

VILLAGE OF LARCHMONT

LOCAL LAW NUMBER ___-2023 OF THE VILLAGE OF LARCHMONT

A LOCAL LAW REPEALING AND REPLACING ARTICLE I OF CHAPTER 334 OF THE LARCHMONT VILLAGE CODE REGARDING BUILDING, FIRE AND ENERGY CODE ADMINISTRATION AND ENFORCEMENT

BE IT ENACTED by the Board of Trustees of the Village of Larchmont, Westchester County, New York, as follows:

Section One. Chapter 334, Article 1, of the Code of the Village of Larchmont is hereby repealed and replaced with language to read as follows:

§ 334-1 Purpose and Intent.

As required by Part 1203 of Title 19 of the NYCRR, this local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”) and the State Energy Conservation Construction Code (the “Energy Code”) in the Village of Larchmont. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other sections of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject the provisions of this local law.

§ 334-2 Applicability.

- A. Continuation of unlawful use: The continuation of occupancy or use of a building or structure, or a part thereof, contrary to the provisions of this code shall be deemed a violation and subject to the penalties prescribed in § **334-21**.
- B. Continuation of existing use: Unless otherwise specified, the legal use and occupancy of any structure existing on the date of adoption of this code or for which it has been heretofore approved may be continued without change, except as may be specifically covered in this code.
- C. Change in use: It shall be unlawful to make any changes in the use or occupancy of any structure of portion thereof which would subject it to any special provisions of this code without the approval of the Building Inspector pursuant to § **381-7** and the Building Inspector’s certification that such structure meets the intent of the provisions of the law governing building construction for the proposed new use and occupancy, and that such change does not result in any greater hazard to public safety or welfare.
- D. Other regulations: When the provisions herein specified for health, safety and welfare are more restrictive than other regulations, this code shall control. In the event that this code conflicts with the provisions of the Uniform Code or the Energy Code, the most rigid requirements of either Code shall apply.

§ 334-3 Validity.

- A. Partial invalidity: If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law. Any invalidated part of this local law shall be segregated from the remainder of the code by the court holding such part invalid, and the remainder shall remain effective.
- B. Decisions involving existing structures: The invalidity of any such provision in any section of this local law as applied to existing buildings and structures shall not be held to affect the validity of such section its application to buildings and structures hereafter erected.

§ 334-4. Department of Building Inspection and Department of Fire Inspection

- A. Enforcement Officials: The Building Inspector, Fire Chief, and such other personnel as may be appointed by the Village Board from time to time shall be “Enforcement Officials.”
- B. Appointment: The Enforcement Officials shall be appointed by the Village Board; and the Enforcement Officials shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the Village Board. The Enforcement Officials 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 enforcement officials shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- C. [intentionally omitted]
- D. [intentionally omitted]
- E. Relief from personal responsibility: The Building Inspector, his assistant, Fire Chief, his deputy or other authorized officer or employee charged with the enforcement of this code, the Uniform Code, and the Energy Code, while acting for the Village shall not thereby be rendered liable personally, and the Enforcement Official, officer or employee is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that person in the lawful discharge of duties and under the provisions of this code shall be defended by the Village until the final termination of the proceedings. The Enforcement officials or any subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this code; and any officer of the Department of Building Inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

- F. Official records: An official record shall be kept of all business and activities of the Department specified in the provisions of this code. § 334-5. Powers and duties of the Enforcement Officials.
- G. The Enforcement Officials shall administer all the provisions of the Uniform Code, the Energy Code, and this local law.
- H. The Enforcement Officials shall have the following powers and duties:
1. To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Temporary Certificates of Occupancy, Certificates of Compliance, Certificates of Completion and Operating Permits, and the plans, specifications, and construction documents submitted with such applications.
 2. Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates of Occupancy, Certificates of Compliance, Certificates of Completion, and Occupancy Permits, and to include in them terms and conditions as the Enforcement Official may determine to be appropriate.
 3. To conduct inspections, including but not limited to inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, Certificates of Compliance, Certificates of Completion, 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 local law.
 4. To issue Stop Work Orders.
 5. To review and investigate complaints.
 6. To issue notices or orders pursuant to § **334-21** of this local law;
 7. To maintain records.
 8. To collect fees as set by the Board of Trustees for the Village of Larchmont in accordance with § **334-22**.
 9. To pursue administrative enforcement actions and proceedings.
 10. In consultation with the Village Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law.
 11. To exercise all other powers and fulfill all other duties conferred upon the Enforcement Officials by this local law.
- I. Credentials. The Enforcement Official and authorized representatives shall carry proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this code.

§ 334-6. Application for building permit.

- A. Building Permits Required. Except as otherwise provided in subdivision B of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof. No Personnel shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Village of Larchmont.
- B. Exemptions. No Building Permit shall be required for work in any of the following categories:
1. Ordinary Repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time. Repairs shall not include the cutting away of any wall, partition or portion thereof, nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
 2. Painting, wallpapering, tiling, carpeting, or other similar finish work.
- C. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code and/or the Energy Code.
- D. Form of application: The application for a permit shall be signed and submitted in writing in such form as the building official may prescribe and shall be accompanied by the required fee as prescribed in § 334-22 and shall include a copy of the contractor's license, appropriate certificates of Workmen's Compensation Insurance, Contractor's Liability Insurance, and Disability Insurance, if applicable.
- E. By whom application is made: Application for a permit shall be made by the licensed contractor retained by the owner or lessee of the building or structure to perform the proposed work and shall be accompanied by a duly verified affidavit of the owner or lessee of the building or structure affirming that the person making the application for the proposed work is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- F. Description of work: The application shall include such information as the Building Inspector deems sufficient to permit a determination that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information:

1. A description of the location, nature, extent, and scope of the proposed work;
2. The tax map number and the street address of any affected building or structure;
3. The occupancy classification of any affected building or structure;
4. A statement of special instructions prepared in accordance with the provisions of the Uniform Code, where applicable; and
5. Any other information or documents that the Building Inspector deems necessary to allow the Building Inspector to determine that the proposed work conforms to the Uniform Code and Energy Code.

G. Plans and specifications. The application for the permit shall be accompanied by not fewer than two (2) sets of construction documents (drawings and /or specifications) which:

- i. Describe the location, nature, extent, and scope of the proposed work;
- ii. Show that the proposed work will conform to all applicable provisions of the Codes;
- iii. Show the location, construction, size, and character of all portions of the means of egress;
- iv. Show a representation of the building thermal envelope;
- v. Show structural information including, but not limited to, braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;
- vi. Show the proposed structural, electrical, plumbing, mechanical, fire protection, and other service systems of the building;
- vii. Include a written statement indicating compliance with the Energy Code;
- viii. Include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations;
 1. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.
- ix. Evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to:
 1. the design professional's seal, which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way,
 2. the design professional's registration expiration date,
 3. the design professional's firm name, if not a solo practitioner, and

4. if the documents are submitted by a professional engineering firm and not a solo practitioner professional engineer, the firm's Certificate of Authorization number; and
- x. Any other information and documentation that the Building Inspector may deem necessary to allow the Building Inspector to determine that the proposed work conforms to the Codes.

H. [Intentionally omitted]

- I. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the Building Inspector may grant one or more extensions of time for additional periods not exceeding ninety (90) days each.

§ 334-7. Building Permits.

- A. Action on application: The Building Inspector shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to the requirements of all pertinent laws, the Building Inspector shall reject such application in writing, stating the reasons therefor. If the Building Inspector is satisfied that the proposed work conforms to the requirements of this code, the Uniform Code and Energy Code, and all laws and ordinances applicable thereto, the Building Inspector shall issue a permit therefor as soon as practicable.
- B. Revocation or suspension of permit: 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, Energy Code or any other law or approval, the Building Inspector shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (i) all work then completed is in compliance with all applicable provisions of the Uniform Code and Energy Code and (ii) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, Energy Code, and all other laws and approvals.
- C. Time Limits. Any permit issued shall become invalid if the authorized work is not commenced and diligently pursued within six (6) months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work. A Building Permit shall expire after twelve (12) months. At the discretion of the Building Inspector, a Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed or extended for additional periods up to ninety (90) days upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Building Inspector.

- D. Previous approvals: This code shall not require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been actively prosecuted within 90 days after the effective date of this chapter and is completed with dispatch.
- E. Signature to permit: The Building Inspector's signature shall be attached to every permit; or the Building Inspector may authorize a subordinate to affix such signature thereto.
- F. Approved plans: The Building Inspector shall stamp or endorse in writing both sets of plans "Approved," and one set of such approved plans shall be retained by the Building Inspector and the other set shall be kept at the building site, open to inspection of the Building Inspector or an authorized representative at all reasonable times.
- G. Approval of part: In their discretion, the Building Inspector may issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this code. The holder of such permit for the foundations or other part of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Granting of such partial permit shall not constitute the establishment of any vested interests to the permit holder or property owner.
- H. Posting of permit: A true copy of the building permit shall be visibly displayed at the work site and shall remain visible and available for public inspection until the authorized work has been completed.
- I. [Intentionally omitted]

§ 334-8. Conditions of Building Permit.

- A. Payment of fees: A permit shall not be issued until the fees prescribed in § **334-22** have been paid.
- B. [Intentionally omitted]
- C. Compliance with permit: Any building permit issued pursuant to this article shall contain a statement indicating that all work shall be performed in accordance with the approved building permit application and plans for which the permit has been issued and approved amendments thereto. In addition, a building permit shall include a directive indicating that the Permit Holder must notify the Building Inspector immediately if changes occur during construction.

D. Compliance with site plan: All new work shall be located strictly in accordance with the approved site plan.

E. [Intentionally omitted]

F. Workmanship. All work shall be conducted, installed and completed in a workmanlike and acceptable manner so as to secure the results intended by this code.

§ 334-9. Construction Inspections.

A. [Intentionally omitted]

B. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by Building Inspector or by an Inspector authorized by the Building Inspector. The Permit Holder shall notify the Building Inspector when any element of work described in subdivision B of this section is ready for inspection.

C. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- i. Work site prior to the issuance of a Building Permit;
- ii. Footing and foundation;
- iii. Preparation for concrete slab;
- iv. Framing;
- v. Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- vi. Fire resistant construction;
- vii. Fire resistant penetrations;
- viii. Solid fuel burning heating appliances, chimneys, flues, or gas vents;
- ix. Inspections required to demonstrate Energy Code compliance, including but not limited to fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- x. Installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
- xi. A final inspection after all work authorized by the Building Permit has been completed.
- xii. Such other elements as the Building Inspector may determine.

D. [Intentionally omitted]

E. Right of Entry.

1. The Building Inspector, in the discharge of his duties, shall have the authority to enter any building or structure or premises at any reasonable hour with the consent of the person in possession or occupancy.

2. If admission is refused or cannot be obtained from the person, in possession or occupancy, the Building Inspector shall be authorized to obtain a warrant to make an inspection, provided probable cause is shown.
 3. In case of an emergency, the Building Inspector may, without a warrant, enter any premises, or parts of premises, to inspect the same, at any time, without the permission of the person in possession or occupancy.
- F. 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 the manner in which the work fails to comply with the Uniform Code or the Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work has been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- G. Remote inspections. At the discretion of the Building Inspector or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Building Inspector or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Building Inspector or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Building Inspector or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- H. [Intentionally omitted]

§ 334-10. Stop work orders.

- A. Authority to issue. The Building Inspector is authorized to issue Stop Work Orders pursuant to this section. Upon notice to the Permit Holder or property owner, the Building Inspector may issue a Stop Work Order to halt:
1. Any work that is determined by the Building Inspector to be contrary to any applicable provision of the Uniform Code or Energy Code, or other law or approval 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 Building Inspector, 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.
- B. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Building Inspector to correct the reason for issuing the Stop Work Order.
 - C. Content and service of Stop Work Orders. Stop Work Orders shall be in writing, be dated and signed by the Building Inspector, state the reason or reasons for issuance, and if applicable, state the conditions which must be satisfied before work will be permitted to resume. The Building Inspector shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property, and if the owner is not the Permit Holder, on the Permit Holder, personally or by registered/certified mail.
 - D. Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed by the Building Inspector to perform to remove a violation or unsafe conditions, shall be liable to a fine of up to \$5,000 for each day of violation.

§334-11 Certificates of Occupancy and Certificates of Completion.

- A. Certificate of Occupancy and Certificate of Completion required. A Certificate of Occupancy or Certificate of Completion shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, whether newly erected or hereafter expanded or enlarged, or are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Completion. Any use or occupancy, which was not discontinued during the work of alteration, shall be discontinued within 30 days after the completion of the alteration unless the required certificate is secured from the Building Inspector.
- B. Issuance of Certificates of Occupancy and Certificate of Completion. When a building or structure is entitled thereto, the Building Inspector shall issue a Certificate of Occupancy or Certificate of Completion after written application certifying that the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building, or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Building Inspector or an Inspector authorized by the Building Inspector shall inspect the building, structure, or work prior to the issuance of a Certificate

of Occupancy or Certificate of Completion. In addition, where applicable, the following documents prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the applicant for the certificate of occupancy shall be provided to the Building Inspector prior to the issuance of the Certificate of Occupancy or Certificate of Completion:

1. A written statement of structural observations and/or a final report of special inspections,
2. Flood hazard certifications,
3. A written statement of the results of tests performed to show compliance with the Energy Code, and
4. Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

C. Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

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

D. Temporary occupancy: Upon the request of the holder of a permit, the Building Inspector may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed provided (i) such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare; (ii) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational; and (iii) that all required means of egress from the structure have been provided.

1. The Building Inspector may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure.

2. A Temporary Certificate of Occupancy 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 of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code or Energy Code, even if only a small portion of the building or structure is being renovated.
- E. Revocation or suspension of certificates. If the Building Inspector determines that a Certificate of Occupancy, Certificate of Completion, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.
 - F. Fees. The fee specified in or determined in accordance with the provisions in § 334-22 of this local law must be paid at the time of submission of an application for a Certificate of Occupancy or for a Temporary Certificate of Occupancy.

§ 334-12. Notification regarding fire or explosion.

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

§ 334-13. Unsafe structures and equipment and conditions of imminent danger.

Unsafe buildings, structures, and equipment and conditions of danger in this Village of Larchmont shall be identified and addressed in accordance with the following procedures.

- A. Right of condemnation: All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exit facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe structures shall be taken down and removed or made safe and secure, as the Enforcement Official may deem necessary and as provided in this section. A vacant building unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this code.
- B. Examination and record of damaged structure: The Enforcement Official shall examine every building or structure reported as dangerous, unsafe structurally or constituting a fire hazard, and shall cause a report to be filed in a docket of unsafe structures and premises, stating the use of the structure, and the nature and estimated amount of damages, if any, caused by collapse or failure.

- C. Notice of unsafe structure: If an unsafe condition is found in a building or structure, the Enforcement Official shall serve on the owner, agent or person in control of the building or structure a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the Building Inspector acceptance or rejection of the terms of the order.
- D. Restoration of unsafe structure: A building or structure condemned by the Enforcement Official may be restored to safe conditions provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration except that if the damage or cost of reconstruction or restoration is in excess of 50% of its replacement value, exclusive of foundations, such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.
- E. Restoration of unsafe structure: A building or structure condemned by Enforcement Official may be restored to safe conditions provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration except that if the damage or cost of reconstruction or restoration is in excess of 50% of its replacement value, exclusive of foundations, such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.
- F. Disregard of unsafe notice: Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the legal counsel of the jurisdiction shall be advised of all the facts and shall cause to be instituted the appropriate action to compel compliance.

§ 334-14. Operating permits.

- A. Operating Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
 - 1. manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
 - 2. buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - i. Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;
 - ii. Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - iii. Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

- iv. Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - v. Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - vi. Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - vii. Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - viii. Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - ix. Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;
 - x. Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - xi. Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - xii. Section 308, “Open Flames.” Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
 - xiii. Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle.
3. Energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
 4. Buildings containing one or more assembly areas;
 5. Outdoor events where the planned attendance exceeds 1,000 persons;
 6. Facilities that store, handle or use hazardous production materials;
 7. Parking garages as defined in subdivision A of § 334-17 of this local law;

8. Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees for the Village of Larchmont; and
 9. Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Trustees of this Village of Larchmont.
- 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 and the Energy 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. Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs 1 through 7 of subdivision A of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with § **334-15** (Fire Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with § **334-17** (Condition Assessments of Parking Garages) of this local law, as applicable.
- E. Inspections. The Building Inspector or an Inspector authorized by the Building Inspector shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Building Inspector or an Inspector authorized by the Building Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Building Inspector or Inspector authorized by the Building Inspector that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village of Larchmont sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and this local law, including a citation to the specific provision or provisions that have not been met.

- F. 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, or the Building Inspector may, in their discretion, issue a single Operating Permit to apply to all such activities.
- G. Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
1. One hundred eighty (180) days for tents, special event structures, and other membrane structures;
 2. Sixty (60) days for alternative activities at a sugarhouse;
 3. Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
 4. One (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

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.

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

I. Fees. The fee specified in or determined in accordance with the provisions in § 334-22 of this local law must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

§ 334-15. Fire safety and property maintenance inspections.

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Enforcement Official or their designee designated by the Village Board at the following intervals:
1. at least once every twelve (12) months for buildings which contain an assembly area;
 2. at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
 3. at least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.

Following each inspection, the Enforcement Official shall note the premises is satisfactory or if the premises failed to comply with the Uniform Code. If the premises failed to comply,

the Enforcement Official shall notify the owner or operator as to the manner in which the premises failed to comply, including a citation to the specific Uniform Code provision(s) that have not been met.

- B. At the discretion of the Enforcement Official or their designee authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Enforcement Official or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Building Inspector or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Building Inspector or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- C. 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 an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:
1. the request of the owner of the property to be inspected or an authorized agent of 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.

- D. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Enforcement Official may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or

section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Enforcement Official or by an Inspector, provided that:

1. The Enforcement Official is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
2. The Enforcement Official is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
3. Such inspections are performed no less frequently than once a year;
4. A true and complete copy of the report of each such inspection is provided to the Enforcement Official; and
5. Upon receipt of each such report, the Enforcement Official takes the appropriate action prescribed by § 334-21 of this local law.

- E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 334-22 of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 334-16. Complaints.

The Enforcement Official 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 local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Enforcement Official 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;
- B. If a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 334-21 of this local law;
- C. If appropriate, issuing a Stop Work Order
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 334-17. Condition Assessments of Parking Garages.

- A. Definitions. For the purposes of this section:
1. The term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe

- condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
2. The term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
 3. The term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - i. Buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - ii. An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - iii. A townhouse unit with attached parking exclusively for such unit;
 4. The term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
 5. The term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
 6. The term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
 7. The term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision C of this section, periodic condition assessments as described in subdivision D of this section, and such additional condition assessments as may be required under subdivision E of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared and provided to the Village, in accordance with the requirements of subdivision F of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

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

1. Parking garages constructed in whole or in part prior to the effective date of this local law shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
2. [intentionally omitted]
3. Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six (6) months after the effective date of this local law.

D. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

E. Additional Condition Assessments.

1. If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision D of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

2. If the Village becomes aware of any new or increased deterioration which, in the judgment of the Village, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision C of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Village to be appropriate.

F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Village within thirty (30) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

1. an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

2. an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
3. an evaluation and description of the unsafe conditions;
4. an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
5. an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
6. an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
7. the responsible professional engineer's recommendation regarding preventative maintenance;
8. except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
9. the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

G. Review Condition Assessment Reports. The Village shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Village shall, by Order to Remedy or such other means of enforcement as the Village may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs 2 and 3 of subdivision F. All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's

operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

H. The Village shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Village with a written statement attesting to the fact that he or she has been so engaged, the Village shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Village shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

I. This section shall not limit or impair the right or the obligation of the Village:

1. To perform such construction inspections as are required by § 334-9 (Construction Inspections) of this local law;
2. To perform such periodic fire safety and property maintenance inspections as are required by § 334-15 (Fire Safety and Property Maintenance Inspections) of this local law; and/or
3. To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Village by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§ 334-18. Climactic and Geographic Design Criteria.

- A. The Building Inspector shall determine the climatic and geographic design criteria for buildings and structures to be constructed within this Village as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:
1. Design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
 2. Heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
 3. Flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- i. The accompanying Flood Insurance Rate Map (FIRM);
 - ii. Flood Boundary and Floodway Map (FBFM); and
 - iii. Related supporting data along with any revisions thereto.
- B. The Building Inspector shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision A of this section, shall maintain such record within the office of the Building Inspector, and shall make such record readily available to the public

§ 334-19. Recordkeeping.

- A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by all enforcement personnel, including records of:
 1. All applications received, reviewed and approved or denied;
 2. All plans, specifications and construction documents approved;
 3. All Building Permits, Certificates of Occupancy, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 4. All inspections and tests performed;
 5. All statements and reports issued;
 6. All complaints received;
 7. All investigations conducted;
 8. All condition assessment reports received;
 9. All fees charged and collected; and
 10. All other features and activities specified in or contemplated by sections 5 through 18, inclusive, of this local law.

§ 334-20. Program review and reporting.

- A. The Building Inspector shall annually submit to Board of Trustees of the Village of Larchmont a written report and summary of all business conducted by the Building Inspector and the Enforcement Officials, including a report and summary of all transactions and activities described in §334-19 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- B. The Building Inspector shall annually submit to the Secretary of State, on behalf of this Village on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.
- C. The Building Inspector shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Village is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the

Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§334-21. Violations.

- A. Orders to Remedy. The Building Inspector is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, any land use board approval, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Building Inspector; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Building Inspector may deem appropriate, during the period while such violations are being remedied. The Building Inspector shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Building Inspector shall be permitted, but not required, to cause the Order to Remedy, 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 registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- B. Appearance Tickets. The Building Inspector and each Enforcement Official are authorized to issue appearance tickets for any violation of the Uniform Code or Energy Code.
- C. Penalties. In addition to such other penalties as may be prescribed by State law,

1. Any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Building Inspector pursuant to any provision of this local law, shall be punishable by a fine up to \$5,000, or imprisonment not exceeding 15 days, or both; and
 2. Any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Building Inspector pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Village of Larchmont.
- D. Injunctive Relief. An action or proceeding may be instituted in the name of this Village of Larchmont 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, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, land use board approval or other notice or order issued by the Building Inspector pursuant to any provision of this local law. 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 local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of the Village of Larchmont 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 Board of Trustees of this Village of Larchmont.
- E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedies 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 § 334-10 (Stop Work Orders) of this local law, in any other section of this local law, 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 § 334-10 (Stop Work Orders) of this local law, in any other section of this local law, 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

§ 334-22. Fees.

- A. General: A permit to begin work for new construction, alteration, removal, demolition or other building operation or fire safety related function shall not be issued until the fees prescribed in this section shall have been paid to the Department of Building Inspection or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee shall have been paid.
- B. Special fees: The payment of the fee for the fire safety related function, removal or demolition for all work done in connection with or concurrently with the work contemplated by a building permit, shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law for water taps, sewer connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures, or fees of inspections, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the department of building and fire inspection
- C. New construction and alterations: The fees for building permits shall be as prescribed in Subsection C(1) below and the Building Inspector is authorized to establish by approved rules, a schedule of unit rates for buildings and structures.
 - 1. Fee schedule: A fee for each plan examination, building permit and inspections shall be paid in accordance with the prevailing schedule approved by the Village Board
- D. [Intentionally omitted]
- E. [Intentionally omitted]

Section Two. Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Three. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.