization of the building's existence. A substitute certificate of occupancy may be issued only after the Building Inspector is satisfied that a building complies with all applicable provisions of Chapter 285, Zoning.

K. Temporary Certificate. The Building Inspector shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or
structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Building Inspector issue a Temporary Certificate unless the Building Inspector determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Building Inspector may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Building Inspector and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Town Code, Uniform Code and the Energy Code. See also Greenburgh Town Code § 285-46.

L. Revocation or suspension of certificates. If the Building Inspector determines that a Certificate of Occupancy or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate. See also Greenburgh Town Code § 285-46.

D. M. Fees. Notwithstanding any of the provisions of the Fire Code of New York State and the Building Code of New York State, the fee for a building permit, certificate of occupancy and substitute certificate of occupancy shall be set by the Building Inspector, subject to approval by Town Board resolution. All fees shall be paid at the time of filing an application and prior to any permit or certificate being issued.

E. N. License. Residential home improvement contractors are required to possess a valid Westchester County home improvement license for all work other than new single-/ multifamily construction.

§ 6. Amendment to § 100-6. Stop-work orders.

§ 100-6 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

A. Authority to issue. Code Enforcement Officers are authorized to issue Stop-Work Orders pursuant to this Section. Code Enforcement Officers shall issue a Stop-Work Order to halt work when there has been:

1. Misrepresentation on an application or construction document;
2. Work that is not in compliance with the Town Code, the Zoning Ordinance, or plans approved by the Building Inspector; or

3. Unsafe or dangerous working conditions;

4. Any work that is determined by the Building Inspector to be contrary to any applicable provision of the Uniform Code, Energy Code or Town Code;

5. Any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked;

6. Failure to pay required fees.

A. B. Upon receipt of a stop-work order, all work on any building or structure/or any excavation, grading or filling operation referred to therein shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, the occupant of the premises, or to the person doing the work, and shall state the conditions under which work may be resumed. Receipt of such stop-work order by any of the persons or entities listed shall be deemed receipt by all.

B. C. Any person who shall continue any work in or about a building or premises after having been served a stop-work order, except such work which is directed by the Building Inspector to be performed in order to remove a violation or unsafe condition, shall be liable to a fine as prescribed in § 100-18

D. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in Section A, 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 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.


§ 100-7 of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

A. There is hereby established a Bureau of Fire Prevention to coordinate fire safety issues. It shall be the duty of the Bureau to enforce all laws and ordinances under its jurisdiction, including but not limited to the provisions of the Fire Code of New York State governing fire safety. The Bureau shall be composed of the Town Fire Marshal, Building Inspector and a Chief from each Fire District within the Town or any designated representative. The Town Fire Marshal shall administer and coordinate the services of the Bureau.
F. Each Chief shall immediately report every fire to the Town Building Inspector or his designated representative in which there is structural or mechanical damage or residents are displaced. Each Chief for any fire department providing fire fighting services for a property within the Town of Greenburgh shall properly notify the Building Inspector of any fire or explosion involving structural or mechanical damage, fuel burning appliance, chimney or gas vent and if residents are displaced.

§ 8. Amendment to § 100-8. Fire Limits.

§ 100-8 of the Town Code of the Town of Greenburgh entitled, “Fire Limits” is hereby repealed.


§ 100-9 of the Town Code of the Town of Greenburgh, and the sections that follow, are hereby renumbered § 100-8 et. sec.

§ 10. Amendment to § 100-9. Sprinkler systems.

§ 100-9 (formerly § 100-10) of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

A. All buildings, except one- and two-family residences, constructed after June 8, 1977, and all buildings including one- and two-family residences constructed after October 13, 1982, shall have a fire sprinkler system conforming to current NFPA standards.

C. For any existing building, structure or occupancy, except a one- or two-family residence, which does not contain a sprinkler system conforming to NFPA standards where the total floor area is increased by 50% or more or for which the cost of any alterations, additions or repairs made within a six-month period exceeds 50% of the cost of replacement of the building at the beginning of that six-month period or where the use is converted to an A occupancy, as defined by the Fire Code of New York State and the Building Code of New York State, and NFPA, plans shall be submitted in accordance with § 100-499B and a fire sprinkler system shall be installed.

§ 11. Amendment to § 100-10. Fire alarm systems.

§ 100-10 (formerly § 100-11) of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):
A. All buildings shall contain smoke and heat detection devices in accordance with the Fire Code of New York State, NFPA 72, and the Town of Greenburgh Code § 100-49.

F. All buildings constructed after the effective date of this chapter shall contain a carbon monoxide (CO) detector or detectors as required by the Fire Code of New York State, NFPA and § 100-49 of the Code of the Town of Greenburgh approved by a recognized, independent laboratory or professional organization. Such detectors shall be:

G. Plans shall be submitted in accordance with § 100-49 and a fire alarm system shall be installed for any existing building, structure or occupancy, except a one- or two-family residence, which does not contain a fire alarm system conforming to NFPA, the Fire Code of New York State and the Code of the Town of Greenburgh standards where the total floor area is increased by 50% or more or for which the cost of any alterations, additions or repairs made within a six-month period exceeds 50% of the cost of replacement of the building at the beginning of that six-month period or where the use is converted to an A occupancy, as defined by the Building Code of New York State and the Fire Code of New York State.

§ 12. Amendment to § 100-11. Lighting.

§ 100-11 (formerly § 100-12) of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

§ 100-11. Lighting fixtures.

A. Emergency lighting. All buildings and structures within the Town, except one- and two-family residences, shall have auxiliary lighting, powered by rechargeable batteries capable of sustaining at least 30 minutes of operation, in all required and approved routes of egress. Such lighting shall be designed to provide for safe passage under emergency conditions. A minimum standard of two footcandles shall be supplied for each area required to be illuminated.

Lighting fixtures. Where lighting fixtures are used or placed in suspended ceilings, each lighting fixture must be separately and independently secured to the structure. An electrical permit is required for the installation of lighting fixtures as set forth in Chapter 110.


§ 100-13 (formerly § 100-14) of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

A. General provisions. All plumbing work involving the connection, repair or alteration to water supply or sanitary drainage must be performed with a permit and in conformance with the following conditions:
(1) All plumbing work must be performed by a Westchester County licensed plumber.

(2) All piping passing through a foundation or weight-bearing wall must be sleeved and waterproofed.

B. Sanitary drainage. No portion of any sanitary drain waste and vent system, or any appurtenance, shall be installed or altered within the Town without a permit. All such work shall conform to the following standards:

(1) House sanitary drainage shall be separated by a minimum of two feet from domestic water and fire sprinkler service.

(2) All underground sanitary sewer lines or piping shall be extra-heavy cast iron (XHCI), service-weight cast iron, polyvinyl chloride (PVC) Schedule 80 (for force mains) or 120 or acrylonitrile-butadiene-styrene (ABS) Schedule 80. Polyvinyl chloride (PVC) or ABS may only be used outside the building line. shall be used for forced mains only outside the building line.

(3) The use of lead to caulk, join or connect any underground pipe is prohibited.

(4) A clean-out Y shall be placed in front of each house trap for maintenance, at fifty-foot intervals where four-foot or five-inch diameter pipe is used and at seventy-five-foot intervals where pipe six inches in diameter or larger is used. Connections between XHCI house sanitary sewers and branch lines of Town sanitary sewer mains shall be by band-seal couplings. Every connection between an XHCI house sanitary line and a branch line shall be subject to inspection and approval by the Building Inspector.

(5) No cross-T or TY fittings may be used in sanitary drainage pipe. Existing cross-T connections used for sanitary drainage must be replaced with combination-Y and street-forty-five-degree fittings whenever any alteration or replacement work is performed.

(6) Each plumbing fixture shall have a minimum waste line of 1 1/2 inches in diameter.

(7) Waste lines for washing machines and kitchen sinks shall be a minimum of two inches in diameter.

(8) All house sanitary sewers shall have not less than three feet of cover measured from finished grade.

(9) All fixtures must have individual vents. Pro vents and air admittance valves shall be prohibited.

(9) Grease Interceptors.
(a) Grease interceptors and automatic grease removal devices shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in the food preparation areas, such as in restaurants, hotels, kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs.

(b) Grease interceptors shall be installed in accordance with the Plumbing Code of New York State.

(c) Grease interceptors shall be maintained by the food establishment at its expense. The food establishment shall cause grease traps to be cleaned before the amount of grease exceeds twenty-five percent (25%) capacity of the grease interceptor. A report of cleaning shall and pumping shall be submitted to the Building Department upon completion, and maintained on-site and readily accessible to Town officials.

(d) All waste, grease and other related wastes requiring storage at the food establishment as a result of removal from grease interceptors shall be collected and stored in sealed containers on impervious surface in a sheltered area to prevent entry of animals. Containers shall be removed by a permitted disposal company.

(e) The Building Inspector or his/her designee may enter the premises at any reasonable time to inspect for compliance.

(9)(10) Final plumbing inspection. Upon completion of a sanitary drain and vent system, the Building Department shall perform an air pressure test to verify that the system as built is gastight. The completed sanitary system shall be subjected to an air pressure equivalent of a one-inch column of water. If the sanitary system sustains a constant, static pressure for a period of not less than 10 minutes, the system shall be deemed gastight. During the test, the sanitary drain and vent system is to be sealed and no additional air pressure, or other variable, is to be introduced or applied.

D. Fuel supply. No portion of any gas fuel system or appurtenance shall be installed or altered within the Town without a permit. All such work shall conform to the following standards:

(1) The installation of all piping system for the purpose of supplying natural gas, propane, butane and any other fuel for heating and cooking shall require a plumbing permit. All such piping shall be of a minimum thickness of Schedule 40 or greater.

(2) Mercury Pressure tests shall be required on all gas piping, including new systems and alterations of existing systems.
(3) Where a flexible connection is used to supply fuel to any fixture, unit or appliance, such connection must not exceed three feet in length and be of flexible stainless steel. **Flexible connections inside the walls shall be prohibited.**

(4) All flues shall be installed with a minimum clearance of not less than two inches from all combustible materials.

(5) Direct-vent terminations. Vent terminations for direct-vent appliances shall be installed in accordance with the manufacturer's installation instructions.

§ 14. **Amendment to § 100-14. Energy Star® requirements.**

§ 100-14 (formerly § 100-15) of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

A. No building permit shall issue for any new one- or two-family dwelling or multifamily dwelling of three stories or less unless the applicant certifies provides certification from a qualified Home Energy Rater that the proposed dwelling will meet the requirements for a New York Energy Star®-labeled home.

B. Home Energy Raters shall follow inspection protocols and testing guidelines as set forth by the U.S. Environmental Protection Agency Energy Star® program. No Certificate of Occupancy shall be issued until the Building Department is provided with a final rating certificate of compliance which lists:

   (1) Address

   (2) Contractor name

   (3) HERS rater name

   (4) NYHERS Score and Index

   (5) Date of rating

   (6) Signature of HERS rater

C. The Home Energy Rater shall cause an Energy Star® label to be placed on the home’s circuit breaker box which contains the same information as listed above.

§ 15. **New Section § 100-17. Construction Inspections.**

The Town Code of the Town of Greenburgh is hereby amended with the addition of a new section 17 entitled “Construction Inspections.”

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector or by a Code
Enforcement Officer authorized by the Building Inspector. The Permit Holder shall notify the Building Inspector when any element of work described in subdivision (b) of this section is ready for inspection.

B. Elements of work to be inspected. The following are the minimum elements of the construction process that shall be inspected, where applicable:

(1) work site prior to the issuance of a Building Permit;

(2) footing and foundation;

(3) preparation for concrete slab;

(4) framing;

(5) building systems, including underground and rough-in;

(6) fire resistant construction;

(7) fire resistant penetrations;

(8) solid fuel burning heating appliances, chimneys, flues or gas vents;

(9) Energy Code compliance; and

(10) a final inspection after all work authorized by the Building Permit has been completed.

C. Additional inspections. The Building Inspector may require additional inspections as he/she sees fit.

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

E. Re-Inspection Fee. If the Permit Holder fails an inspection for any reason, a re-inspection fee shall be levied against the permit holder in amount set forth by resolution by the Town Board. Such fee shall be paid prior to any further inspections taking place. Should Permit Holder fail to pay re-inspection fee, a Stop-Work Order shall be placed on the job in accordance with Section 6 of this Chapter.

§ 16. § 100-18. Operating Permits.
The Town Code of the Town of Greenburgh is hereby amended with the addition of a new section 18 entitled “Operating Permits.”

A. Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled “Fire Code of New York State” and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Building Inspector.

B. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

C. 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 permit 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.

D. Inspections. The Building Inspector or a Code Enforcement Officer authorized by the Building Inspector shall inspect the subject premises prior to the issuance of an Operating Permit.

E. Multiple Activities. In any circumstance in which more than one activity listed in subdivision A of this section is to be conducted at a location, the Building Inspector may require a separate Operating Permit for each such activity.
F. Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year. 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 Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

G. Revocation or suspension of Operating Permits. If the Building Inspector determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

§ 17. § 100-19. Fire Safety and Property Maintenance Inspections.

The Town Code of the Town of Greenburgh is hereby amended with the addition of a new section 19 entitled “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 a Code Enforcement Officer designated by the Building Inspector at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every year.

B. Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Building Inspector or Code Enforcement Officer designated by the Building Inspector at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;
(2) 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

(3) 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 subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. Re-Inspection Fee. A re-inspection fee shall be charged if it is determined by the Building Inspector or a Code Enforcement Officer that previously cited violations have not been abated, in an amount set forth by resolution of the Town Board.

§ 18. Amendment to § 100-20. Penalties for offenses; enforcement.

§ 100-20 (formerly § 100-18) of the Town Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

A. Chapter 100 shall be enforceable by any member of the Building Department or Bureau of Fire Prevention or any designated representative. The Building Inspector and members of the Bureau of Fire Prevention shall have the authority to issue violation notices, summonses and stop-work orders as necessary.

§ 19. Severability.

The provisions of this local law are intended to be severable. If any provision of this local law is found by a Court of competent jurisdiction to be unconstitutional or otherwise invalid, such findings shall not be deemed to invalidate the local law as a whole, nor any other section or provision thereof, other than that which is found to be unconstitutional or otherwise invalid.

§ 20. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.