

Lizette Davis

From: Mayor Gina Picinich
Sent: Friday, January 27, 2023 2:56 PM
To: aaliyah thompson
Cc: Lizette Davis
Subject: RE: A Request letter for permission

Aaliyah, thank you for sending.

Lizette, please add to next agenda.

With Gratitude,
Gina

Gina D. Picinich
Mayor

mayorginapicinich@mountkisco.ny.gov
914 864--0011
104 Main Street
Mount Kisco, NY 10549



Mount Kisco is one of Westchester's most vibrant communities. Although just 3 square miles, it is a premier destination for dining, shopping, entertainment and award winning medical care. With green spaces, quaint neighborhoods and a walkable downtown "urban village," Mount Kisco delivers big while maintaining small town charm.

From: aaliyah thompson [mailto:aaliyahthompson48@yahoo.com]
Sent: Friday, January 27, 2023 2:42 PM
To: Mayor Gina Picinich <gpicinich@mountkisco.ny.gov>
Subject: A Request letter for permission

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Mayor Gina Picinich,

I am writing this to put in a request to use the Town's parking lot behind Town Hall for a second Juneteenth celebration event. Dated June 10th 2023, time of event start to finish would be 12 Noon until 5:00pm. At this event there will be a number of vendors such as last year and music as well.

Thanking you, and best regards

Aaliyah Thompson

[Sent from Yahoo Mail for iPhone](#)



VILLAGE / TOWN OF

MOUNT KISCO

NEW YORK

The Mobile Shredder is coming to
Mount Kisco

Saturday, March 4, 2023 to the

Mount Kisco Public Library

100 Main Street

from 10am-1pm.

Residents are required to stay in their
vehicles. Staff will attend to you.

This is for your safety. No walk ups,
please.



VILLAGE / TOWN OF

MOUNT KISCO

NEW YORK

La desfibradora móvil llega a Mount
Kisco

sábado, 4 de marzo de 2023 a la
Bibliotheca de Mount Kisco

100 Main Street
de 10am-1pm.

Los residentes debería quedar en sus
vehículos. El personal te atenderá.
Esto es por tu seguridad. No hay
subidas, por favor.



VILLAGE / TOWN OF

MOUNT KISCO

NEW YORK

The Mobile Shredder is coming to
Mount Kisco

Wednesday, March 29, 2023

Wednesday, April 19, 2023

Tuesday, May 16, 2023

Thursday, June 29, 2023

Mount Kisco Senior Center

198 Carpenter Avenue

from 10am-1pm.

Residents are required to stay in their vehicles.
Staff will attend to you. This is for your safety.
No walk ups, please.



VILLAGE / TOWN OF

MOUNT KISCO

NEW YORK

La desfibradora móvil llega a Mount
Kisco

Miércoles, 29 de marzo 2023

Miércoles, 19 de abril 2023

Martes, 16 de mayo 2023

Jueves, 29 de junio 2023 a el
Mount Kisco Fox Senior Center
198 Carpenter Avenue

de 10am-1pm.

Los residentes debería quedar en sus vehículos.
El personal te atenderá. Esto es por tu
seguridad. No hay subidas, por favor.



VILLAGE / TOWN OF

MOUNT KISCO

Change in Refuse Schedule

Village offices will be **closed**
February 20, 2023.

Bottles and cans will be picked up VILLAGE WIDE on
Tuesday, February 21, 2023.

Paper and cardboard will be picked up VILLAGE WIDE on
Wednesday, February 22, 2023.



VILLAGE / TOWN OF

MOUNT KISCO

NEW YORK

Cambio en el horario de recogida

Las oficinas del pueblo están **cerrado**
El 20 de febrero 2023.

Se recogerá botellas y latas en el PUEBLO
ENTERO martes, 21 de febrero 2023.

Se recogerá papel y cartón en el PUEBLO
ENTERO miércoles, 22 de febrero 2023.

MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Lisa C. Abzun

DEPUTY MAYOR

Anne Bianchi

Karine Patiño

Karen B. Schleimer



VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER

Kenneth L. Famulare

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150

Tel (914) 241-0500 • Fax (914) 241-9018

www.mountkisco.ny.gov

INTEROFFICE MEMORANDUM

TO: MAYOR AND VILLAGE BOARD OF TRUSTEES
FROM: EDWARD W. BRANCATI, VILLAGE MANAGER
SUBJECT: BARKER STREET STOP SIGN
DATE: 1/25/2023

The Traffic Rules and Regulations Register is hereby amended to include the following:

Barker Street and Allan Lane:

A Stop sign shall be erected on Barker Street eastbound at its intersection with Allan Lane.

MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

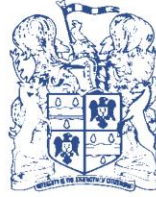
Lisa C. Abzun

DEPUTY MAYOR

Anne B. Bianchi

Karine P. Patiño

Karen B. Schleimer



VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER

Kenneth L. Famulare

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VILLAGE/TOWN OF MOUNT KISCO

PUBLIC NOTICE

Please take notice that the Board of Trustees of the Village/Town of Mount Kisco has scheduled a public hearing on **Thursday, February 23, 2023 at 7:00 pm** or as soon thereafter as possible, in the Frank J. DiMicco Board Room in Village Hall, located at 104 Main Street, Mount Kisco, New York, to discuss a proposed Local Law 2023-1 to amend Chapter 51 of Village Code – Building Code.

By Order of Mayor Picinich and the Board of Trustees
Edward W. Brancati, Village Manager

**VILLAGE/TOWN OF MOUNT KISCO
PROPOSED LOCAL LAW #1 OF 2023**

To Amend the Village Code to be in accordance with the New York State Uniform Building Code, improve the quality of construction and fire safety in the Village, and for the protection and preservation of the environment.

Be it enacted by the Village Board of the Village/Town of Mount Kisco of the County of Westchester as follows:

Section 1. Chapter 51 of the Code of the Village/Town of Mount Kisco is hereby repealed in its entirety and replaced with this local law, which shall be known as the “Building Construction and Fire Prevention Code” and shall read as follows:

Article I. Building Code Administration

§ 51-1 Purpose and intent.

This Chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Village/Town of Mount Kisco. This Chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other section of this Chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this Chapter.

§ 51-2 Definitions.

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

ASSEMBLY AREA

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

BUILDING INSPECTOR

The Building Inspector appointed pursuant to Subsections **A** and **C** of § **51-20** of this Article and shall also mean the Code Enforcement Officer appointed pursuant to Subsection **B** of § **51-3** of this Article.

BUILDING PERMIT

A building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this Article.

CERTIFICATE OF COMPLIANCE

A certificate issued pursuant to Subsection **B** of § **51-9** of this Article.

CERTIFICATE OF OCCUPANCY

A certificate issued pursuant to Subsection **B** of § **51-9** of this Article.

CODE ENFORCEMENT OFFICER

Shall mean the Code Enforcement Officer appointed pursuant to Subsection **B** of § **51-3** of this local law and also mean the Building Inspector pursuant to Subsections **A** and **C** of § **51-20** of this local law.

CODE ENFORCEMENT PERSONNEL

Shall include the Code Enforcement Officer and all inspectors.

CODES

The Uniform Code and Energy Code, and hereafter as amended from time to time.

DWELLING UNIT

As defined in § 110-59 of the Code of the Village/Town of Mount Kisco.

ENERGY CODE

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE NEW YORK STATE (FCNYS)

The 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225 and hereafter as amended from time to time.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION

An inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

HAZARDOUS PRODUCTION MATERIALS

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

INSPECTOR

An inspector appointed pursuant to § 51-3 of this Article.

MOBILE FOOD PREPARATION VEHICLES

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

OPERATING PERMIT

A permit issued pursuant to § 51-10 of this Article. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this Article.

ORDER TO REMEDY

An order issued by the Code Enforcement Officer pursuant to Subsection A of § 51-17 of the Village Code.

PERMIT HOLDER

The Person to whom a Building Permit has been issued.

PERSON

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

PROPERTY MAINTENANCE CODE NEW YORK STATE (PMCNYS)

The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226 and hereafter as amended from time to time.

RESIDENTIAL CODE NEW YORK STATE (RCNYS)

The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220 and hereafter as amended from time to time

STOP WORK ORDER

An order issued pursuant to § **51-6** of this Article.

STRUCTURE

As defined in § **110-59** of the Code of the Village/Town of Mount Kisco.

SUGARHOUSE

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

TEMPORARY CERTIFICATE

A certificate issued pursuant to Subsection **D** of § **51-7** of this Article.

UNIFORM CODE

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

VILLAGE

The Village/Town of Mount Kisco.

§ 51-3 Code Enforcement Officer, Building Inspector, and Inspectors; Powers and Duties.

- A. The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this Chapter. The Code Enforcement Officer shall have the following powers and duties:
- (1) To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy or 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 or 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 Code Enforcement Officer may determine to be appropriate;
 - (3) To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy or 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 Subsection **A** of § **51-17**, Enforcement; penalties for offenses, of this Article;
- (7) To maintain records;
- (8) To collect fees as set by the Board of Trustees of the Village;
- (9) To pursue administrative enforcement actions and proceedings;
- (10) In consultation with the Village's 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 Article; and
- (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Article.

- B. The Code Enforcement Officer shall be the Building Inspector appointed by the Board of Trustees. The Code Enforcement Officer 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 Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Board of Trustees to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Article.
- D. One or more Inspectors may be appointed by the Board of Trustees or Village Manager to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this Article. Each Inspector 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 Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board of Trustees.
- F. Conflicts of Interest. The Building Inspector shall not engage in any activity inconsistent with their duties or with the interests of the Village, nor shall they, during the term of their employment, be engaged, directly or indirectly, in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the Village, except only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by them and not constructed for sale. The Building Inspector shall also be subject to the provisions of Chapter **9** and Chapter **23** of the Village Code.

§ 51-4 **Building Permits.**

- A. Building Permits required. Except as otherwise provided in Subsection **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 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 Code Enforcement Officer.

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

- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided that the gross floor area does not exceed 144 square feet subject to compliance with zoning provisions ;
- (2) Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
- (3) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (4) Installation of partitions or movable cases less than five feet nine inches in height;
- (5) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (6) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (7) Replacement of any equipment, provided that the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (8) Repairs, provided that such work does not have an impact on fire and life safety, such as:
 - (a) any part of the structural system;
 - (b) The required means of egress; or
 - (c) The fire protection system or the removal from service of any part of the fire protection system for any period of time.

C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a Building Permit for work in any category set forth in 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.

D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by the Building Department. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation, including, but not limited to:

- (1) A description of the proposed work;
- (2) The Tax Map number and the street address of the premises 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;
- (5) At least two sets of construction documents (drawings and/or specifications) which:
 - (a) Describe the location, nature, extent, and scope of the proposed work;
 - (b) Show that the proposed work will conform to the applicable provisions of the Codes;
 - (c) Show the location, construction, size, and character of all portions of the means of egress;
 - (d) Show a representation of the building thermal envelope;
 - (e) Show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;
 - (f) Show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building;
 - (g) Include a written statement indicating compliance with the Energy Code;
 - (h) Where applicable, include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and
 - (i) Evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including, but not limited to, the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in Subsection **D(5)** of this section and any other applicable administrative requirements of this Chapter. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, 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.

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

- G. Building Permits to be displayed. Building Permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- I. Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the Permit Holder, payment of the fees referenced in this Article, and approval of the application by the Code Enforcement Officer.
- J. Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, or inaccurate or incomplete information or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that:
 - (1) All work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code; and
 - (2) All work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- K. Fee. The fee specified in Chapter **A112**, Fees, must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

§ 51-5 Construction inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in Subsection **B** of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable, including, but not limited to:
 - (1) Work site prior to the issuance of a Building Permit;
 - (2) Footing and foundation;
 - (3) Preparation for concrete slab;
 - (4) Framing;
 - (5) Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
 - (6) Fire resistant construction;

- (7) Fire resistant penetrations;
- (8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
- (9) Inspections required to demonstrate Energy Code compliance, including, but not limited to, insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls; and
- (10) Installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
- (11) A final inspection after all work authorized by the Building Permit has been completed.

- C. Remote inspections. Remote inspections shall only be permitted during a declared state of emergency applicable to the Village/Town of Mount Kisco. During such declared emergency and at the discretion of the Code Enforcement Officer 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 Code Enforcement Officer 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 Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- 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 the Energy Code. Work not in compliance with any applicable provision of the Uniform Code or the 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. Fee. The fee specified in Chapter **A112**, Fees must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 51-6 Stop Work Orders.

- A. Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer 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 the 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.
- B. Content of Stop Work Orders. Stop Work Orders shall:

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

- C. Service of Stop Work Orders. The Code Enforcement Officer 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 mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, 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 affected by the Stop Work Order, personally or by registered mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 51-17, Violations, of this Article or under any other applicable Chapter 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.
- F. Right to Inspect. Any Building Inspector, upon the showing of proper credentials and in the discharge of their duties, shall be provided access to any building, structure or premises at any reasonable hour for purposes of inspecting work for which a permit was issued or would require issuance of a permit. Owners, agents, operators and occupants shall be responsible for providing access to all parts of the premises within their control to authorized personnel acting in the performance of their duties.

§ 51-7 Certificates of Occupancy or Certificates of Compliance.

- A. Certificates of Occupancy or Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which 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 Compliance.
- B. Issuance of Certificate of Occupancy or Certificate of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and the Energy Code and, if applicable, 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 the Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. 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 Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be

provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

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

D. Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy 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 Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) 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 (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as they deem 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. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months and shall comply with provisions of Chapter **110**, which shall be determined by the Code Enforcement Officer 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 and the Energy Code.

- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy or Certificate of Compliance or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- F. Fee. The fee specified in Chapter **A112, Fees**, must be paid at the time of submission of an application for a Certificate of Occupancy or Certificate of Compliance or for Temporary Certificate of Occupancy.

§ 51-8 Notification regarding fire or explosion.

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

§ 51-9 Unsafe building and structures.

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

- A. Unsafe buildings. All buildings or structures which are structurally unsafe, unsanitary or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this section.
- B. The Building Inspector shall examine or cause to be examined every building reported as unsafe or damaged and shall make a written record of such examination.
- C. Whenever the Building Inspector shall find any building or structure or portion thereof to be an unsafe building as defined in this section, he shall, in the same manner as provided for the service of stop work orders in § **51-6**, give to the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements or to demolish and remove the building or structure or portion thereof.
- D. Equipment and material test. Whenever there are reasonable grounds to believe that any material, construction equipment or assembly does not conform to the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.
- E. If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. The Building Inspector shall cause to be posted at each entrance to such building a notice: THIS BUILDING IS UNSAFE, AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING INSPECTOR. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other servants to remove such notice without written permission of the Building Inspector or for any person to enter the building, except for the purpose of making the required repairs or of demolishing same.
- F. In case the owner, agent or person in control cannot be found within the stated time limit or if such

owner, agent or person in control shall fail, neglect or refuse to comply with the notice to repair, to rehabilitate or to demolish and remove such building or structure or portion thereof, the Village Counsel shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.

- G. In cases of emergency which, in the opinion of the Building Inspector, involve imminent danger to human life or health, he shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose, he may at once enter such structure or land on which it stands or abutting land or structure with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary and for this purpose may close a public or private way.
- H. Costs incurred under Subsections F and G of this section shall be paid out of the municipal treasury on certificate of the Building Inspector. Such costs shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

§ 51-10 Operating Permits.

- A. Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed 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 Article or section title of the FCNYS as follows:
 - (a) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
 - (b) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (c) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (d) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - (e) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (f) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (g) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (h) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where

work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

- (i) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - (j) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (k) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (l) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
 - (m) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by provisions of the New York State and Westchester County Sanitary Codes and a permit obtained from the Westchester County Department of Health for the operation of a Mobile Food Unit.
- (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 section 13 of this Article;
 - (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 of this Village; 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.

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

- B. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C. RESERVED.
- D. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer

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 Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village 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 the code enforcement program, including a citation to the specific provision or provisions that have not been met.

- E. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.
- F. Duration of Operating Permits. Operating Permits shall be issued for such period of time, not to exceed one year. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
 - (1) Sixty (60) days for tents, special event structures, and other membrane structures;
 - (2) Sixty (60) days for alternative activities at a sugarhouse;
 - (3) Eighteen (18) months for the activities, structures, and operations determined per paragraph (9) of Subsection A of this section, and
 - (4) One (1) year for all other activities, structures, and operations identified in Subsection 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 Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer. In the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- G. Revocation or suspension of Operating Permits. If the Code Enforcement Officer 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.
- H. Fee. The fee specified in Chapter A112, Fees, 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.

§ 51-11 Fire Safety and Property Maintenance Inspections.

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer 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 12 months.
- (2) Fire safety and property maintenance inspections of buildings or structures being occupied as 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 shall be performed at least once every 12 months; unless or until such time as the State designates another individual, entity, or agency to perform such inspections.
- (3) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2) and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) shall be performed at least once every 18 months.

B. Remote inspections. Remote inspections shall only be permitted during a declared state of emergency applicable to the Village/Town of Mount Kisco. During such declared emergency and at the discretion of the Code Enforcement Officer or Inspector 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 Code Enforcement Officer 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 Code Enforcement Officer 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 Code Enforcement Officer 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 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 the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer 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 Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or the Energy Code exist; or
- (3) Receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or the Energy Code exist;

provided, however, that nothing in this Subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

D. OFPC inspections. Nothing in this section or in any other provision of this Article 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 under Executive Law § 156-e and Education Law § 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to § 807-a and § 807-b of the Education Law and/or § 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an

Inspector, provided that:

- (1) The Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2) The Code Enforcement Officer 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 Code Enforcement Officer; and
- (5) Upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by § 51-17 of the Village Code.

E. Fee. The fee specified in Chapter A112, Fees, must be paid prior to or at the time each inspection is performed pursuant to this section. This Subsection shall not apply to inspections performed by OFPC.

§ 51-12 Complaints.

The Code Enforcement Officer 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 Article, 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 Code Enforcement Officer 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 § 51-17, Enforcement; penalties for offenses, of this Article.
- 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.

§ 51-13 Condition Assessments of Parking Garages.

A. Definitions. For the purposes of this section:

- (1) The term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- (2) The term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) The term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles,

excluding:

- (a) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (b) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (c) A townhouse unit with attached parking exclusively for such unit;
- (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 (3) 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 Subsection **D** of this section, and such additional condition assessments as may be required under Subsection **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 Subsection **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 on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a Certificate of Occupancy or Certificate of compliance being issued for the structure.
- (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - (a) If originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (b) If originally constructed between January 1, 1984 and December 31, 2002, then prior to

October 1, 2020; and

(c) If originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of this Article 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 Article.

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 Subsection **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 Subsection **D** 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 sixty (60) 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 they 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 § 51-13 F (2) and (3) of the Village Code. 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 Village 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 they have 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 § 51-5, Construction Inspections, of this Article;
 - (2) To perform such periodic fire safety and property maintenance inspections as are required by § 51-11, Fire Safety and Property Maintenance Inspections, of this Article; 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.

§ 51-14 Climatic and Geographic Design Criteria.

- A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within the 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:
 - (a) The accompanying Flood Insurance Rate Map (FIRM);
 - (b) Flood Boundary and Floodway Map (FBFM); and
 - (c) Related supporting data along with any revisions thereto.
- B. The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to § 51-14 A of the Village Code, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

§ 51-15 Record Keeping.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:
- (1) All applications received, reviewed and approved or denied;
 - (2) All plans, specifications and construction documents approved;
 - (3) All Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted;
 - (8) all condition assessment reports received;
 - (9) All other features and activities specified in or contemplated by §§ 51-4 through 51-14, inclusive, of this Article; and
 - (10) All fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All

plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 51-16 Program Review and Reporting.

- A. The Code Enforcement Officer shall annually submit to the Board of Trustees of the Village a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in § 51-15, Recordkeeping, of this Article and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the Village, on a form prescribed by the Secretary of State, a report of the activities of the Village relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer 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 Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Village in connection with administration and enforcement of the Uniform Code.

§ 51-17 Violations.

- A. Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this Article. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this Article; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this Article 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 Article or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer 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 Code Enforcement Officer 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 Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform 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 Article or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Article, shall be punishable by a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding fifteen (15) days, or both; and
- (2) Any Person who violates any provision of the Uniform Code, the Energy Code or this Article, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Article, shall be liable to pay a civil penalty of not more than \$1,000 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 the Village/Town of Mount Kisco.

D. Injunctive Relief. An action or proceeding may be instituted in the name of the Village/Town of Mount Kisco 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 Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Article. 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 Article, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this Article, an action or proceeding may be commenced in the name of the Village/Town of Mount Kisco, 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 the Village/Town of Mount Kisco.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy 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 § 51-6, Stop Work Orders, of this Article, in any other section of this Article, 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 § 51-17 of the Village Code, 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 (1) Executive Law § 382 (2), and (2) Multiple Residence Law § 304, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Executive Law § 382 (2) or Multiple Residence Law § 304.

§ 51-18 Fees.

Chapter A112 of the Village Code is the fee schedule established by resolution of the Board of Trustees of the Village. 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 Compliance Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code

Enforcement Officer described in or contemplated by this Article.

§ 51-19 Intermunicipal agreements.

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

§ 51- 20 Miscellaneous Provisions for Local Administration and Enforcement.

- A. Appointment of Building Inspectors; Compensation. The Village Board may appoint one or more Building Inspectors as the need may appear. The compensation of such Building Inspectors shall be fixed by the Village Board.
- B. Acting Building Inspector. In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Board of Trustees to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Chapter.
- C. Building Inspector. The chief investigative officer of this municipality for the purpose of this Chapter shall be the Building Inspector, who shall be appointed by the Board of Trustees, and such person shall be under the direction and supervision of the Village Manager. However, the Village Manager may also delegate, hire or contract with any other person, firm or body to supplement or assist such Building Inspector; subject, however, to the approval of the Board of Trustees of this municipality for all salaries of such persons and subject to the Board of Trustees' approval of all contracts over the amount of \$1,000.
- D. Additional Powers and Duties of Building Inspector. Except as otherwise specifically provided by law, ordinance or regulation or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof:
 - (1) The Building Inspector shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction.
 - (2) The Building Inspector shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during the construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. The Building Inspector shall make all inspections which are necessary or proper for the carrying out of their duties, except that they may accept written reports of inspection from other employees of the Village or from generally recognized and authoritative service and inspection bureaus, provided that the same are certified by a responsible official thereof.
 - (3) Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, the Building Inspector may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.

- (4) To cause an investigation of all complaints of alleged building violations or other unsafe or unsanitary conditions.
- (5) To order, in writing, the remedying of all conditions found to exist in or on any premises in violation of provisions of the Building Code or of rules and regulations adopted hereunder, to state in the violation order a reasonable time limit for compliance therewith and, where necessary, to order the vacating of premises found unfit for human habitation.
- (6) To request the chief legal officer of the municipality to take appropriate legal action in the name of the municipality upon failure of the responsible party to comply with such violation order within the time specified therein.
- (7) To cause a search of the municipality's records of Building Code violations existing on any premises and to issue a certified statement thereof upon receipt of written request and payment of any fees required by local law.

E. Cooperation of Other Departments. The Building Inspector may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance and cooperation of the Police and Fire Departments or officers and of all other municipal officers exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

F. Items Exempt from Building Permit Requirement. No Building Permit shall be required for work in any of the following categories:

- (1) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (2) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses), where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (3) Installation of fences which are not part of an enclosure surrounding a swimming pool that are 4 feet or less;
- (4) Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids and/or rise more than four feet above grade;

G. Additional Requirements for Building Permit Applications. Any Building Permit application shall include or be accompanied by the following additional information and documentation:

- (1) A valuation of the proposed work;
- (2) The full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations;
- (3) Plans and specifications shall bear the signature of the person responsible for the design and drawings;
- (4) The Building Inspector may waive the requirement for filing plans;
- (5) Amendments to the application or to the plans and specifications accompanying the same may

be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector;

- (6) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations;
- (7) Appropriate New York State and Westchester County required license(s) and insurance documents.

H. Additional Requirements Issuance of Building Permit; Denial.

- (1) The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. The Building Inspector shall approve or disapprove the application within a reasonable time; subject, however, to the requirements of the Village Zoning Ordinance.
- (2) Upon approval of the application and upon receipt of the legal fees therefor, the Building Inspector shall issue a building permit to the applicant upon the forms prescribed by the Building Inspector and shall affix their signature or cause their signature to be affixed thereto.
- (3) Upon approval of the application, all sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Building Inspector, and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site open to inspection by the Building Inspector or their authorized representatives at all reasonable times.
- (4) If the application, together with plans, specifications and other documents filed therewith, describes proposed work, which does not conform to all of the requirements of the applicable building regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant, in writing.

If the application, together with the plans, specifications and other documents, requires the approval of the Planning Board of the municipality or if a variance or special permit is first required by the Zoning Board of Appeals of the municipality, then no such permit shall be given unless and until such approval, variance or special permit is granted.

I. Additional Requirements Certificates of Occupancy and Compliance.

- (1) No building hereafter erected shall be used or occupied, in whole or in part, until a Certificate of Occupancy shall have been issued by the Building Inspector.
- (2) No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a Building Permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a Certificate of Occupancy shall have been issued by the Building Inspector.
- (3) No change shall be made in the use or type of occupancy of an existing building unless a Certificate of Occupancy authorizing such change shall have been issued by the Building Inspector.
- (4) The owner or their agent shall make application for a Certificate of Occupancy, forms for which will be provided by the Village. Accompanying this application and before the issuance

of a Certificate of Occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plans or of the registered architect or licensed professional engineer who supervised the construction of the work. This affidavit shall state that the deponent has examined the approved plans of the structure for which a Certificate of Occupancy is sought, that the structure has been erected in accordance with approved plans and, as erected, complies with the law governing building construction, except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.

- (5) With such application, there shall also be paid the fee provided in § 51-18, Fees, for the Certificate of Occupancy, which fee shall be returned by the Building Inspector or the Village if the Certificate of Occupancy is not granted.
- (6) The foregoing notwithstanding, no Certificate of Occupancy shall be required to engage in the temporary outdoor storage or sale of Christmas trees and related holiday decorations, provided that a license therefor has been obtained pursuant to Chapter 53 of the Code and such sale or storage is conducted in accordance with the terms of such license.
- (7) Inspection prior to the issuance of a Certificate of Occupancy. Before issuing a Certificate of Occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a Building Permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy, and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a Building Permit has been issued.
- (8) Issuance of Certificate of Occupancy. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances and regulations and also in accordance with the application, plans and specifications filed in connection with the issuance of the Building Permit, the Building Inspector shall issue a Certificate of Occupancy upon the form provided by the Village. If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a Certificate of Occupancy and shall order the work completed in conformity with the Building Permit and in conformity with the applicable building regulations.
- (9) A Certificate of Occupancy shall be issued, where appropriate, within 30 days after application therefor is made. Failure to act upon such application within 30 days shall constitute approval of such application, and the building or portion thereof may thereafter be occupied as though a Certificate of Occupancy had been issued.
- (10) The Certificate of Occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances and regulations and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put. If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required shall be reflected.

J. Additional Program Review and Reporting.

- (1) The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. All such records shall be public records open to public inspection during business hours.
- (2) The Building Inspector shall, monthly, submit to the Village Board a written report and summary of all business conducted by him, including permits and certificates issued, fees

collected, orders and notices promulgated, inspections and tests made, violations found and action taken with respect to such violations and appeals or litigation pending.

K. Additional Administrative Provisions Regarding Fees.

- (1) Upon the filing of an application for a Building Permit, the fees provided in Chapter **A112**, Fees, shall be payable.
- (2) At the completion of construction, the permit fee shall be adjusted to reflect the final cost of construction before a Certificate of Occupancy shall be issued.
- (3) Heating, standpipe, sprinkler or elevator work is included in the term "construction or alteration work." When filed with complete construction plans, all such work is included under one fee based on the total cost of the building or structure, inclusive of such mechanical installations, but exclusive of separate fees for sidewalk, street or curb cutting and vaults under sidewalks.
- (4) Fees for plumbing installations or replacements shall be in addition to any Building Permit and shall be as provided in Chapter **A112**, Fees.
- (5) Fees for other installations or construction shall be as provided in Chapter **A112**, Fees.
- (6) In the event that an application for a Building Permit is not approved, the applicant shall be entitled to a full refund of the fee paid less the application fee, provided that no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.

L. Responsibilities of Owners.

- (1) Owners of premises shall be responsible for compliance with the Building Code and shall remain responsible therefor regardless of the fact that this Chapter may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
- (2) Owners of premises shall be responsible for proper maintenance, condition and operation of service facilities.

M. Emergency Entry System. No Certificate of Occupancy shall be granted for a commercial building, which is constructed on or after January 1, 1994, unless such building shall be equipped with an emergency entry system approved by the Board of Fire Commissioners of the Village/Town of Mount Kisco. For purposes of this section, the term "commercial building" shall mean any building used principally for retail, office or industrial purposes.

§ 51-21 Severability.

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

§ 51-22 Effective Date.

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

Article II. RESERVED

Article III. RESERVED

Section 2. The Village Clerk shall cause the amendments effected by this local law to be incorporated into the Code of the Village/Town of Mount Kisco.

Section 3. Should any section or provision of this local law be determined by any court of competent jurisdiction to be unconstitutional or invalid, then such section shall be null and void and shall be deemed separable from the remaining section(s) of this local law, and such determination shall in no way affect the validity of the remaining sections or provisions of this local law.

Section 4. This local law shall become effective immediately upon its filing with the Secretary of State of the State of New York.

MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Lisa C. Abzun

DEPUTY MAYOR

Anne B. Bianchi

Karine P. Patiño

Karen B. Schleimer



VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER

Kenneth L. Famulare

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150

Tel (914) 241-0500 • Fax (914) 241-9018

www.mountkisco.ny.gov

OATH OF OFFICE

STATE OF NEW YORK)
:ss.: MOUNT KISCO
COUNTY OF WESTCHESTER)

I, **William Phillips** having been appointed as a **Full Member – Planning Board** to the Village/Town of Mount Kisco do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I am eligible to hold the office to which I have been appointed, and that I will faithfully discharge the duties thereof to the best of my ability.

Subscribed and sworn to before me

This _____ day of _____, 20__

Notary Public

Term Expiration: December 1, 2025

MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Lisa C. Abzun

DEPUTY MAYOR

Anne B. Bianchi

Karine P. Patiño

Karen B. Schleimer



VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER

Kenneth L. Famulare

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

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www.mountkisco.ny.gov

OATH OF OFFICE

STATE OF NEW YORK)
:ss.: MOUNT KISCO
COUNTY OF WESTCHESTER)

I, **William Polese** having been appointed as **Co-Chair** to the **Planning Board** to the Village/Town of Mount Kisco do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I am eligible to hold the office to which I have been appointed, and that I will faithfully discharge the duties thereof to the best of my ability.

Subscribed and sworn to before me

This _____ day of _____, 20__

Notary Public

Term Expiration: December 4, 2023

MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Lisa C. Abzun

DEPUTY MAYOR

Anne B. Bianchi

Karine P. Patiño

Karen B. Schleimer



VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER

Kenneth L. Famulare

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Tel (914) 241-0500 • Fax (914) 241-9018

www.mountkisco.ny.gov

OATH OF OFFICE

STATE OF NEW YORK)
:ss.: MOUNT KISCO
COUNTY OF WESTCHESTER)

I, **Crystal Pickard** having been appointed as **Co-Chair** to the **Planning Board** to the Village/Town of Mount Kisco do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I am eligible to hold the office to which I have been appointed, and that I will faithfully discharge the duties thereof to the best of my ability.

Subscribed and sworn to before me

This _____ day of _____, 20__

Notary Public

Term Expiration: December 4, 2023

MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Lisa C. Abzun

DEPUTY MAYOR

Anne B. Bianchi

Karine P. Patiño

Karen B. Schleimer



VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER

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www.mountkisco.ny.gov

OATH OF OFFICE

STATE OF NEW YORK)
:ss.: MOUNT KISCO
COUNTY OF WESTCHESTER)

I, **Michael McGuirk** having been appointed as **Co-Chair** to the **Planning Board** to the Village/Town of Mount Kisco do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I am eligible to hold the office to which I have been appointed, and that I will faithfully discharge the duties thereof to the best of my ability.

Subscribed and sworn to before me

This _____ day of _____, 20__

Notary Public

Term Expiration: December 4, 2023

MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Lisa C. Abzun

DEPUTY MAYOR

Anne B. Bianchi

Karine P. Patiño

Karen B. Schleimer



VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER

Kenneth L. Famulare

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OATH OF OFFICE

STATE OF NEW YORK)
:ss.: MOUNT KISCO
COUNTY OF WESTCHESTER)

I, **Michael Bonforte** having been appointed as **Alternate** to the **Planning Board** to the Village/Town of Mount Kisco do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I am eligible to hold the office to which I have been appointed, and that I will faithfully discharge the duties thereof to the best of my ability.

Subscribed and sworn to before me

This _____ day of _____, 20__

Notary Public

Term Expiration: December 1, 2025



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Office of the
VILLAGE TREASURER

Telephone
(914) 241-0500

BUDGET TRANSFER REQUEST

ACCOUNT #	ACCOUNT NAME	INCREASE/DECREASE
7145.4175	Youth - Concerts	-3000.00 ✓
7145.0409	Youth - Transportation	-5000.00 ✓
7142.0450	Pools - Materials + Supplies	+8000.00 ✓

REASON: No Travel camp in 2022 and smaller concerts leaves
money that is needed at the pool for supplies
such as guard uniforms, chlorine, CO2, signs and other
items to open for 2023. Chlorine was very expensive.

REQUESTED BY: Kyle Thornton
(Department Head)

DATE: 1/24/2023

APPROVALS

VILLAGE TREASURER:

Robert Whelan

DATE

2/3/22

REFERRED TO: VILLAGE MANAGER _____ BOARD OF TRUSTEES ✓

VILLAGE MANAGER: _____

DATE _____

MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Lisa C. Abzun

DEPUTY MAYOR

Anne B. Bianchi

Karine P. Patiño

Karen B. Schleimer



VILLAGE MANAGER

Edward W. Brancati

**ASSISTANT
VILLAGE MANAGER**

Kenneth L. Famulare

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**RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES
VILLAGE/TOWN OF MOUNT KISCO
FEBRUARY 6, 2023**

Amend Village Investment Policy

Moved by:

Second by:

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Trustees of the Village/Town of Mount Kisco that based upon the unanimous recommendation of the Village Finance Committee, and the recommendation of the Village Treasurer and Village Manager, the Village Investment Policy and the Village Financial Goals and Policies, last adopted by this Board on December 5, 2022, are hereby amended to add the NY MuniTrust Cooperative Investment Pool to Section VII, Designation of Depositories, as an authorized depository of moneys up to the maximum amount of \$17,000,000 and to amend the maximum amount for the New York Cooperative Liquid Assets Securities System from a maximum amount of \$17,000,000 or 50% of total deposits (lowest of two options) to \$17,000,000.

The Board of Trustees of the Village/Town of Mount Kisco voted as follows:

AYE

NAY

ABSTAIN

ABSENT

Gina D. Picinich, Mayor:

Lisa C. Abzun, Deputy Mayor:

Anne B. Bianchi, Trustee:

Karine P. Patiño, Trustee:

Karen B. Schleimer, Trustee:

The above resolution constitutes the determination of the Board of Trustees for the Village/Town of Mount Kisco. This document was duly adopted on the 6th day of February, 2023 and shall constitute the Resolution of the Board of Trustees.

Edward Brancati, Village Manager

LOSAP

Length of Service Award Program



Investment Policy Statement

Adopted Month day, 2022

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About LOSAP

The LOSAP (Length of Service Award Program) was created by NYS to provide the volunteer first responders with a pension like benefit based on their years of active service to the community. The defined benefit program was created by New York State and was adopted by the taxpayers of Mount Kisco. The first responders are represented by the Independent Fire Company of Mount Kisco, Mount Kisco Rescue Fire Police, Mutual Engine and Hose Company, and the Union Hook and Ladder Company.

Statement of Purpose

The Investment Policy Statement (IPS) sets forth the investment objectives, distribution policies, and investment guidelines that govern the investments of the LOSAP, including any parties to whom the LOSAP Board ("Board") has delegated investment management responsibility.

The investment policies contained herein have been formulated consistent with the anticipated needs and requirements of the LOSAP, and in consideration of the LOSAP's tolerance for investment risk.

Policies contained in this statement are intended to provide guidelines for ensuring that the investments are managed consistent with both the short-term and long-term financial goals and needs of the organization. At the same time, they are intended to provide for sufficient investment flexibility in the face of changes in capital market conditions and in the financial needs of the LOSAP.

The Board will review this Investment Policy Statement at least once per year. Changes to this IPS can be made only by a recommendation from a majority of the Board with adoption by the full Village Board of Trustees (Village Board). Written confirmation of any final changes will be provided to the Village Board, Board, and to any other parties hired on behalf of the management of the portfolio as soon as practical.

Overview of Investments

The LOSAP has one diversified portfolio that will be used over the long term to pay the pension-like benefits to its constituents with ongoing support from the Village of Mount Kisco.

Roles and Responsibilities

ROLE	GENERAL RESPONSIBILITY	SPECIFIC TASKS
Village Board of Trustees	Final oversight of investment policies with input from the LOSAP Board	- Acts as a fiduciary - Authorizes and approves changes to the Investment Policy Statement - Appoints LOSAP Board - Stays informed about investment performance

		- Ensures adherence to all regulatory guidelines - Has final authority to retain/dismiss Investment Advisor based on Recommendations from LOSAP Board - Choose actuary for managing LOSAP
LOSAP Board	Coordinates investment activities, and strategic initiatives	- Acts as a fiduciary - Oversees management of the Portfolio(s) - Coordinates periodic asset allocation reviews - Reviews and recommends revisions to the IPS - Reviews transactions and holdings to ensure compliance with IPS and investment goals are aligned with portfolio construction - Reports investment results to the Village Board on a regular basis - Recommends retaining/dismissing Investment Advisor - Monitors fees incurred on behalf of the Portfolio(s) for Reasonableness - Provides anticipated returns to actuary
Investment Advisor	Supports the Board in the development and execution of investment strategy	- Acts as a fiduciary - Consults on and complies with investment policy guidelines - Has full discretion to construct optimized investment portfolio within guidelines as defined in IPS - Rebalances as appropriate - Reports investment results to Board on a monthly basis - Provides capital markets / asset class information as needed and as stipulated in the IPS - Supports Board and internal staff requests - Chooses investments and retains/dismisses underlying investment and money managers

The Board must approve the asset allocation mix range for the accounts and any changes deemed necessary to the IPS. Changes to the IPS can be made only with a majority vote of the Village Board of Trustees.

The investment advisor has full discretion to invest based on the guidelines in the IPS.

Fiduciary Duty

The Board acts as a fiduciary, making decisions for the benefit of the LOSAP as a whole without other concerns or outside influence. All Board members, whether they are elected, appointed, or ex officio, have the same fiduciary duty under the law. This fiduciary duty has two components:

Duty of Loyalty

Under the duty of loyalty, Board members have the sole and exclusive responsibility to administer the Fund to ensure prompt delivery of benefits to members and their beneficiaries. In making every decision, the Board must act according to a three-pronged legal formula that balances the interests of the Fund's stakeholders: (1) solely in the interest of providing benefits to members and beneficiaries, (2) manage the assets to provide the highest risk-adjusted returns to minimize the net cost of the LOSAP program, and (3) to defray the expenses of administering the Fund. The Board's duty to members and their beneficiaries takes precedence over any other duty.

Duty of Prudence

Board members must discharge their duties with the care, skill, prudence, and diligence that a prudent fiduciary familiar with the matters and the circumstances of each particular decision would use in the conduct of a similar enterprise with like aims. The Board must diversify fund investments so as to minimize risk of loss and maximize the rate of return, unless under the circumstances it is clearly prudent not to do so. The Board may invest or delegate the authority to invest Fund assets through the purchase, holding, or sale of any form or type of investment, financial instrument, or financial transaction when prudent in the informed opinion of the Board.

Custody of Assets

Custody of the assets should be with a separate third party, and not the specific investment manager. The purpose is to ensure that the specific investment manager is not providing the actual statements/portfolio value, so that actual portfolio holdings and values are provided by a custodian. To provide further clarification, the third-party custodian can be a separate division affiliated with the investment manager, such as Vanguard as long as the actual statements are coming from that custodian.

Securities Guidelines and Constraints

LOSAP recognizes the importance of asset allocation and style diversification in the investment performance of the portfolio.

Investment managers are instructed to invest in diversified investment vehicles (i.e., funds) that meet the Asset Allocation guidelines as set below.

Direct investments in initial public offerings; derivatives, including options, warrants or futures; short sales; margin transactions; private placements; and unregistered stock are prohibited unless they are a small part of a broader investment managed by a 3rd party investment manager as part of a larger and diversified fund/investment strategy.

Using margin or other leverage on the portfolio is prohibited.

Investment Manager Selection Criteria

There are several considerations for selection of the investment manager:

- The investment style and strategy of the proposed investment manager.
- Past performance relative to appropriate benchmarks and performance rankings.
- The size of the organization as measured by assets under management.
- Level of experience, financial resources and staffing levels of the manager and the specific professional assigned to the LOSAP's account.
- Cost of services provided.

Reporting

The Investment manager shall provide monthly statements to the Board. In addition, the investment manager shall provide detailed quarterly reports including (but not limited to):

Asset Allocation

Total portfolio value, allocations to equity and fixed income, as well as the subcomponents of those categories (i.e., domestic/international equity or US Government /Corporate Investment Grade/Non-Investment Grade), and how that compares with the ranges in the investment policy statement.

Holdings Detail

Details of the equity and fixed-income portfolios for each fund/individual issue including, but not limited to, the following:

- a. Market value
- b. Names of securities/funds with tickers, as well as brief descriptions
- c. Percentage of portfolio allocated
- d. Cost basis
- e. Unrealized gain/losses
- f. Current dividend yield (equities) or yield to maturity/yield to call (fixed income).

Performance Summary

Investment performance for Domestic Equity, International Equity, and Fixed Income presented QTD, YTD, 1 year, 3-year, 5-year, and since inception.

- a. Sub-component benchmarks should be included to provide a comparison.
- b. The aggregate benchmark defined in the investment policy should be used to measure total portfolio performance.
- c. Sharpe ratio is to be provided at the total portfolio level to measure risk-adjusted returns overall. Sharpe ratio should be provided with the monthly, quarterly, and annual reports to the LOSAP. The annual reports should include the Sharpe ratio for the past 10 years, or since inception, whichever is shorter.

Graphs/Tables

- a. Value of portfolio with dollar value of contributions and withdrawals.
- b. Total realized/unrealized gains/losses.
- c. Investment performance vs relevant benchmark and net of fees.
- d. Internal expenses and management fees, including fees on underlying funds.
- e. Annual data should be presented since inception.

Additions to Investments

All cash additions will be invested consistent with the asset allocation guidelines, with considerations of any nearer term cash needs as provided from the Board.

Distribution Policy

Distribution needs will be provided to the investment manager as soon as practicable to allow for a smooth impact to the portfolio and asset allocation.

Policy Review and Monitoring

There will be regular reviews and monitoring as follows:

Monthly

- The Board will review and monitor monthly statements from the investment manager/custodian to ensure adherence to the policy guidelines and comparison of results to objectives and benchmarks.

Quarterly

- The Board will have a more detailed review, with a meeting (can be virtual) with the investment manager to monitor the manager's performance on a quarterly basis, including the manager's adherence to policy guidelines and comparison of results to objectives and benchmarks.

Annually

- The Board will annually review the IPS to ensure it addresses the long-term needs of the organization and the continued appropriateness of the asset allocation guidelines.
- The investment manager will meet annually with the LOSAP Board and any interested Village Trustees to present an analysis of the fund's performance.

Investment Portfolio

Objectives

The investment portfolio objective is to achieve long-term growth and protection of purchasing power.

The overriding goal is a portfolio that maximizes returns while staying within the risk parameters laid out by the IPS, with a specific target to exceed the weighted aggregate benchmark defined below. Specifically,

- The overall goal of the equity allocation is to meet or exceed the performance of a similarly structured equity index in line with the asset allocation objective over a 2+ year period on a risk-adjusted basis using the Sharpe ratio.
- The overall goal of the fixed income allocation is to exceed the risk-adjusted performance of the ICE BoAML 1 to 10 year Corporate/Government Bond Index over a 2+ year period on a risk-adjusted basis using the Sharpe ratio.

It is intended that a manager will prioritize returns after fees. To that end, a portfolio that is primarily invested using passive instruments is preferred, with active management reserved for specific investment classes where value/alpha is more likely to be added.

Risk Tolerance

The LOSAP will accept a prudent amount of risk to achieve its long-term target returns.

A moderate level of risk is taken to achieve the LOSAP's objectives and risk is managed through diversification, performance monitoring, manager selection and custodian selection. The diversification of the assets is meant to reduce the risk of wide swings in the market from year to year and the risk of large losses.

The Sharpe ratio will be used to measure risk adjusted returns.

Asset Allocation

Asset Class	Acceptable Range*	Benchmark
Equities	45% to 65%	
Domestic Equities		• 55% S&P 500 (with dividends) • 30% Russell 2000 (with dividends)
Large/Mid Cap	15% to 40%	
Small Cap	10% to 25%	
International	5% to 15%	• 15% MSCI EAFE
Alternatives**	0% to 10%	
Fixed Income	35% to 55%	
		• 100% ICE BoAML 1 to 10 year Corporate/Government Bond Index
Investment Grade		
Money Market	5% to 15%	
US Treasury/Agency	10% to 20%	
Corporate/Mortgage Backed	10% to 20%	
High Yield	0% to 10%	
* Percentages are relative to entire portfolio		
** Alternatives count towards Equity exposure		

Weighted Aggregate Benchmark

The weighted aggregate benchmark to compare to the overall performance of the portfolio is constituted as follows:

- 35% - S&P 500 (with dividends)
- 10% - Russell 2000 (with dividends)
- 10% - MSCI EAFE
- 45% - ICE BoAML 1 to 10 year Corporate/Government Bond Index