A local law amending Chapter 100 of the 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. Renumber § 18 “Penalties for offenses; enforcement” to New § 26
§ 4. Rename § 26 “Violations; penalties for offenses; enforcement.”
§ 5. Renumber § 17 “Declaration of intent to supersede; severability” to New § 29
§ 6. Renumber § 16 “Appeals; Board of Building Code Review” to New § 22
§ 7. Renumber § 15 “Energy star® requirements” to New § 20 and rename it “Greenburgh Home Energy Conservation Requirements.”
§ 8. Renumber § 14 “Building regulations; plumbing” to § 18
§ 9. Renumber § 13 “Building access; lock box requirements” to § 17
§ 10. Renumber § 12 “Lighting” to § 16
§ 11. Renumber § 11 “Fire alarm systems” to § 14
§ 12. Renumber § 10 “Sprinkler systems” to § 13
§ 13. Renumber § 9 “Fire zones and lanes” to § 15
§ 14. Delete § 8 “Fire limits”
§ 15. Renumber § 6 “Stop-work orders” to § 10
§ 16. Renumber § 7 “Bureau of Fire Protection” to § 6
§ 17. New Section 7 entitled, “Building Permits”
§ 18. A. Renumber Subsection 5A “Building Permit” to Subsection 7A
B. Renumber Subsection 5B “Certificate of Occupancy” to New Section 8.
C. Renumber Subsection 5C “Application” to Subsection 7D.
D. Renumber Subsection 5D “Fees” to Subsection 7K.
E. Renumber Subsection 5E “License” to New § 21.
§ 19. Amendment to § 1. Purpose.
§ 20. Amendment to § 2. Applicability.
§ 21. Amendment to § 3. Standards.
§ 22. Amendment to § 4. Definitions.
§ 25. Amendment to § 7. Building Permits
§ 28. Amendment to § 10. Stop-work orders.
§ 30. New § 12 entitled, “Fire safety and property maintenance inspections.”
§ 31. Amendment to § 13. Sprinkler systems
§ 32. Amendment to § 14. Fire alarm systems
§ 33. Amendment to § 15. Fire zones and lanes
§ 34. Amendment to § 16. Lighting
§ 35. Amendment to § 17. Building access; lock box requirements
§ 36. Amendment to § 18. Building regulations; plumbing.
§ 37. New § 19 entitled, “Unsafe buildings and structures.”
§ 40. Amendment to § 22. Appeals; Board of Building Code Review
§ 42. New § 24 entitled, “Recordkeeping.”
§ 44. Amendment to § 26. Violations; penalties for offenses; enforcement.
§ 45. New § 27 entitled, “Fees.”
§ 46. Amendment to § 28. Inter-Municipal Agreements
§ 47. Amendment to § 29. Declaration of intent to supersede; severability
§ 48. Effective Date.

§ 1. Title.

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

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

§ 100-18 of the Code of the Town of Greenburgh is hereby renumbered § 100-26.

§ 4. Amendment to § 100-26. Penalties for offenses; enforcement.

§ 100-26 of the Code of the Town of Greenburgh is hereby renamed “Violations; penalties for offenses; enforcement.”
§ 5. Amendment to § 100-17. Declaration of intent to supersede; severability.

§ 100-17 of the Code of the Town of Greenburgh is hereby renumbered § 100-29.

§ 6. Amendment to § 100-16. Appeals; Board of Building Code Review.

§ 100-16 of the Code of the Town of Greenburgh is hereby renumbered § 100-22.

§ 7. Amendment to § 100-15. Energy star® requirements.

§ 100-15 of the Code of the Town of Greenburgh is hereby renumbered § 100-20 and renamed “Greenburgh Home Energy Conservation Requirements.”

§ 8. Amendment to § 100-14. Building regulations; plumbing.

§ 100-14 of the Code of the Town of Greenburgh is hereby renumbered § 100-18.

§ 9. Amendment to § 100-13. Building access; lock box requirements.

§ 100-13 of the Code of the Town of Greenburgh is hereby renumbered § 100-17.

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

§ 100-12 of the Code of the Town of Greenburgh is hereby renumbered § 100-16.

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

§ 100-11 of the Code of the Town of Greenburgh is hereby renumbered § 100-14.

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

§ 100-10 of the Code of the Town of Greenburgh is hereby renumbered § 100-13.


§ 100-9 of the Code of the Town of Greenburgh is hereby renumbered § 100-15.

§ 100-8 of the Code of the Town of Greenburgh is hereby repealed.

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

§ 100-6 of the Code of the Town of Greenburgh is hereby renumbered § 100-10.


§ 100-7 of the Code of the Town of Greenburgh is hereby renumbered § 100-6.


§ 100-7 of the Code of the Town of Greenburgh is hereby entitled “Building Permits.”

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

A. Subsection 100-5A “Building Permit” of the Code of the Town of Greenburgh is hereby renumbered § 100-7A.

B. Subsection 100-5B “Certificate of Occupancy” of the Code of the Town of Greenburgh is hereby renumbered § 100-8

C. Subsection 100-5C “Application” of the Code of the Town of Greenburgh is hereby renumbered § 100-7D.

D. Subsection 100-5D “Fees” of the Code of the Town of Greenburgh is hereby renumbered § 100-7F.

E. Subsection 100-5E “License” of the Code of the Town of Greenburgh is hereby renumbered § 100-21.

§ 19. Amendment to § 100-1. Purpose.

§ 100-1 of the 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.

§ 20. Amendment to § 100-2. Applicability.

§ 100-2 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

§ 100-2. Applicability.

The provisions of this chapter shall govern the construction, use and occupancy of all structures and buildings in the Unincorporated Town of Greenburgh.


§ 100-3 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

Pursuant to the provisions of § 373 of the New York State Executive Law, the Fire Code of New York State, the New York State Uniform Fire Prevention and Building Code of New York State, National Fire Protection Association (NFPA) standards, the National Electrical Code promulgated by NFPA and standards set by the American National Standards Institute (ANSI) are deemed applicable in the Town of Unincorporated Greenburgh.

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

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

§ 100-4. Definitions.

ANSI
American National Standards Institute

BUILDING INSPECTOR
The Building Inspector of the Town of Greenburgh who shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this Chapter as further defined in Section 5 of this Chapter. The Building Inspector may appoint, with authorization by the Town Board, one or more Code Enforcement Officers to act under her/his supervision and
direction to assist her/him in the exercise of the powers and fulfillment of the duties conferred upon the Building Inspector by this Chapter.

BUILDING PERMIT
A permit issued pursuant to Section 7 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.

CARBON MONOXIDE DETECTOR
Any single system, or combination of systems, capable of detecting hazardous levels of carbon monoxide (CO) and emitting an alarm warning of a potentially dangerous condition. Carbon monoxide (CO) detectors shall be either single-station or central-station, approved by a recognized laboratory.

CERTIFICATE OF COMPLETION
A document issued by the Building Department which attests to the fact that the construction is in conformance with the plans submitted for the building permit which has been obtained for said construction. Issuance of a certificate of completion does not attest to the fact that the building is satisfactory for occupancy and/or use.

CERTIFICATE OF COMPLIANCE
The final document of a change of occupancy permit. Issuance of certificate of compliance by the Building Department attests to the fact that the change of occupancy is in code conformance and that the building is satisfactory for occupancy and/or use.

CERTIFICATE OF OCCUPANCY
A certificate issued pursuant to Section 8 of this Chapter. A certificate of occupancy is the final document of a building permit. Issuance of a certificate of occupancy by the Building Department attests to the fact that the construction is in code conformance and is satisfactory for occupancy and/or use.

CODE ENFORCEMENT OFFICER
Any New York State Certified Code Enforcement Officer employed by the Town of Greenburgh.

CODE ENFORCEMENT PERSONNEL
The Building Inspector and New York State certified Code Enforcement Officers.

DEVICE
Any part or portion of a system consisting of components and circuits arranged to monitor and annunciate the status of a fire alarm system. Typical devices shall include, but not be limited to: heat or smoke detectors, horn and/or strobe annunciating devices, manual pull stations, fire alarm control panels, remote annunciator panels, sprinkler tamper and flow switches, automatic door releases, automatic fire dampers, cooking and specialty extinguishing system activation notification, and duct and plenum detectors with location indicator. [Added 3-26-2008 by L.L. No. 6-2008]
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.

HEAT DETECTOR
Any single system, or combination of systems, capable of detecting abnormally high temperatures or a substantial rapid rise in temperature. Heat detectors shall be either single-station or central-station, approved by a recognized laboratory. Every single-station heat detector shall be powered by ordinary current or a battery having a usable life of at least 12 months and be capable of emitting an audible alarm. [Amended 3-26-2008 by L.L. No. 6-2008]

HOME ENERGY RATING SYSTEM INDEX
Scale created under the home energy rating system established pursuant to the National Home Energy Rating Technical Guidelines issued by the National Association of State Energy Officials and dated September 19, 1999.

LOCK BOX
Any device, including, but not limited to, a box, cabinet or vault, approved by a recognized laboratory, capable of securely storing keys controlling building access, fire alarms and fire suppression equipment, as well as any hazardous-material documentation.

NEW CONSTRUCTION
Work being performed on a previously undeveloped lot or, in the case of demolition and reconstruction, when the demolition and/or reconstruction consists of 75% of the total square footage of the existing structure. [Added 4-25-2007 by L.L. No. 3-2007; amended 3-26-2008 by L.L. No. 6-2008]

NEW YORK ENERGY STAR®-LABELED HOME
Any new one- or two-family dwelling or multifamily dwelling of three stories or less, as defined in § 285-5, including townhouses, built to achieve a home energy rating of 86 or higher on a scale created under the home energy rating system established pursuant to the National Home Energy Rating Technical Guidelines issued by the National Association of State Energy Officials and dated September 19, 1999, and which meets the following two additional requirements: [Added 8-21-2002 by L.L. No. 3-2002]
A. Includes a total of 300 kilowatt hours per dwelling unit of estimated annual savings from energy star®-labeled lighting and appliances; and
B. Includes the capability to deliver automatically controlled mechanical ventilation of at least 15 cubic feet per minute per dwelling unit plus an additional 15 cubic feet per minute per bedroom.
NICET
National Institute of Certification in Engineering Technologies. [Added 3-26-2008 by L.L. No. 6-2008]

NFPA

NOTICE OF VIOLATION
An order issued by the Building Inspector or Code Enforcement Officer.

OPERATING PERMIT
A permit issued pursuant to Section 9 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.

PLUMBING FIXTURE
Any device, including, but not limited to, a faucet, commode, shower head or other connection, used to supply, regulate or control water.

SMOKE DETECTOR
Any single system, or combination of systems, capable of detecting fire and smoke which automatically actuates an alarm warning of a dangerous condition. Smoke detectors shall be either single-station or central-station, approved by a recognized laboratory. Every single-station smoke detector shall be powered by ordinary current, or by a battery having a usable life of at least 12 months or by low powered wireless smoke devices, approved for both UL 268 and UL 864, and be capable of emitting an audible alarm. Battery powered devices shall be permitted only in pre-existing structures where allowed by the Codes of the Town of Greenburgh and the State of New York. [Amended 3-26-2008 by L.L. No. 6-2008]

SPRINKLER SYSTEM
An integrated system of piping connected to a water supply, with listed sprinklers that will automatically initiate water discharge over a fire area. Where required, a sprinkler system may also include a control valve and a device for actuating an alarm when the system operates.

STOP-WORK ORDER
A written directive duly issued by the Building Inspector or his/her representative ordering all work or work of a specific trade to cease immediately. Stop-work orders shall be issued for: [Added 4-25-2007 by L.L. No. 3-2007]
A. Misrepresentation on an application or construction document;
B. Working without a required permit;
C. Work that is not in compliance with the Town Code, the Zoning Ordinance, or plans approved by the Building Inspector; or
D. Unsafe working conditions.

**SUBSTITUTE CERTIFICATE OF OCCUPANCY**
A certificate of occupancy issued for buildings constructed prior to 1945 after the Building Inspector determines compliance with all applicable provisions of Chapter 285, Zoning.

**TEMPORARY CERTIFICATE**
A certificate issued pursuant to Subsection B of Section 8 of this Chapter.

**TOWN**
The unincorporated area of the Town of Unincorporated Greenburgh.

**UNIFORM FIRE PREVENTION AND BUILDING CODE**
9 NYCRR. The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

**UNINCORPORATED GREENBURGH**
The area of the Town of Greenburgh outside the Incorporated Villages.

**XHCI**
Extra-heavy cast iron.

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

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

A. The Building Inspector shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this Chapter. The Building Inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Building Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder. 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 / Certificates of Compliance, 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 / Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, 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 / Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Chapter;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of Section 26 (Violations) of this Chapter;

(7) to maintain records;

(8) to collect fees approved by the Town Board;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the Town Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this Chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this Chapter, and

(11) to exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this Chapter.

B. The Building Inspector may appoint, with authorization by the Town Board, one or more Code Enforcement Officers to act under her/his supervision and direction and to assist her/him in the exercise of the powers and fulfillment of the duties conferred upon the Building Inspector by this Chapter. Each Code Enforcement Officer shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.


§ 100-6 of the 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 Uniform Code 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.

B. The Bureau shall meet at times and dates designated by the Town Fire Marshal. Special meetings may be called by either the Fire Marshal or any two members of the Bureau. Three members shall constitute a quorum for the transaction of business, and a majority vote of all members shall be necessary for official action.

C. Each Chief may appoint any officer or member of his or her fire company, who is qualified and has the requisite certification, to serve as a Fire Inspector of the respective fire district. The Building Inspector may appoint any member of his staff, who is qualified and has the requisite certification, to serve as a Fire Inspector for the unincorporated area of the Town outside an established fire district. Each Fire Inspector shall hold office at the pleasure of the respective appointing authority.

D. Any member of the Bureau and any Fire Inspector may, at all reasonable hours and/or at any time he or she has reason to believe that a fire hazard may exist, enter any building or structure within his or her respective jurisdiction, except the interior of a private residence, for the limited purpose of performing an inspection regarding any conditions suspected of constituting a threat to the safety of the building or its occupants. Any member of the Bureau, or any duly appointed Fire Inspector, may enter a private residence only with the consent of the owner or its occupants, unless exigent circumstances warrant immediate entry to protect human health, safety and welfare.

E. Each Chief shall investigate the cause, origin and circumstance of every fire occurring within his or her respective jurisdiction in which a person has been injured or where property in excess of $1,000 has been damaged or destroyed. Such investigation shall begin immediately upon the occurrence of a fire. If a fire appears to be of suspicious origin, the Chief shall immediately notify the Town Police Department. To the greatest extent practicable, the Chief shall preserve all physical evidence and shall cooperate with the investigatory authorities to ascertain the origin of the fire and the persons responsible.

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 district/department providing fire fighting services for a property within Unincorporated Greenburgh shall promptly notify the Building Inspector of any fire alarm activation or malfunction, fire sprinkler discharge or malfunction, fire, explosion and if residents are displaced.

§ 25. Amendment to § 100-7. Building permits.

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

A. Building permits required. It shall be unlawful to erect, build, construct, remodel, alter, repair, destroy or replace any building or structure unless a permit has been issued by the Building Inspector of the Town of Greenburgh. Except as otherwise provided in subsection B of this section, a Building Permit shall be required for any work which must conform to the Code of the Town of Greenburgh, the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Building Inspector. Any question regarding the need for a building permit should be referred to the Building Department. See also Greenburgh Town Code § 285-44.

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

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

(2) replacement of incidental hardware, such as door knobs and locks, broken window panes, and doors of the same dimension.

(3) installation or repair of fences six feet in height or lower in a front or side yard and fences eight feet in height or lower in a rear yard.

(4) installation or repair of retaining walls less than four feet high.

(5) installation of functional receive-only antenna(s) having a net exposure less than two square feet in the vertical plane and no dimension in the horizontal or vertical plane that exceeds 96 inches, attached directly to a masonry chimney, penthouse or rooftop mechanical appurtenance on a pole no longer than eight feet in length.

(6) installation of a functional satellite dish antenna having a maximum diameter no greater than 18 inches that does not exceed the maximum permissible exposure limits in Table VI at the end of Chapter 285.

C. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code or the Code of the Town of Greenburgh.

D. 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 information and documentation (see also Section 285-44A of the Zoning Ordinance):

(1) a 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.

E. 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 subsection D 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.
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.


§ 100-8 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

§ 100-8. Certificates of Occupancy/ Temporary Certificates/ Revocation or Suspension.

A. Certificate of Occupancy required. 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.

B. Temporary Certificates. 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.

C. 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, or determines it should be revoked or suspended for other due and just cause, 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.
§ 27. § 100-9. Operating Permits.

The Code of the Town of Greenburgh is hereby amended with the addition of a new Section 9 entitled, “Operating Permits.”

§ 100-9. Operating Permits.

A. Operating 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 subsection 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 subsection 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 Building Inspector, payment of the applicable fee, and approval of such application by the Building Inspector.

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.

§ 28. Amendment to § 100-10. Stop-Work orders.

§ 100-10 of the 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:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether 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, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, 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, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked,

(4) work when there is a misrepresentation on an application or construction document; or

(5) work that is not in compliance with the Code of the Town of Greenburgh, the Zoning Ordinance, plans approved by the Building Inspector, or condition(s) set forth in Planning and Zoning Board of Appeals decisions; or

(6) work performed prior to required fees being paid.
AB. 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.

BC. 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.

§ 29. § 100-11. Construction Inspections.

The Code of the Town of Greenburgh is hereby amended with the addition of a new Section 11 entitled, “Construction Inspections.”

§ 100-11. 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 subsections B and C 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 an 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 10 of this Chapter.

§ 30. § 100-12. Fire Safety and Property Maintenance Inspections.

The Code of the Town of Greenburgh is hereby amended with the addition of a new Section 12 entitled, “Fire Safety and Property Maintenance Inspections.”

§ 100-12. Fire Safety and Property Maintenance Inspections.

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by 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 residences not included in paragraphs (1) or (2) of this subsection, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subsection, shall be performed at least once every thirty-six (36) months.

B. Inspections permitted. In addition to the inspections required by subsection 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 a 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 or Code of the Town of Greenburgh 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 or Code of the Town of Greenburgh 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.

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


§ 100-13 of the 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.

B. Prior to issuance of a building permit, each builder shall submit two sets of proposed plans to the Building Inspector depicting the fire Sprinkler System. These plans must be signed and sealed by a licensed New York State professional engineer,
national institute certification engineering technician-NICET (Level 3 or above) or a licensed New York State fire protection engineer.

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 Uniform Code Fire Code of New York State and the Building Code of New York State, and NFPA, plans shall be submitted in accordance with § 100-4013B and a fire sprinkler system-Sprinkler System shall be installed.

D. No eCertificate of eOccupancy shall be issued for occupancy or use of any building, structure or portion thereof required to have a fire sprinkler system-Sprinkler System unless such system is installed, inspected, tested and approved in accordance with NFPA standards.

§ 32. Amendment to § 100-14. Fire alarm systems.

§ 100-14 of the 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 Uniform Code Fire Code of New York State, NFPA 72, and § 100-13 of the Code of the Town of Greenburgh Code § 100-10.

B. Prior to issuance of a building permit-Building Permit, each builder shall submit two sets of proposed plans to the Building Inspector depicting the fire alarm system prepared by a New York State licensed design professional (engineer, architect, NICET III, or fire protection engineer) or NICET III along with proof that the installation will be performed by an individual possessing a NYS low voltage license. [Amended 10-14-2009 by L.L. No. 7-2009]

C. All multiple-family dwellings-residences shall have smoke detectors as follows:
   (1) One smoke detector at the top of each stairwell open to common hallways or corridors.
   (2) One smoke detector for each 50 linear feet in common hallways and/or corridors where no point is less than 25 feet from a smoke detector.
   (3) In storage areas exceeding 50 square feet, a minimum of one smoke detector and as many as may be necessary consistent with the manufacturer's specifications and recommended area of coverage.
   (4) Smoke detectors shall be connected to a central station, remote station, or proprietary station or other monitoring facility as defined by NFPA 72 and approved by the Fire Marshal.
(5) Heat detectors shall be installed in boiler rooms, based on spacing requirements of NFPA 72.

D. All buildings used for commercial purposes shall have smoke detectors connected to a central station, remote station, or proprietary station or other monitoring facility as defined by NFPA 72 and approved by the Fire Marshal. A complete automatic fire alarm system is required. This system shall consist of, but not be limited to, pull stations, smoke or heat detectors, duct detectors, elevator recalls, notification devices (horn/strobe).

E. Cabaret uses must also comply with § 330-13 of the Code of the Town of Greenburgh.

F. All buildings constructed after the effective date of this chapter shall contain a carbon monoxide (CO) detector or detectors as required by the Uniform Code-Fire Code of New York State, NFPA and § 100-4013 of the Code of the Town of Greenburgh approved by a recognized, independent laboratory or professional organization. Such detectors shall be:

1. A carbon monoxide detector installed pursuant to this section in a residence shall be installed in sufficient proximity to the sleeping area so that occupants of each room can hear the alarm when activated. Where sleeping areas are not in sufficient proximity to share a single CO detector, the Building Inspector may require as many CO detectors as deemed necessary to provide coverage to all sleeping areas of the residence. In making a decision whether to require additional CO detectors, the Building Inspector shall be guided by reference to the manufacturer's specifications.

2. A carbon monoxide detector installed pursuant to this section in any building other than a building used exclusively for residential use shall be located in proximity to each source of combustion.

3. Any building lacking a self-contained combustion source may apply to the Building Inspector for an exemption from these provisions.

G. Plans shall be submitted in accordance with § 100-4013 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 Uniform Code 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 Uniform CodeBuilding Code of New York State and the Fire Code of New York State.

H. No Certificate of Occupancy shall be issued for occupancy or the use of any building, structure or portion thereof required to have a fire alarm system unless such system is installed, inspected, tested and approved in accordance with the Fire Code of New York State Uniform Code, NFPA and the Greenburgh Town Code standards.
§ 33. Amendment to § 100-15. Fire zones and lanes.

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

§ 100-15. Fire zones and lanes.

A. Fire zones and fire lanes shall be designated pursuant to the provisions of the Town Code of the Town of Greenburgh, Chapter 460, governing the regulation of vehicles and traffic.

B. Exception.

(1) Where the owner or lessee of property located in the Town can demonstrate good cause, the Fire Marshal may issue a permit for placing specific objects or materials at a specific location in or upon a fire zone or lane adjacent to his or her property.

(2) Such permit shall be issued only after application has been made to the Fire Marshal. An application fee shall accompany each application in an amount to be determined by the Fire Marshal, subject to approval by Town Board resolution.

(3) No permit issued under this section shall be valid for longer than one week, except that, upon written request of the permit holder, the Fire Marshal may renew such permit for as many seven-day periods as deemed necessary.

(4) Prior to the effective date of any permit issued under this section, the Fire Marshal shall notify the Chief of the appropriate fire district that a permit authorizing the temporary obstruction of a fire lane has been granted.

§ 34. Amendment to § 100-16. Lighting.

§ 100-16 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

§ 100-16. 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.
B. 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.

§ 35. § 100-17. Building access; lock box requirements.

§ 100-17 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

§ 100-17. Building access; lock box requirements.

A. Building access. All buildings, except buildings used solely for residential purposes, constructed after the effective date of this chapter, shall provide a master lock box of a type and at a location approved by the Bureau of Fire Prevention, permitting emergency access to the building. Where any Building Permit or Change of Occupancy/use permit has been issued for remodeling, alterations or repairs exceeding $5,000 in value of any existing building, except buildings used solely for residential purposes, the owner shall install a master lock box of a type and at a location approved by the Bureau of Fire Prevention. No certificate of occupancy or certificate of compliance may be issued for any building subject to the provisions of this section until the Chief of the respective fire district where such building is located, or the Building Inspector, has approved the installation. Lock boxes shall be in accordance with the Uniform Code.

B. Each lock box installed pursuant to this section shall contain a master key or keys, permitting access to the entire premises as well as a key, if any, to any fire alarm control device and elevator. Where any business uses, handles, stores, sells or manufactures any hazardous substances or materials subject to state or federal regulation, the lock box must also contain the material safety data sheet as required by 42 U.S.C. § 11021 for each hazardous substance or material present at the premises.

C. Exception. Any building serviced by continuous on-site security personnel, 24 hours a day, seven days a week, may apply to the Bureau of Fire Prevention for an exemption from the requirements of Subsections A and B above.

§ 36. Amendment to § 100-18. Building regulations; plumbing.

§ 100-18 of the 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 bell and spigot extra-heavy east 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 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.

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. A grease interceptor shall not be required for individual dwelling units or any private living quarters.

(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 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 her/his 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.

C. Water supply. No portion of any water supply shall be installed or altered within the Town without a permit. All such work shall conform to the following standards:

(1) No more than two domestic water supply fixtures may be serviced by any one-half-inch-diameter supply line.

(2) All plumbing fixtures shall be installed with individual control valves regulating water flow.

(3) All water heaters shall be installed with a combination temperature/pressure relief valve having a minimum capacity of 30,000 Btu's in excess of the Btu capacity of the heater. All water heater tapping must be of the same diameter.
(4) No solar heating systems for domestic hot-water supply may be installed except by permit.

(5) No hot-water heater may be installed or replaced except by permit.

(6) All domestic water supply piping shall be installed at least one inch inside the face of any exterior wall.

(7) All domestic water and fire sprinkler piping installed underground shall be of Type K tubing or ductile iron Class 54 installed with a minimum of four feet of cover from finished grade. All service pipes larger than one inch in diameter must be disinfected with chlorine and tested for bacteriological content.

(8) All domestic water and fire sprinkler piping in exterior walls or unheated areas must be individually insulated with fiberglass pipe insulation.

(9) No soldered joints are permitted between the curb box and the water meter.

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.

§ 37. New Section 100-19. Unsafe buildings and structures.

The Code of the Town of Greenburgh is hereby amended with the addition of a new Section 19 entitled, “Unsafe buildings and structures.”

Unsafe buildings and structures shall be identified and addressed in accordance with the procedure set forth in Chapter 340, Demolition.

§ 38. Amendment to § 100-20. Greenburgh Home Energy Conservation Requirements.

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

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 that the dwelling will meet the requirements for a New York energy star®-labeled home.

A. No building permit shall be issued for any new one or family dwelling or multiple single family dwelling (townhouse) of three stories or less unless the applicant certifies that the dwelling shall:

(1) Be built to achieve a HERS Index of 70 or less on the Residential Energy Services Network (RESNET) Home Energy Rating System (HERS) as verified by a RESNET certified HERS rater.

(2) Comply with the combustion safety testing standards promulgated by the Building Performance Institute (BPI) as tested by a certified HERS Rater who is BPI certified as a Building Analyst to perform such tests.

(3) Include a controlled mechanical ventilation system that provides whole house ventilation dilution air at a rate required by the most recently published American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 62.2 standard.

B. Prior to the issuance of a Certificate of Occupancy the applicant shall be required to demonstrate compliance with §100-20A and the current version of the Energy Conservation Construction Code of New York State (ECCCNYS) by submitting a final report prepared by a RESNET certified HERS rater. The HERS rater shall attest that the dwelling complies with the following requirements:

(1) Achieved a rating of 70 or lower on the HERS Index and have a maximum infiltration rate of 5 ACH at 50 pa.

(2) Passed the combustion safety testing required by subsection 100-20A paragraph (2).

(3) Meets the ventilation requirements of subsection 100-20A paragraph (3).

(4) Complies with both 402.4.2.1 and 402.4.2.2 of the ECCCNYS.

(5) Air Distribution ducts have been sealed per section M1601 of the Residential Code of NYS and subjected to a duct leakage test in accordance with the requirements of the
latest RESNET standards and with a maximum Leakage to Outside Rate of 0.06 cfm per square foot of conditioned floor space.

(6) An Air Conditioning Contractors of America (ACCA) approved Manual J Heating and Cooling load analysis has been performed as defined in § 403.6 of the ECCCNYS and in accordance with section M1401 of the Residential Code of NYS.

(7) All ducts not within the thermal envelope of the home are insulated per § 405.2 of the ECCCNYS.

(8) A permanent certificate has been affixed on the electrical panel in accordance with § 401.3 of the ECCCNYS, which includes the dwelling’s HERS index.

§ 39. Amendment to § 100-21. License.

§ 100-21 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

§ 100-21. License—Home Improvement License.

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

§ 40. § 100-22. Appeals; Board of Building Code Review.

Other than the renumbering, § 100-22 of the Code of the Town of Greenburgh is unaffected by this local law:

An appeal pursuant to this section is intended to provide for the orderly review of a request for relief from any standard imposed by this chapter which is more stringent than standards established by New York State.

A. There is hereby established a Board of Building Code Review. The Board shall hear and determine all requests for relief from any standard imposed by local law more stringent or restrictive than any standard or regulatory requirement imposed by the New York State Uniform Fire Prevention and Building Code. The Board's jurisdiction shall be limited to review of local standards or requirements more restrictive than existing state standards. Under no circumstances shall the Board interpret, modify or otherwise assume jurisdiction over the New York State Uniform Building and Fire Prevention Code.

B. Membership.

(1) The Board of Building Code Review shall be appointed by the Building Inspector, subject to approval by the Town Board. There shall be five members appointed for
staggered terms not to exceed three years. The Board shall conduct its affairs consistent with the Town Code of Ethics, and no member who has any financial, familial or proprietary interest in an appeal shall participate in hearing such appeal. No elected official may serve as a member, and members shall have the following qualifications, experience or expertise:

(a) A licensed professional engineer.

(b) A registered architect.

(c) A code enforcement official (excluding any Building Department employee).

(d) A fire service official.

(e) A resident business professional.

(f) An attorney.

(g) The Town Building Inspector or a designated representative.

(2) No Building Department employee shall serve as the code enforcement representative, and each discipline shall be separately represented.

C. Request for relief.

(1) Any person who has filed an application for a building permit may make a written appeal to the Board for relief from the more restrictive local building standards. All appeals must be in writing and contain the grounds which warrant relief. The Board may, in its sole discretion, grant relief from the local code and permit an applicant to comply with state standards where an applicant demonstrates that compliance with local code standards:

(a) Imposes an undue economic hardship or burden;

(b) Restricts, impedes or negates a legitimate county, state or federal policy objective;

(c) Is physically, legally or practically impossible;

(d) Is inconsistent with the stated objective of the regulation; or

(e) Is unnecessary given viable alternatives which meet the intended objective of the local code.

(2) The Board may deny a request for relief in whole or part. The Board shall attempt to fulfill the intent of this chapter where possible and shall endeavor to fashion a remedy that is just and equitable under the circumstances by granting relief where necessary.
D. Procedure.

(1) The Board shall adopt rules governing the appeals process. Such rules shall be subject to review and approval by the Town Board. Rules adopted pursuant to this section shall be filed with the Town Clerk and made available upon request at no charge.

(2) In addition to any rules and regulations established by the Board, all appeals shall comply with the following standards:

(a) An appeal taken pursuant to this section must be filed no later than 45 days after application for a Building Permit is submitted.

(b) Each appellant must submit written request for relief containing an explanation why such relief should be granted. Upon request, any person seeking relief or his representative may appear and present the appeal to the Board in person.

(c) The Board shall schedule an appeal within 30 days of filing. An appellant shall be entitled to not less than five days' notice informing him where and when his appeal will be heard.

(d) All appeals shall be open to the general public and the Board may, in its discretion, entertain whatever other evidence, in addition to materials submitted by appellant, the Board feels is relevant and will assist its deliberations. The Board may deliberate in executive session.

(e) The Board will render a decision on any appeal not more than 10 days from the date the appeal was heard by filing a copy of its decision with the Town Clerk and not less than 10 days thereafter by mailing a copy of the decision to the appellant at the address contained on the application for the Building Permit.

(f) Appeals may be submitted to the Town Building Department, which will accept receipt on behalf of the Board.

§ 41. New Section 100-23. Complaints.

The Code of the Town of Greenburgh is hereby amended with the addition of a new Section 23 entitled, “Complaints.”

§ 100-23. Complaints.

The Building Inspector shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Chapter, or any other Town ordinance or regulation adopted for administration and enforcement of the Town Code, Uniform Code or the Energy Code. The process for responding
to a complaint shall include such of the following steps as the Building Inspector may deem to be appropriate:

A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection in a manner prescribed by the Code Enforcement Officer Building Inspector;

B. If violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation, with either a Notice of Violation to abate, correct or cure the violation or a Summons to appear in Town Court;

C. If appropriate, issuing a Stop-Work Order;

D. Recording abatement of violation in a manner prescribed by the Code Enforcement Officer Building Inspector.

§ 42. New Section 100-24. Recordkeeping.

The Code of the Town of Greenburgh is hereby amended with the addition of a new Section 24 entitled, “Recordkeeping.”

§ 100-24. Recordkeeping.

The Building Department shall keep records in accordance with adopted records retention and disposition schedule MU-1.

§ 43. New Section 100-25. Program Review and Reporting.

The Code of the Town of Greenburgh is hereby amended with the addition of a new Section 25 entitled, “Program Review and Reporting.”

§ 100-25. Program Review and Reporting.

A. The Building Inspector shall annually submit to the Town Board of the Town of Greenburgh, a report and summary of all building permits, certificates of occupancy, violations and summonses issued as well as all fees collected;

B. The Building Inspector shall annually submit to the Secretary of State of behalf of the Town of Greenburgh, on a form prescribed by the Secretary of State, a report of the activities of the Town of Greenburgh 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, from the records and related materials the Town of Greenburgh is required to maintain, excerpts, summaries, tabulations, statistics
and other information and accounts of the activities of the Town in connection with the administration and enforcement of the Uniform Code.

§ 44. Amendment to § 100-26. Violations; penalties for offenses; enforcement.

§ 100-26 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

§ 100-26. Violations; penalties for offenses; enforcement.

A. Sections 100-9 through 100-13 of this chapter shall be enforceable by any member of the Building Department or Bureau of Fire Prevention; the remaining sections shall be enforced by the Building Inspector or any designated representative. The Building Inspector, Code Enforcement Officers and members of the Bureau of Fire Prevention shall have the authority to issue violation notices, summonses and stop-work orders as necessary.

B. Violations.

(1) Notice of Violation. Code Enforcement Officers are authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or Town Code. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Notice of Violation. The Notice of Violations shall

(a) be in writing;
(b) be dated and signed by the Code Enforcement Officer;
(c) specify the condition or activity that violates the Uniform Code, the Energy Code, or Town Code;
(d) specify the provision or provisions of the Uniform Code, the Energy Code, or Town Code which is/are violated by the specified condition or activity;
(e) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;
(f) direct that compliance be achieved within the specified period of time; and
(g) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

The Code Enforcement Officer shall cause the Notice of Violation, or a copy thereof, to be served on the owner of the affected property personally or by United States Postal
Service. The Code Enforcement Officer shall be permitted, but not required, to cause the Notice of Violation or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by United States Postal Service; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Notice of Violation.

(2) Summons. The Building Inspector and Code Enforcement Officers—and each Inspector—are authorized to issue summons for any violation of the Uniform Code or Town Code.

(3) Penalties. In addition to those penalties prescribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or Town Code, or any term or condition of any Building Permit, Certificate of Occupancy/Certificate of Completion, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be liable for the penalties stated below:

B(a) Conviction for violation of the provisions of this chapter shall be deemed a misdemeanor punishable by a fine of not less than $500 nor more than $1,000 and/or imprisonment not to exceed three months. Each day the violation continues shall constitute a separate offense. [Amended 10-14-2009 by L.L. No. 7-2009]

C(b) Conviction for a second and subsequent violations of this chapter within two years of a previous conviction shall be deemed misdemeanors punishable by a fine of not less than $750 nor more than $2,500 and/or imprisonment not to exceed six months. Each day the violation continues shall constitute a separate offense. Amended 10-14-2009 by L.L. No. 7-2009]

D Where, in the opinion of the Building Inspector, any suspected violation of this chapter threatens human health, safety or welfare, the Building Inspector may seek to prevent such injury by seeking injunctive relief prohibiting the violation.

(4) Injunctive Relief. Where, in the opinion of the Building Inspector, any suspected violation of this chapter threatens human health, safety or welfare, the Building Inspector may seek to prevent such injury by seeking injunctive relief prohibiting the violation. An action or proceeding may be instituted in the name of the Town of Greenburgh in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, Town Code, or any term or condition of any Building Permit, Certificate of Occupancy/Certificate of Completion, Temporary Certificate, Stop Work Order, Operating Permit, Notice of Violation, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Chapter, or any Stop Work Order, Notice of Violation or other order obtained under the Uniform Code, the Energy Code or this Chapter, an action or proceeding may be commenced in the name of the Town of
Greenburgh, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of the Town of Greenburgh.

(5) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 10 (Stop-Work Orders) of this Chapter, in any other section of this Chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 610 (Stop Work Orders) of this Chapter, in any other section of this Chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

§ 45. New Section § 100-27. Fees.

The Code of the Town of Greenburgh is hereby amended with the addition of a new Section 27 entitled, “Fees.”

§ 100-27. Fees.

Notwithstanding any of the provisions of the Uniform Code, the fees related to this Chapter 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. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy / Certificates of Completion, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Building Inspector described in or contemplated by this Chapter.

§ 46. New Section § 100-28. Inter-Municipal Agreements.

The Code of the Town of Greenburgh is hereby amended with the addition of a new Section 28 entitled, “Inter-Municipal Agreements.”
§ 100-28. Inter-Municipal Agreements.

If necessary, the Town Board may, by resolution, authorize the Town Supervisor to enter into one or more Inter-Municipal Agreements to carry out the terms of subsection 6F of this chapter, provided that such agreements do not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 47. New Section § 100-29. Declaration of intent to supersede; severability.

Other than renumbering § 100-29 of the Code of the Town of Greenburgh is unaffected by this local law.

§ 100-29. Declaration of intent to supersede; severability.

Pursuant to New York Municipal Home Rule Law § 22 and Executive Law § 379, the provisions of this chapter are intended to supersede any less stringent or inconsistent provision of law. Should any section, paragraph, sentence or word of this chapter be declared void, invalid or unenforceable, for any reason, such decision shall not affect the remaining provisions of this chapter.

§ 48. Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York with the Secretary of State in accordance with Section 27 of the municipal home rule law.