

LOCAL LAW NO. 3 OF 2024  
COUNTY OF ROCKLAND  
STATE OF NEW YORK

WOLFE/WIEDER: UNAN.

A local law in the County of Rockland repealing and replacing Local Law No. 11 of 2022.

Be it enacted by the Legislature of the County of Rockland as follows:

**Section 1 – Repeal and replacement of Local Law No. 11 of 2022.**

This local law repeals and replaces Local Law No. 11 of 2022 codified as a Laws of Rockland County, Chapter 23, Article I, in its entirety.

This local law will be codified as the Laws of Rockland County, Chapter 23, *Building Construction*, Article I, *Office of Buildings and Codes*, and will read and be codified as follows (additional material is underlined, removed material in ~~strikethrough~~):

**Article I. Office of Buildings and Codes**

**§ 23-1. Purpose and intent.**

A. The State of New York has directed that the County of Rockland assume enforcement of the building and fire safety in the Village of Spring Valley. This has occurred due to Spring Valley's failure to enforce those laws and rules, including in a fire that took the life of a Spring Valley firefighter. This forced the state to step in and direct the County to take this drastic measure.

(1) The County wants to specifically and expressly recognize that the powers of this article that concern the County's jurisdiction over Uniform and Energy Code enforcement in the Village of Spring Valley are only in effect for so long as the state mandates that arrangement.

- (2) The County has no wish to modify or supplant the traditional division of powers in municipal government, and insofar as possible, wishes to preserve the long-established roles of towns and villages under Municipal Home Rule in the County and as contemplated by the Constitution of the State of New York.
- (3) This article also contains provisions to release jurisdiction over Spring Valley's Uniform and Energy Code enforcement responsibilities when the state discontinues the authority. In the event that the state again assigns this power to the County, lawmakers will be required to consider this procedure again should a municipality or the state choose to seek the County's aid in a similar fashion.

B. This article 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) for the Village of Spring Valley, for which the County has been designated by the Secretary of State, pursuant to NYS Executive Law § 381(4), to provide building and fire inspection services. This power or jurisdiction in Spring Valley is limited in scope and time by the orders of the Secretary of State or December 31, 2024, whichever is sooner. When the Secretary of State relieves the County of this jurisdiction, as per the authority found in Executive Law § 381(4), the provisions of this article automatically expire.

### **§ 23-2. Acceptance of state standards and jurisdiction.**

- A. This undertaking is made in accordance with the provisions of the Executive Law of the State of New York and other applicable laws of the state. The New York State Uniform Fire Prevention and Building Code which requires the use of the latest National Electrical Code, including but not limited to the latest edition of the National Electrical Code, as promulgated by the National Fire Protection Association - as may be amended from time to time is hereby adopted and recognized as the official Building Construction Code of the County. Compliance with the standards set forth in that code will be designed to be prima facie evidence of compliance with the intent of this article.
- B. The County hereby assumes full responsibility for enforcing the provisions of Article 17 of the Labor Law relating to public safety, and the rules adopted thereunder by the Industrial Commissioner of the State of New York.

- C. Commencing on a date set by the NYS Secretary of State, and until further order of the Secretary vacating or modifying that order, the County is the code enforcement agency for the Village of Spring Valley pursuant to NYS Executive Law § 381. The County has the authority to enforce the codes described in § 23-2A and B in the manner specified in this article and any other law or court order on this subject that may apply.

### **§ 23-3. Definitions.**

As used in this article, the following terms 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 50 or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

#### **BUILDING CODE**

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

#### **BUILDING PERMIT**

Any permit, including any building permit, construction permit, demolition permit, or other permit that authorizes the performance of work under this article. The term "building permit" also includes a building permit which is renewed, amended or extended pursuant to any provision of this article.

#### **CERTIFICATE OF COMPLIANCE**

A document issued by the County stating that work was done in compliance with approved construction documents and the Codes.

#### **CERTIFICATE OF OCCUPANCY**

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

**CODE ENFORCEMENT PERSONNEL**

The Director of Buildings and Codes and all inspectors employed or retained by the Office of Buildings and Codes.

**COUNTY**

The municipal government of the County of Rockland.

**DIRECTOR or DIRECTOR OF BUILDINGS AND CODES**

The Director appointed pursuant to § 23-4 of this article.

**ENERGY CODE**

The New York State Energy Conservation Construction Code adopted pursuant to NYS Energy Law Article 11.

**EXECUTIVE LAW § 382**

New York State Executive Law § 382. See Appendix 1 for full text of Section 382. Regardless of the text of the Appendix, all references to Federal or State laws are to the most current version adopted by the applicable government body.

**FCNYS**

The 2020 Fire Code of New York State as currently incorporated by reference in effect and 19 NYCRR Part 1225.

**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 or retained by contract pursuant to § 23-4F 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 will not be considered mobile food preparation vehicles.

## **MULTIPLE DWELLING**

As defined by Multiple Dwelling Law § 4(7).

## **OPERATING PERMIT**

A permit issued pursuant to § 23-11 of this article. The term "operating permit" also includes an operating permit which is renewed, amended or extended pursuant to any provision of this article.

## **ORDER TO REMEDY**

An order issued by the Director of Buildings and Codes pursuant to § 23-17B of this article.

## **PERMIT HOLDER**

The person to whom a building permit has been issued.

## **PERSON**

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

## **PMCNYS**

The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

## **RCNYS**

The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

## **REPAIR**

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

## **STOP WORK ORDER**

An order issued pursuant to § 23-7 of this article.

## **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 OF OCCUPANCY**

A certificate issued pursuant to § 23-8D of this article.

## **UNIFORM CODES**

Collectively the NYS Uniform Fire Prevention and Building Code and the NYS Energy Conservation Construction Code.

### **§ 23-4. Director of Buildings and Codes, and inspectors.**

- A. An agency to be known as the "Office of Buildings and Codes" is hereby created.
- B. The Director of Buildings and Codes [hereinafter "Director"] is the head of such division.
- C. The Director will be appointed by the County Executive and will serve at the pleasure of the County Executive. The appointment of the Director is subject to confirmation by the County Legislature in the manner set forth in the Rockland County Charter § C2.06. The Director must possess the skills and knowledge necessary to supervise a governmental agency charged with Uniform and Energy Code compliance, and the enforcement of such codes, and such other qualifications as the County Executive may require. The Director is not required to be a certified inspector.
- D. The Director or such other appointing authority with jurisdiction may, as permitted by NYS Public Officers Law § 9, appoint an employee within the Office as a deputy. When the position of Director is vacant, or the Director is unavailable or unable to serve as such for any reason, the deputy will have and exercise all powers and fulfill all duties conferred upon the Director of Buildings and Codes by this article.

E. The Director must administer and enforce all the provisions of the Uniform Code, the Energy Code and this article, and such other duties and responsibilities as may be imposed by law, or required by the County Executive for the properties owned by the County within the Village of Spring Valley during the effective dates of this Local Law, subject to any modification permitted in § 23-22B, and in the municipal jurisdictions described in § 23-2. Among any others, the Director has the following powers and duties in these jurisdictions:

- (1) To receive, review, and within thirty (30) days of submission approve or disapprove applications for building permits, certificates of occupancy, temporary certificates of occupancy and operating permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue building permits, certificates of occupancy, temporary certificates of occupancy and operating permits, and to include in building permits, certificates of occupancy, temporary certificates of occupancy and operating permits such reasonable terms and conditions as the Director may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, temporary certificates of occupancy 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 article, with any re-inspections to be conducted within five (5) days of the applicant requesting it either in writing or by email;
  - (a) failure to comply with this time requirement will result in a refund of 10% of the original application fee to the applicant.
  - (b) failure of applicant to be available or prepared for scheduled re-inspection twice without notifying the assigned inspector at least two hours in advance and without good cause will result in a \$100 fee being charged to the applicant.
- (4) To issue stop work orders;
- (5) To review and investigate complaints regarding the matters within the scope of this article;
- (6) To issue orders as permitted by this article;
- (7) To maintain records of the Office;
- (8) To set and collect fees for the services rendered by the Office;
- (9) To conduct and pursue administrative enforcement actions and proceedings in the enforcement of this article;

- (10) In consultation with the County Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this article, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this article, or to collect fees or fines levied pursuant to this article;
- (11) Climatic and geographic design criteria.
- (a) The Director shall determine the climatic and geographic design criteria for buildings and structures constructed within the geographical jurisdiction of this article (i.e., within the Village of Spring Valley) 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:
- (b) 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;
- (c) 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
- (d) 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:
- [1] The accompanying Flood Insurance Rate Map (FIRM);
- [2] Flood Boundary and Floodway Map (FBFM); and
- [3] Related supporting data along with any revisions thereto.
- [4] The Director shall prepare a written record of the climatic and geographic design criteria determined pursuant to Subsection (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.



- (12) To promulgate such rules and regulations as may be necessary to implement this article for approval and adoption by the Rockland County Legislature. Upon adoption and approval of such rules and regulations, they must be duly filed with the Rockland County Legislature and the Directors. The Director must promulgate administrative hearing procedures by which civil penalties and other relief authorized by this Article may be assessed, which procedures must be approved and adopted by the Rockland County Legislature and included in the rules and regulations of the Office of Buildings and Codes.
- (13) To exercise all other powers and fulfill all other duties conferred upon the Director of Buildings and Codes by this article; and
- (14) To the extent permitted by law, to delegate any of the powers or duties described in this article or granted to the Director by law to any person employed in the Office or contracted by the County to serve the Office. Notwithstanding the foregoing, the Director may not delegate the power and duty to make final determinations of fact and law, except where this article or other lawful authority provides a specific exception.

F. One or more inspectors may be appointed, or retained by contract, by the Director to act under the Director's supervision and direction, to assist the Director in the exercise of the powers and fulfillment of the duties conferred upon the Director by this article. Each inspector must, 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 will require for code enforcement personnel, and each inspector must obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

G. The County may enter into agreements with private persons or public entities for those persons or entities to supply services for any operation of the Office of Buildings and Codes other than the Director or any other position for which it would be a violation of law.

**§ 23-5. Building permits.**

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit is required for any work which must conform to the Uniform Codes, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney, or flue in any dwelling unit. No person may commence any work for which a building permit is required without first having obtained a building permit. Such permit will not be unreasonably withheld and must be timely issued as follows:

- (1) Upon receipt of a proposed application, the Director has ten (10) business days to accept or reject the proposed application.
- (2) The application may be rejected if it is incomplete or the information in the application is inaccurate. if the application is initially rejected as incomplete, the Director must provide a written explanation within two (2) business days explaining what is missing or otherwise required to make the application complete and accurate.
- (3) If the application is complete and the information in the application is accurate, the Director must take such steps as may be necessary to approve, require modification, or disapprove the application. If the Director is unable to make a determination on an application within 20 business days of submission, the Director must provide applicant with a written letter explaining the reason for the delay, and provide a date by which a determination will be made on the application, and said date may be no more than 60 days from the original date of submission;
- (4) approval of submitted applications cannot be unreasonably withheld;
- (5) Disapprovals and modifications must be accompanied by a written determination stating the facts and law supporting the Director's disapproval determination and offering an opportunity for the applicant to make corrections to the application. Upon resubmission, the Director will have the opportunity to reject or accept the amended application pursuant to the process set forth in subsection 23-5A(1)-(4). If the amended application is accepted, any disapproval must follow the procedure of this subsection;

- (6) upon resubmission of an amended application, the application cannot be disapproved or modified again based upon new reasons that could have been provided upon the submissions accompanying the prior application. However, the amended application must be complete and free of factual inaccuracies and contain any previously required modifications. If the amended application is complete and accurate, it must be accepted.
- (7) failure of the Director to comply with the deadlines of this section shall result in the refund of 35% of the original application fee to the applicant.

B. Exemptions. No building permit will be required for work in any of the following categories:

- (1) Construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet;
- (2) Construction of temporary sets and scenery associated with motion picture, television and theater;
- (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 the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (8) Repairs, provided that the work does not have an impact on fire and life safety, such as, impact upon:
  - (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 non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section is not deemed an authorization for work to be performed in violation of the Uniform Codes.

D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Director. The application must be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application must include such information as the Director deems sufficient to permit a determination by the Director that the intended work complies with all applicable requirements of the Uniform Codes. The application must include or be accompanied by the following information and documentation:

- (1) A description of the location, nature, extent, and scope of the proposed work;
- (2) The tax map number and the street address of any affected building or structure;
- (3) The occupancy and/or use classification of any affected building or structure;
- (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Codes; and
- (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 Uniform 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) Include a site plan, if required by the local planning authority, 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 NYS Education Law Article 147 or a licensed and registered professional engineer in accordance with NYS Education Law Article 145 and practice guidelines thereto, including but not limited to:
  - [1] The design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way;
  - [2] The design professional's registration expiration date;
  - [3] The design professional's firm name (if not a sole practitioner); and
  - [4] 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 § 23-5D(5). Construction documents which are accepted as part of the application for a building permit must be marked as accepted by the Director in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents must be retained by the Director, and one set of the accepted construction documents must 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 will not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work must not be commenced until and unless a building permit is issued.

- F. Issuance of building permits. An application for a building permit must be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Codes. The Director must issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Codes. Such permit must not be unreasonably withheld and must be timely issued in accordance with § 23-5A.
- G. Building permits to be displayed. Building permits must be visibly displayed at the work site and must remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work must 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 must contain such a directive. The permit holder must immediately notify the Director of any change occurring during the course of the work. The building permit must contain such a directive. If the Director determines that such change warrants a new or amended building permit, such change must 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 12 months following the date of issuance. Building permits will expire 24 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Director.
- J. Revocation or suspension of building permits. If the Director determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information provided in bad faith or with malice by the applicant or his/her agent or hired professional, or in violation of the standards of any licensed profession, or that the work for which a building permit was issued violates the Uniform Codes, the Director may 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 Codes; and
  - (2) All work then proposed to be performed must be in compliance with all applicable provisions of the Uniform Codes.

K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 23-18 of this article must be paid in a form acceptable to the Director, at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

**§ 23-6. Construction inspections.**

A. Work to remain accessible and exposed. Work must remain accessible and exposed until inspected and accepted by the Director or by and inspector authorized by the Director. The permit holder must notify the Director when any element of work described in Subsection C of this section is ready for inspection.

B. Once the Director or an authorized inspector delegated by the Director is notified, the work must be inspected within five (5) business days. If the Director or authorized inspector fails to comply with this time requirement the applicant will be entitled to a refund of 10% of the original application fee.

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

- (1) Work site prior to the issuance of a building permit;
- (2) Footing and foundation;
- (3) Preparation for concrete slab;
- (4) Framing;
- (5) 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.
- (10) Installation, connection, and assembly of factor manufactured buildings and manufactured homes;
- (11) A final inspection after all work authorized by the building permit has been completed.

- D. Remote inspections. At the discretion of the Director or an 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 Director 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 Director or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Codes. Should a remote inspection not afford the Director or such authorized inspector sufficient information to make a determination, an in-person inspection must be performed.
  
- E. Inspection results. After inspection, the work or a portion thereof will be noted as satisfactory as completed or the permit holder will be notified as to the manner in which the work fails to comply with the Uniform Codes, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Codes must remain exposed until such work has been brought into compliance with all applicable provisions of the Uniform Codes, reinspected, and found satisfactory as completed.
  
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 23-18 of this article must be paid, in a form acceptable to the Director, prior to or at the time of each inspection performed pursuant to this section.

#### **§ 23-7. Stop work orders.**

- A. Authority to issue. The Director is authorized to issue stop work orders pursuant to this section. The Director may issue a stop work order to halt:
  - (1) Any work that is determined by the Director to be contrary to any applicable provision of the Uniform Codes, 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 any work that is being conducted in a dangerous or unsafe manner in the opinion of the Director, 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 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.
- (3) Where there is imminent danger to life, safety, or health at a building site, Code Enforcement Personnel may issue stop work orders without awaiting a determination from the Director.

B. Content of stop work orders. Stop work orders must:

- (1) Be in writing;
- (2) Be dated and signed by the Director;
- (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.

- (1) The Director will 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, upon the permit holder, personally or by certified mail.
- (2) In the event that the Director cannot serve the owner at the address described on the building permit application, or if no building permit application was made for the property, the Director may serve the owner by certified mail at the address listed for the assessed owner of the property on file with the Tax Assessor for the Town in which the property is located.
- (3) The Director is 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 certified mail; provided, however, that failure to serve any person mentioned in this sentence will 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 must immediately cease all work which is the subject of the stop work order.

- E. Remedy not exclusive. The issuance of a stop work order is not the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop work order may 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 § 23-17 of this article or under any other applicable article 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.

**§ 23-8. Certificates of occupancy and certificates of compliance.**

A. Certificates of occupancy and certificates of compliance required.

- (1) A certificate of occupancy or certificate of compliance will 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.
- (2) Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued will be granted only by issuance of a certificate of occupancy or certificate of compliance.

B. Issuance of certificates of occupancy and certificates of compliance.

- (1) The Director must 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 Codes and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Codes.
- (2) Pursuant to § 23-6B(11), the Director or an inspector authorized by the Director shall inspect the building, structure or work prior to the issuance of a certificate of occupancy or certificate of compliance. The Director must send the applicant email or written notification that the property has or has not passed final inspection within five (5) business days after the inspection.
- (3) 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 Director, at the expense of the applicant for the certificate of occupancy or certificate of compliance, must be provided to the Director prior to the issuance of the certificate of occupancy or certificate of compliance:

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

C. Contents of certificates of occupancy and certificates of compliance. A certificate of occupancy must 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) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) Any special conditions imposed in connection with the issuance of the building permit; and
- (10) The signature of the Director and the date of issuance.

D. Temporary certificate of occupancy.

- (1) The Director is authorized 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 may the Director issue a temporary certificate of occupancy unless the Director determines:
  - (a) That the building or structure, or the portion thereof covered by the temporary certificate of occupancy, may be occupied safely;
  - (b) 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 are operational; and

- (c) That all required means of egress from the structure have been provided.
  - (2) The Director may include in a temporary certificate of occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the in the building or structure.
  - (3) A temporary certificate of occupancy will be effective for a period of time, not to exceed six (6) months, which will be determined by the Director and specified in the temporary certificate of occupancy.
  - (4) Temporary certificates of occupancy may be renewed for a period of time not to exceed six (6) months per renewal, for a maximum of three (3) renewals for up to two (2) years in total.
  - (5) During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Codes.
- E. Revocation or suspension of certificates. If the Director determines that a certificate of occupancy, certificate of compliance, or a temporary certificate was issued in error because:
- (1) Of incorrect, inaccurate or incomplete information provided in bad faith or with malice by the applicant or his/her agent or hired professional; and
  - (2) If the relevant deficiencies are not corrected to the satisfaction of the Director within such period of time as specified by the Director; then
  - (3) The Director may revoke or suspend such certificate.
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 23-18, Fees, of this article must be paid at the time of submission of an application for a certificate of occupancy, certificate of compliance, or temporary certificate of occupancy.

**§ 23-9. Notification regarding fire or explosion.**

The chief of any fire department providing firefighting services for a property within this jurisdiction of this article must promptly notify the Director of Buildings and Codes of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

**§ 23-10. Unsafe buildings, structures and equipment, and conditions of imminent danger.**

- A. Identification of dangerous buildings. All buildings or structures which have one or more of the following defects will be deemed dangerous buildings:
- (1) Those whose exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
  - (2) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
  - (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
  - (4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the village.
  - (5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
  - (6) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
  - (7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
  - (8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
  - (9) Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the public.

- B. Dangerous buildings declared nuisances. All dangerous buildings within the terms of § 23-10A are hereby declared to be public nuisances and must be repaired, vacated or demolished as hereinbefore and hereinafter provided.
- C. Standards for repair, vacation or demolition. The following standards must be followed in substance by the Director in ordering repair, vacation or demolition:
- (1) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this section, it will be ordered repaired.
  - (2) If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
  - (3) In any case where a dangerous building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it must be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any provision of this Code or statute of the State of New York, it must be demolished.
- D. Powers and duties of the Director with respect to unsafe buildings. The Director has the authority to:
- (1) Inspect or cause to be inspected semi-annually all public buildings, halls, theaters, hotels, houses of worship, multiple dwellings or commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of this section.
  - (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter. The Director may only inspect based upon a complaint if the complaint contains sufficient information to justify a search warrant if one was sought.
  - (3) Inspect any building, wall or structure reported, as hereinafter provided for, by or pursuant to an official fire department call as probably existing in violation of the terms of this section.

- (4) Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building, as shown by the land records of the Rockland County Clerk, by delivery of a "notice of unsafe structure" of any buildings found by him to be a dangerous building within the standards set forth in § 23-10A that:
- (a) The owner must vacate or repair or demolish said building in accordance with the terms of the notice and this section;
  - (b) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; and
  - (c) The mortgagee agent or any other person having an interest in said building, as shown by the land records of the Rockland County Clerk, may at that person's own risk repair, vacate or demolish said building or have such work or act done, provided that any person notified under this subsection to repair, vacate or demolish any building must be given such reasonable time as may be necessary to do or have done the work or act as required by the notice provided for herein.
- (5) Set forth in the notice of unsafe structure provided for in Subsection D(4) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time as is reasonable.
- (6) Post a notice on all buildings or structures deemed dangerous under this section, reading as follows:
- (a) This building/structure has been found to a dangerous building by the Rockland County Director of Buildings and Codes. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building, as shown by the land records of the Rockland County Clerk. It is unlawful to remove this notice until such notice is complied with.

- (7) Along with the Notice of Unsafe Structure, the Director must provide a form to request a hearing.
- E. Hearing. An owner or lessee will be granted a hearing, upon written request to the Director, within 10 days after service of Notice of Unsafe Structure. This hearing will be conducted pursuant to administrative rules and regulations promulgated by the Director and adopted by the Rockland County Legislature, and the decision upon the conclusion of the proceeding will be final.
- F. Duties of Director with respect to this section.
- (1) Notice to appear before Director. The Director must give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said buildings, as shown by the land records of the Rockland County Clerk, to appear before the Director's tribunal on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Director's notice of unsafe structure required by § 23-10D(5).
- (2) Hearing. A hearing officer will hold a hearing and hear such testimony as may be offered on behalf of the Office of Buildings and Codes, or the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as shown by the land records of the Rockland County Clerk, may offer relative to the dangerous building.
- (3) Findings of fact. The Hearing Officer must make a recommendation to the Director which will consist of written findings of fact from the testimony offered pursuant to § 23-10E(2) as to whether the building in question is a dangerous building within the terms of
- (4) Order to correct condition. Based upon the recommendation of the hearing officer, the Director must issue an order based upon findings of fact made pursuant to § 23-10E(3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown by the land records of the Rockland County Clerk, to repair, vacate or demolish any building found to be a dangerous building within the terms of this chapter



- (5) Any person so notified will have the privilege of vacating or repairing said dangerous building, and – except the owner(s) of said dangerous building, as shown by the land records of the Rockland County Clerk – may demolish said dangerous building at his/her own risk to prevent the County acquiring a lien against the land upon which said dangerous building stands, as provided in Subsection E(5) of this section.
- (6) Correction of condition by County; lien created.
  - (a) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in § 23-10E(4) or begin required repairs within ten (10) days, the Director may cause such building or structure to be repaired, vacated or demolished, as the facts may warrant, under the standards provided for in § 23-10C. The owner will be considered in compliance with the order if the building is no longer deemed a “dangerous building” pursuant to Subsection A of this section, regardless of whether other technical violations still exist.
  - (b) The Director may further, with the assistance of the County Attorney, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax rolls as an assessment or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner.
  - (c) Notwithstanding the powers and duties provided in § 23-10E(5)(a) and (b), in cases where such procedure is, in the sole discretion of the Director, desirable, the Director may notify the County Attorney to seek injunctive relief pursuant to § 23-17 to enforce the order of the Director issued pursuant to § 23-10E(4).

G. Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished, the Director must report such facts to the County Executive. The County Executive may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building may be collected in the same manner as provided in § 23-10E(5).

- H. Notice to absent owners. In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the County, all notices or orders provided for herein must be sent by certified mail to the owner, occupant, lessee or mortgagee and all other persons having an interest in said building, as shown by the land records of the Rockland County Clerk, to the last known address of each, and a copy of such notice will be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting will be deemed adequate service in all legal or administrative proceedings brought under this section.
- I. Administrative liability. No officer, agent or employee of the County will be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the furtherance of the provisions of this chapter.
- J. Penalties for offenses.  
Any owner, agent, occupant or lessee who disregards any notice or order issued pursuant to the provisions of this chapter or removes the same may be subject to both civil and criminal penalties as well as any other authorized legal action brought by the County pursuant to § 23-17.

#### **§ 23-11. Operating permits.**

- A. Operating permits required. Operating permits are 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 FCNYS, Chapter 50, or as such tables may be amended or updated by the State of New York;
  - (2) Buildings, structures, facilities, processes and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
    - (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 FCNYS, Chapter 24;

- (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 FCNYS, Chapter 31;
- (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 NYS Penal Law § 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 or other substances from any surface 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 any County or Village of Spring Valley local law, that may now be in effect or promulgated or as may be amended from time to time.

- (3) Energy storage systems, where the system exceeds the values shown in FCNYS Table 1206.1 or exceeds the permitted aggregate ratings in RCNYS section R327.5;
- (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 § 23-14 of this article;
- (8) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by a resolution adopted by the Legislature of the County of Rockland; and
- (9) Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Legislature of County of Rockland.

B. Any person who proposes to undertake any activity or to operate any type of building listed in Subsection A is required to obtain an operating permit prior to commencing such activity or operation.

C. Applications for operating permits. An application for an operating permit must be in writing on a form provided by or otherwise acceptable to the Director. Such application must include such information as the Director deems sufficient to permit a determination by the Director that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Director determines that tests or reports are necessary to verify conformance, such tests or reports must be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Director, at the expense of the applicant.

D. Inspections. The Director or an inspector authorized by the Director must inspect the subject premises prior to the issuance of an operating permit. Such inspections may be performed either in-person or remotely.

- (1) Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Director or an Inspector authorized by the Director, 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 Director or Inspector authorized by the Director that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program.

- (2) Should a remote inspection not afford the County sufficient information to make a determination, an in-person inspection must be performed. Within five (5) business days after inspection, if the premises are noted as satisfactory, the operating permit shall be issued. If the premises are not satisfactory, or the operating permit holder shall be notified in writing 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. Failure to comply with this time requirement will result in a refund of 10% of the original application fee to the applicant.
- 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 Director may require a separate operating permit for each such activity, or the Director may, in his or her discretion, issue a single operating permit to apply to all such activities.
- F. Duration of operating permits. Operating permits remain in effect until reissued, renewed, or revoked and will be issued for a specified period of time consistent with local conditions, but in no event to exceed:
- (1) One hundred eighty (180) days for tents, special event structures, and other membrane structures;
  - (2) Sixty (60) days for alternative activities at a sugarhouse;
  - (3) Three (3) years for the activities, structures, and operations determined per § 23-11A(9); and
  - (4) One (1) year for all other activities, structures, and operations identified in Subsection A of this section not otherwise specifically described in § 23-11F(1), (2), or (3).
- G. Revocation or suspension of operating permits. If the Director 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 may be revoked or suspended.
- H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 23-18 must be paid, in a form satisfactory to the Director, at the time submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

**§ 23-12. Fire safety and property maintenance inspections.**

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures must be performed by the Director or an inspector designated by the Director at the following intervals:
- (1) At least once every 12 months for buildings which contain an assembly area.
  - (2) At least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
  - (3) At least once every 36 months for multiple dwellings and all nonresidential occupancies.
- B. Remote inspections. At the discretion of the Director 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 Director 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 Director 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 Director or such authorized inspector sufficient information to make a determination, an in-person inspection will be performed.
- C. New York State Office of Fire Prevention and Control ("OFPC") Inspections. Nothing in this section or in any other provision of this article supersedes, limits or impairs the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or any other authorized entity under NYS Executive Law § 156-e and NYS Education Law § 807-b or any other authorized entity. Notwithstanding any other provision of this section to the contrary, the Director may accept an inspection performed by the OFPC or other authorized entity pursuant to NYS Education Law §§ 807-a and 807-b and/or NYS Executive Law § 156-e, in lieu of a fire safety and property maintenance inspection performed by the Director, provided that:

- (1) The Director is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2) The Director 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 Director; and
- (5) Upon receipt of each such report, the Director takes the appropriate action prescribed by § 23-17.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 23-18 must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

### **§ 23-13. Complaints.**

A. The Director has the authority, in the Director's discretion, to review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Codes, this article, or any other article or regulation adopted for administration and enforcement of the Uniform Codes. The process for responding to a complaint may include such of the following steps as the Director deems to be appropriate:

- (1) Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (2) If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 23-17;
- (3) If appropriate, issuing a stop work order in the manner described in § 23-7;
- (4) If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

**§ 23-14. Condition assessments of parking garages.**

A. Definitions. For the purposes of this section:

**CONDITION ASSESSMENT**

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;

**DETERIORATION**

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;

**PARKING GARAGE**

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:

- (1) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
- (2) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
- (3) A townhouse unit with attached parking exclusively for such unit.

**PROFESSIONAL ENGINEER**

An individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

**RESPONSIBLE PROFESSIONAL ENGINEER**

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" is not to 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.



## UNSAFE CONDITION

The conditions identified as "unsafe" in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

## UNSAFE STRUCTURE

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, or any condition described in § 23-10 of this article.

- B. Condition assessments - general requirements. The owner operator of each parking garage must cause such parking garage to undergo an initial condition assessment as described in Subsection 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 must be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment must be prepared, and provided to the County, 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 must review all available previous condition assessment reports for such parking garage.
- C. Initial condition assessment. Parking garages constructed on or after August 29, 2018 must undergo an initial condition assessment following construction and prior to a certificate of occupancy being issued for the structure.
- D. Periodic condition assessments. Following the initial condition assessment of a parking garage, such parking garage must 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 Director has the authority to require the owner or operator of such parking garage to 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 Director becomes aware of any new or increased deterioration which, in the judgment of a professional engineer, 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 Director has the authority to require the owner or operator of such parking garage to 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 Director to be appropriate.

F. Condition assessment reports. The responsible professional engineer must prepare, or directly supervise the preparation of, a written report of each condition assessment, and must submit such condition assessment report to the Director within 45 days. Such condition assessment report must be sealed and signed by the responsible professional engineer, and must include:

- (1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) An evaluation and description of the unsafe conditions;
- (4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
- (6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
- (7) The responsible professional engineer's recommendation regarding preventative maintenance;

- (8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
- (9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer must 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 his or her professional judgment.

G. Review condition assessment reports. The Director has the authority to 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 Director may, by order to remedy or such other means of enforcement authorized by this Article as the Director 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 § 23-14F(2) and (3). All repairs and remedies must comply with the applicable provisions of the Uniform Code. This section does not limit or impair the authority of the Director to take any other enforcement action authorized by this Article, 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 Director must 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 Director with a written statement attesting to the fact that he or she has been so engaged, the Director must make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer.

I. This section does not limit or impair the right or the obligation of the Director:

- (1) To perform such construction inspections as are required by § 23-6;
- (2) To perform such periodic fire safety and property maintenance inspections as are required by § 23-12; and/or
- (3) To take such enforcement action or actions authorized by this Article as may be necessary or appropriate to respond to any condition that comes to the attention of the Director by means of the Director's or an inspector's own inspections or observations or by means of a complaint.

**§ 23-15. Record keeping.**

A. The Director must keep permanent official records of all transactions and activities conducted by the Office of Buildings and Codes and 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, temporary certificates, stop work orders, and operating permits issued;
- (4) All inspections and tests performed;
- (5) All statements and reports issued;
- (6) All complaints received;
- (7) All investigations conducted;
- (8) All condition assessment reports received;
- (9) All fees charged and collected; and
- (10) All other features and activities specified in or contemplated by this article.
- (11) Proof of service of all Notices, Violations, Appearance Tickets and Orders.

B. All such records are public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, must be retained for at least the minimum time period so required by state law and regulation.

**§ 23-16. Program review and reporting.**

- A. The Director must annually, by March 1, submit to the Legislature of this County a written report and summary of all business conducted by the Director, including a report and summary of all transactions and activities described in § 23-15 and a report and summary of all appeals or litigation pending or concluded.
- B. The Director shall annually submit to the Secretary of State, on behalf of this County, on a form prescribed by the Secretary of State, a report of the activities of this County relative to administration and enforcement of the Uniform Code.
- C. The Director shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials that this County is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

**§ 23-17. Violations, remedies and penalties.**

- A. Notice of Violation.
  - (1) The Director or any inspector may issue a Notice of Violation at any time, by a process to be contained in the Rules and Regulations promulgated by the Directors and approved by the Rockland County Legislature. The purpose of a Notice of Violation is solely to provide immediate notice that an inspector has detected violations at an inspection of a property.
  - (2) Inclusion or exclusion of a violation on a Notice of Violation is not dispositive of the existence or non-existence of a violation. The failure to include a violation on a Notice of Violation is not a bar to its inclusion on later notices or orders.
- B. Orders to remedy. The Director 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.

- (1) An order to remedy must be in writing; must be dated and signed by the Director; must specify the condition or activity that violates the Uniform Codes or this Article; must specify the provision or provisions of the Uniform Codes or this Article that the Director has determined to have been violated by the specified condition or activity; and must 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 30 days after the date of this order to remedy. If that date falls on a weekend or holiday, specify the next available working day].

- (2) The order to remedy may include provisions ordering the person or entity served with such order to remedy:

- (a) 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 15 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 30 days of the date of such order to remedy; and/or
- (b) 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, article or ordinance, and which the Director may deem appropriate, during the period while such violations are being remedied.
- (c) In the case where the violations issued do not pertain to unsafe buildings, the person served may request and be automatically granted a 30-day extension of time to remedy the violations. Subsequently, the person served may request additional time to remedy the violations, which the Director cannot unreasonably deny.

- (3) The Director will cause the order to remedy, or a copy thereof, to be served on the owner of the affected property personally or by certified mail within five (5) days after the date of the order to remedy is issued. In the event that the Director cannot serve the owner by mail at the address described on the building permit application, or if no building permit application was made for the property, the Director may serve the owner by mailing the order by certified mail and by first-class mail, to the address listed for the assessed owner of the property on file with the tax assessor for the town in which the property is located.
- (4) The Director is 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 days after the date of the order to remedy; provided, however, that failure to serve any person mentioned in this subsection will not affect the efficacy of the compliance order.

C. Appearance tickets.

- (1) Pursuant to Executive Law § 382, the Director may refer for criminal prosecution any person who fails to comply with the terms of any Notice of Unsafe Structure, provided for herein in § 23-10D(4) and (5), the order to correct a condition provided for in § 23-10F(4), or Order to Remedy provided for in § 23-17B with the criminal penalty for such violation being set forth below.
- (2) The Director and each inspector are authorized to issue appearance tickets for said failure to comply.
- (3) Criminal penalties. Any owner, agent, occupant or lessee who disregards any notice or order issued pursuant to the provisions of this chapter or removes the same shall be punished as follows pursuant to Executive Law § 382(2).

D. Civil penalties.

- (1) In addition to those penalties prescribed by state law, 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, temporary certificate, stop work order, operating permit or other notice or order issued by the Director of Buildings and Codes pursuant to any provision of this article, shall be liable to a civil penalty, to be determined by a process promulgated by the Director and adopted by the Rockland County Legislature, of not more than \$2,000 for each day or part thereof during which such violation continues.
- (2) The civil penalties provided by this subdivision are recoverable in an action instituted in the name of this County.

E. Injunctive relief.

- (1) Where the construction or use of a building or structure is in violation of any provision of the Uniform Codes, this article, or any stop work order, order to remedy or other order obtained under the Uniform Codes or this article, an action or proceeding may be instituted in the name of this County, in a court of competent jurisdiction:
  - (a) to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Codes, this article, or any term or condition of any building permit, certificate of occupancy, temporary certificate of occupancy, stop work order, operating permit, order to remedy, or other notice or order issued by the Director pursuant to any provision of this article;
  - (b) to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.
- (2) No action or proceeding described in this subdivision can be commenced without the appropriate authorization from the Director and the County Attorney.
- (3) Suits to collect expenses. The Director, upon authorization of the County Executive, may bring suit with the aid of the County Attorney, to collect all municipal liens, assessments or costs incurred by the County in repairing or causing to be vacated or demolished dangerous buildings. The County may also seek to recover reasonable attorney's fees in cases of an action to recover costs incurred where the County had to repair or demolish dangerous buildings.



F. Remedies not exclusive.

- (1) No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section.
- (2) 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 § 23-7, in any other section of this article, or in any other applicable law.

G. Any remedy that may be taken against an owner of property may, in the discretion of the Director, be taken against a tenant or occupant of the property, if the violation requiring the remedy was caused by the acts or omissions of the tenant or occupant and affects the property over which the tenant has control and supervision.

H. Should a violation arise from the abandonment of property by an owner, the County may cause the property to be brought into compliance with this article and the costs of such remedy may be borne by the property owner. In the event that the property owner fails to pay in a timely fashion, the County may levy the cost to the owner on the next tax bill.

**§ 23-18. Fees.**

- A. A fee schedule must be established by a regulation adopted by the Rockland County Legislature upon recommendation of the Director. Such fees will be designed to cover the projected budget of the Office for the following fiscal year.
- B. The Director is charged to report each March 1, to the County Executive and the County Legislature on the fees collected and the expenses of the Office. That annual report must also make an analysis of the fee structure of the program described above and advise the County government and the public of the fee structure for the coming year based on any surplus generated from fees collected during the previous year.
- C. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule may be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, temporary certificates, operating permits, fire safety and property maintenance inspections, and other actions of the Director of Buildings and Codes described in or contemplated by this article.

- D. Payment of any and all fees may be made by personal check, bank check, cashier's check, money order, or credit card, but no one specific form of payment shall be required.

**§ 23-19. Intermunicipal agreements.**

The County Legislature of this County may, by resolution, authorize an agreement, in the name of this County, 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.

**§ 23-20. Uniform and Energy Code compliance for buildings used for county purposes within the Village of Spring Valley.**

Where code inspections, complaints, permits, or other issues arise from the construction or condition of buildings owned by the County within the Village of Spring Valley, all provisions of this article apply. Notwithstanding the foregoing, the County will not be subject to the fines and penalties described by §§ 23-10, 23-11, 23-13, 23-17, or 23-18.

**§ 23-21. Severability.**

If any section of this article 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 article.

**§ 23-22. Effective date and sunset provision.**

- A. This article has no retroactive effect and will take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.
- B. Under no circumstances will this article have effect, at any time that the County is not designated to enforce Uniform and Energy Codes in the Village of Spring Valley pursuant to NYS Executive Law § 381(4) or extend beyond December 31, 2024, whichever is sooner.

**Section 2. Determination on referenda.**

Upon the advice of the County Attorney, we determine that this local law does/does not require a referendum. It is a law in exercise of the police powers as per NYS Municipal Home Rule Law § 10, and does not refer to any subject matter described in §§ 23 of 24, or any other law, rule or regulation requiring a permissive or mandatory referendum.

**Section 3. Appendix.**

This local law must an appendix designated as "Appendix 1", and entitled "Text of NYS Executive Law § 382(2)". The Appendix is composed of the most current text of those sections of New York State law, as codified, that are referenced in this local law. This appendix must be updated from time to time to reflect changes in the relevant New York State laws.

**Section 4. Effective date**

This local law will be effective immediately upon its filing with the NYS Secretary of State.

1/18/24 ELY  
1/24/24 ELY  
1/25/24 ELY  
1/26/24 ELY  
1/29/24 TH  
1/29/24 ELY  
1/31/24 ELY  
2/1/24 TH  
2/2/2024, 2/7/2024/dmg

## Appendix 1

### NYS Executive Law 382(2)

2. Any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the uniform fire prevention and building code, who shall fail to comply with such order within the time fixed by the regulations promulgated by the secretary pursuant to subdivision one of section three hundred eighty-one of this article, such time period to be stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the uniform code or any lawful order of a local government, a county or the secretary made thereunder regarding standards for construction, maintenance, or fire protection equipment and systems, shall be punishable by a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both for the first one hundred eighty days, and for the following one hundred eighty days shall be punishable by a fine of no less than twenty-five dollars and not more than one thousand dollars per day of violation or imprisonment not exceeding one year, or both and thereafter shall be punishable by a fine of no less than fifty dollars and not more than one thousand dollars per day of violation or imprisonment not exceeding one year, or both.

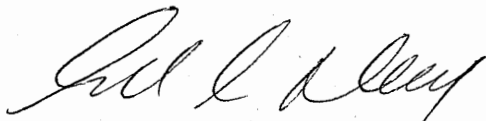
STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF ROCKLAND )

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 6<sup>th</sup> day of February 2024 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

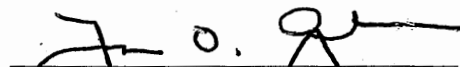
I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 7<sup>th</sup> day of February 2024.

Date sent to the County Executive:  
February 7, 2024



Edwin J. Day, County Executive  
County of Rockland

  
\_\_\_\_\_  
Laurence O. Toole, Clerk  
Rockland County Legislature

2/7/24

\_\_\_\_\_  
Date