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- County
- City of BRIARCLIFF MANOR
- Town
- Village

Local Law No. 1 of the year 20 08

A local law TO AMEND CHAPTER 90 OF THE BRIARCLIFF MANOR CODE WITH RESPECT
(Insert Title)
 TO ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM
 FIRE PREVENTION AND BUILDING CODE

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

- County
- City of BRIARCLIFF MANOR as follows:
- Town
- Village

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**A LOCAL LAW AMENDING THE
VILLAGE CODE OF THE VILLAGE
OF BRIARCLIFF MANOR WITH
RESPECT TO THE ADMINISTRATION
AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM
FIRE PREVENTION AND BUILDING
CODE**

Be it enacted by the Village Board of Trustees of the Village of Briarcliff Manor, as follows:

Section 1. Chapter 90 of the Village Code of the Village of Briarcliff Manor is hereby amended to read as follows:

“Chapter 90, BUILDING CONSTRUCTION AND FIRE PREVENTION

ARTICLE I, Administration and Enforcement

§ 90-1. Title.

This chapter shall be known as the "Village of Briarcliff Manor Building Construction and Fire Prevention Administration and Enforcement Law."

§ 90-2. Intent.

It is the intent of this chapter to provide for the administration and enforcement of the provisions of the New York State Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code of the State of New York, and all laws, codes, ordinances, regulations and orders applicable to:

A. The location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures and appurtenances located in the Village.

B. Fire prevention and fire safety regulations consistent with generally accepted standards and state recognized good practices for the safeguarding of life and property from the hazards of fire and explosion arising from hazardous conditions in the use or occupancy of buildings or premises and from the storage and use of hazardous substances, materials and devices.

§ 90-3. Adoption of standards.

The Village Board hereby adopts the New York State Uniform Fire Prevention and Building Code (the "Uniform Code") and the State Energy Conservation Construction Code (the "Energy Code"), henceforth collectively referred to as the "Codes of the State of New York," and all subsequent amendments thereto.

§ 90-4. Building Department.

A. The Building Department of the Village is hereby created and the official in charge thereof shall be known as the "Building Inspector," who shall be appointed by the Board of Trustees.

B. Necessary assistants may be appointed by the Village Manager, and an Assistant Building Inspector shall be designated who shall act as the Building Inspector during the absence or at the direction of that official.

C. There may further be appointed by the Village Manager an Electrical Inspector who, acting under the Building Inspector, shall supervise and administer the electrical section of the Uniform Code. The Building Inspector may also serve as the Electrical Inspector if so appointed.

C. The Building Inspector and Assistant Building Inspector or an officer or employee of the Building Department shall not have any interest whatsoever directly, or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with any project over which he may have jurisdiction, nor engage in any work within the Village that conflicts with his duties.

D. The Building Inspector and Assistant Building Inspector are code enforcement officials as defined in the Codes of the State of New York.

E. The Building Inspector and Assistant Building Inspector shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

§ 90-5. Compliance required; violation notices; appearance tickets; penalties for offenses.

A. Violations, procedures for correction, appearance tickets.

(1) It shall be unlawful for any person, firm or corporation to construct, alter, repair, remove, move, demolish, equip, use, occupy or maintain any building, structure or portion thereof in violation of any of the provisions of this chapter, or fail in any manner to comply with any notice, directive or order of the Building Inspector, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by this chapter.

(2) Any individual, partnership, corporation or other firm owning, operating, occupying or maintaining property or premises within the scope of the Codes of the State of New York or this chapter shall comply with all the provisions of the Codes of the State of New York, this chapter and all orders, notices, rules, regulations or determinations issued in connection therewith.

(3) Whenever it is found that there has been a violation of the Codes of the State of New York, this chapter or any rule or regulation adopted pursuant to this chapter, a violation notice and/or appearance ticket may be issued to the person, individual, partnership or corporation owning, operating or maintaining the premises in which such violation has been noted.

(4) The Building Inspector and Assistant Building Inspector and any other code enforcement officers are authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, this chapter, or other provision of the Village Code. Upon finding that any such condition or activity exists, the Building Inspector, Assistant Building Inspector or any other code enforcement officers shall issue a violation notice. The violation notice shall (1) be in writing; (2) be dated and signed by the Building Inspector, Assistant Building Inspector or other code enforcement officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; (5) specify that the period of time which the Building Inspector, Assistant Building Inspector or other code enforcement officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within such specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

(5) Violation notices and other orders or notices referred to in this chapter shall be served on the owner or one of the owner's executors, legal representatives, agents, lessees or any tenant or other person occupying the premises or other person having a vested or contingent interest in the premises, either personally or by certified mail addressed to the last known address, if any, of the owner or one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the last preceding completed record of the Receiver of the Taxes or in the office of the County Clerk. Failure to serve any person mentioned in this subsection shall not affect the efficacy of the violation notice.

(6) Appearance tickets. The Building Inspector, Assistant Building Inspector and other code enforcement officers shall have the authority, pursuant to the Criminal Procedure Law, and in accordance with Chapter 104 of the Village Code, to issue an appearance ticket subscribed by him directing a designated person to appear in court at a designated time in connection with the commission of a violation of this chapter or any order made thereunder.

B. Penalties.

(1) Any person who shall fail to comply with a written order of the Building Inspector, Assistant Building Inspector or other code enforcement official within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, plumber, electrician, construction superintendent or his agent or any other person taking part or assisting in the construction or use of any building who shall violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder or in addition to any other penalties provided for in this chapter, the Codes of the State of New York or any rules or regulations adopted pursuant to this chapter or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder shall be guilty of an offense punishable by a fine of not more than \$250 or by imprisonment not to exceed 15 days, or both, and each day such violation continues shall constitute a separate violation. The imposition of such penalty shall not be held to prohibit the forced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.

(2) An action or proceeding in the name of the Village of Briarcliff Manor, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Codes of the State of New York, this chapter, a rule or regulation adopted pursuant to this chapter or a violation of any order to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law. An action or proceeding may be instituted in the name of the Village of Briarcliff Manor, New York, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop work order, operating permit, violation notice, or other notice or order issued by the building inspector pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop work order, violation notice or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of the Village of Briarcliff Manor, New York, in the Supreme Court, the Village Justice Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.

(3) No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this chapter, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 90-6 of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 90-6 of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

(4) Any person, including any owner, builder, architect, tenant, contractor, subcontractor, plumber, electrician, construction superintendent or his agent or any other person, taking part in the construction or use of any building or other structure prior to securing a building permit under circumstances wherein receipt of said building permit is a condition precedent to construction or use of any building or structure shall be subject to the same penalties as are provided in this section.

§ 90-6. Stop work orders.

A. Whenever the Building Inspector has reasonable grounds to believe that the work on any building or structure is proceeding without a building permit, or is otherwise in violation of the provisions of any applicable provision of the Uniform Code, the Energy Code and any applicable provisions of the Village Code or any other law, code, ordinance, rule or regulation, or is not in conformity with any of the provisions of the application, plans or specifications on the basis of which a permit was issued, or is being conducted in an unsafe or dangerous manner, or is being performed under a building permit that has become invalid, has expired or has been suspended or revoked, he shall notify either the owner of the property or the owner's agent or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately suspend all related activities until the stop work order has been duly rescinded.

B. Such stop work order shall be in writing on a form prescribed by the Building Inspector and shall state the reason for the stop work order, together with the date of issuance and shall state the conditions which must be satisfied before work will be permitted to resume. The stop work order shall bear the signature of the Building Inspector and shall be prominently posted at the work site.

C. Notice of the stop work order shall be deemed to be duly given by service upon a responsible individual in charge of the project at the premises, or by registered or certified mail to the post office address of the party to whom the permit was issued. It shall be a violation of this chapter and the Codes of the State of New York for anyone to proceed with any work after a stop work order is issued, provided, however, that failure to serve any person mentioned in this subparagraph shall not affect the efficacy of the stop work order.

D. The issuance of a stop work order shall not be the exclusive remedy available to address any event described in subdivision A. of this section, and the authority to issue a stop work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 90-5 of this chapter or under any other applicable chapter or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop work order.

§ 90-7. Liability.

This chapter shall not be construed to hold any code enforcement officer of the Village responsible for any damages to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect as required by any permits under this chapter, nor shall he or she or it be liable for any damage to persons or property by reason of the Building Inspector's exercising his discretion as provided in this chapter.

§ 90-8. Conflict with other provisions.

In the event that the provisions of this chapter shall be in conflict with any other law, rule or regulation, the more stringent provision shall govern.

§ 90-9. Emergencies.

In cases of great emergency or the delay of proceedings as hereinbefore provided that would result in probable loss of life or property, the Village Manager shall have the power to direct the Building Inspector to proceed at once to take such action as is needed to guard the safety of persons and property.

§ 90-10. Review Board.

A. Where practical difficulties or unnecessary hardship may result from the enforcement of the strict letter of any provision of the New York State Uniform Fire Prevention and Building Code, applications for variances consistent with the spirit of the Code may be made pursuant to rules established by the New York State Department of State. The Building Inspector shall maintain a copy of such rules and regulations for public inspection and shall obtain and retain a copy of all decisions rendered by the New

York State Secretary of State or his or her agent pertaining to matters affecting the Village of Briarcliff Manor.

B. The procedures set forth herein for appeals shall not prohibit the Building Inspector from immediately removing a hazard or ordering the immediate closing of a building or premises until a violation of this chapter or the Codes of the State of New York has been corrected when such hazard or the existence of such violation constitutes a distinct hazard to life or public safety.

ARTICLE II, Building Inspector; Inspections and Permits

§ 90-11. Authority and duties of Building Inspector.

A. Except as otherwise provided by law, ordinance, rule or regulation, the Building Inspector shall administer and enforce all provisions of laws, codes, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings, structures and appurtenances.

B. The Building Inspector shall receive applications, issue permits and certificates required by this chapter and the Codes of the State of New York; the Building Inspector shall inspect premises and construction for which permits have been issued.

C. The Building Inspector shall have the authority to accept or reject certified test reports for any materials and methods of construction not covered in this chapter and the Codes of the State of New York. Acceptance shall not be in violation of this chapter and the Codes of the State of New York.

D. The Building Inspector, as may be appropriate, shall issue notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction or demolition and to assure compliance with this chapter and all applicable laws, codes, ordinances, rules and regulations. If the Building Inspector deems a structure unsafe and recommends it for demolition, an affidavit will be signed by the Building Inspector and notarized. The Building Inspector shall have the authority to cause unsafe premises to be vacated and take necessary protective measures. The owner shall reimburse the Village for any expenditures involved in these actions.

E. The Building Inspector shall keep official records of all transactions and activities of the respective office, including records of all applications received, all permits and certificates issued, inspections conducted and notices and orders issued. The Building Inspector shall render to the Village Manager a written report of permits issued, estimated cost of work covered by such permits, fees collected, certificates of occupancy issued, applications rejected and reasons therefor as requested by the Village Manager.

F. The Building Inspector or a duly designated subordinate in the discharge of the Building Inspector's official duties, and upon the presentation of proper identification, shall have the authority to enter any building or premises in the Village at any reasonable hour, when the Building Inspector has reason to believe unsafe conditions or violations may exist, or to any part of any building or premises upon which construction work is in progress, and to ensure compliance with the provisions of this chapter and the Codes of the State of New York.

G. Dereliction of any duty or errors on the part of the Building Inspector shall not legalize any violation of this chapter and the Codes of the State of New York. The issuance of a building permit shall not be construed as authority to violate, cancel or set aside any part of this chapter and the Codes of the State of New York.

§ 90-12. Permits required; applications; amendments.

A. Except as otherwise provided in subdivision B. of this section, a building permit, shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a building system, solid fuel burning heating appliance, chimney or flue in any dwelling unit. No person, firm, corporation or other entity shall commence any work for which a building permit is required without first having obtained a building permit from the Building Inspector.

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

(1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (such as townhouses);

(2) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(3) installation of fences which are not part of an enclosure surrounding a swimming pool;

(4) construction of temporary motion picture, television and theater stage sets and scenery;

(5) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(6) installation of partitions or movable cases less than 5'-9" in height;

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

(8) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(9) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

C. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision B. of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code or any applicable provisions of the Village Code.

D. Application for a permit shall be made on forms provided by the Village, by the owner or lessee or the agent of either or by the architect, engineer or builder employed in connection with the proposed work. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner.

E. The application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the proposed work;

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

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

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

(5) at least 3 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared and signed by a New York State registered architect or licensed professional engineer where so required by the Education Law or otherwise signed by the person responsible for the design and drawings; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed including, but not limited to, description of the size of all proposed new construction and all materials to be incorporated and, where required by the Building

Inspector, details of structural, plumbing, mechanical and electrical work, including computations, stress diagrams and other essential data; and (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code;

(6) an updated survey;

(7) a plot plan or site plan where applicable, drawn to scale, showing the location and size of all proposed new construction as well as the location of all existing buildings and structures on the site, distances from lot lines, the relationship of structures on adjacent property, the widths and grades of adjoining streets, walks and alleys, watercourses, easements and utilities on the property and the location of any existing or proposed well or septic system;

(8) applications shall be accompanied by a statement that the work shall be performed in compliance with the Uniform Code and the Energy Code.

(9) any other items required by the Building Department's check list, as same may be amended.

F. Applications shall be accompanied by the required fee, as set forth in section 90-23 of this chapter .

G. All statements in the application for a building permit shall be subject to affirmation under oath. Each application shall indicate the estimated cost of the project. If, in the judgment of the Building Inspector, the stated estimated cost is manifestly incorrect, the Building Inspector may employ an architect or engineer to make an independent estimate of the cost of the proposed project, and the expense of such estimate shall be paid by the applicant. Estimated cost shall mean the reasonable market value of all labor, materials, equipment and professional services entering into and necessary for the prosecution of the proposed project, including all property improvements, except the cost of the land and landscaping. The Building Inspector shall require the applicant to submit a notarized "Affidavit of Final Cost of Construction," and pay the adjustments in the building permit fee.

§ 90-13. Indemnity bond.

When it is proposed to move any building over a street, roadway or public place, the applicant for a building permit shall provide a surety bond satisfactory to the Board of Trustees. Such bond shall be conditioned upon the payment for any and all damage to persons or property, caused directly or indirectly by such moving, and upon releasing the Village, its agents and employees from any claims arising from such work, and further conditioned on the faithful performance of the work, strictly in accordance with this chapter and the Codes of the State of New York. When any demolition work is to be performed along a sidewalk or other place where the public is required or permitted to pass, a similar bond shall be provided.

§ 90-14. Issuance of building permit.

A. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and any applicable provisions of the Village Code. The Building Inspector shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and any applicable provisions of the Village Code within 60 calendar days after determining that such application complies with the requirements of this chapter and the Codes of the State of New York. The Building Inspector shall withhold action upon any plan or application which requires the approval of any other municipal officer or other person, department or agency having jurisdiction thereof, until such approval is obtained.

B. Any building permit granted hereunder shall be limited only to the activity authorized on the building permit, and its continued validity shall be subject to the conditions set forth in the building permit. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive.

C. Any building permit granted hereunder shall not be transferable except when transfer is approved by the appropriate official, and any change in the activity, size, extent or type of operation, location, ownership or use shall require a new building permit.

D. One set of all plans and specifications approved by the Building Inspector shall be kept on file in his office, and one set with the official stamp of approval of the Building Inspector shall be returned to the applicant upon issuance of the building permit and one set to the Town Assessor. The building permit issued and the returned set of plans and specifications shall be kept on the site of operations in a conspicuous place at all times until completion of the authorized work.

E. No deviation from the plans or specifications approved by the Building Inspector and for which a building permit has been issued, or in the actual construction intended by the plans and specifications, shall be permitted, unless approved by the Building Inspector on forms available from the Building Department. Amendments to any application, plan or specifications may be filed at any time prior to commencement of the work on forms provided by the Building Inspector. Such amendments shall likewise be subject to the approval of the Building Inspector, as may be appropriate, and no change shall be made in the actual field work until such amended application is approved by the Building Inspector. The building permit holder shall immediately notify the Building Inspector of any change occurring during the course of the work. The building permit shall contain such a directive. If the Building Inspector determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

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

§ 90-15 Inspection.

A. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector. The permit holder shall notify the Building Inspector when any element of work described in subdivision B. of this section is ready for inspection.

B. All work for which permits are issued under the provisions of this chapter and the Codes of the State of New York shall be inspected at various intervals during the progress of the work involved. Any application for or acceptance of any permit issued or requested pursuant to this chapter constitutes agreement and consent by the person making application or accepting the building permit to allow the Building Inspector to enter upon the premises at any reasonable time to conduct inspections as required by this chapter. Refusal to allow the Building Inspector to conduct said inspections of the premises and the records related to such building permit or required to be maintained by this chapter shall constitute sufficient justification for the immediate issuance of a stop-work order. In addition, should the Building Inspector deem it necessary, an application to any court of competent jurisdiction may be made to obtain a warrant authorizing an inspection of the premises in question. The following inspections are mandatory and must be made and a proper record of approval made thereof:

- (1) work site prior to the issuance of a building permit;
- (2) footing and foundation (a foundation as built survey shall be provided if requested by the Building Department);
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;

(9) Energy Code compliance;

(10) a final inspection after all work authorized by the building permit has been completed; and

(11) any further inspection specifically requested by the Building Inspector due to the unique building condition or materials incorporated into the work or other applicable provision of the Village Code.

D. It shall be unlawful to proceed with work on any part of any wall, building or structure beyond the point indicated in this article or otherwise cover any wall or ceiling of any building or structure until the Building Inspector has been notified and approval given to do so. The Building Inspector shall act upon all requests for inspections within 72 hours, exclusive of Saturdays, Sundays and Holidays.

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

F. It shall be the duty of the holder of a building permit performing the work to notify the enforcing authority when all work performed under the building permit is completed and ready for a final inspection. Such notice must be given at least 48 hours, exclusive of Saturdays, Sundays and Holidays, before the time of said final inspection.

G. The fee specified in or determined in accordance with the provisions set forth in section 90-23 of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 90-16. Expiration of building permit.

A. Any building permits issued shall expire after 12 months from the date of issuance, except two months for demolition or moving work, unless the work has been commenced and continued during that period. At the Building Inspector's discretion, the Building Inspector may extend the expiration date once by not more than six months if good and sufficient cause for the delay is demonstrated and if he determines that the project will be prosecuted to completion with reasonable diligence; and the Building Inspector may attach such other terms and conditions to any extension or successive permit as he deems necessary and appropriate to further the purposes and intent of this chapter.

B. Regardless of any other provision of this chapter and the Codes of the State of New York, all building permits shall expire 18 months from the date of issuance. Reapplication for a building permit must be made to the Building Inspector, who may impose additional requirements prior to issuing a new permit, which building permit shall include all building permit fees as required by this chapter.

C. If the exterior of the building, including final grading and permanent soil stabilization in accordance with the approved plans, is not completed within the time period set for expiration of the building permit or if the building permit is not extended, the Building Inspector shall notify the owner, by registered mail, to complete or remove the incomplete structure and to remove all building equipment, building materials and other materials from the property so as to bring the property into compliance with all applicable requirements of this chapter and Code. If the owner fails, refuses or neglects within a reasonable time after receipt of said notice to complete or remove the incomplete structure or the building equipment, building materials or other materials on the property, or to complete the final grading and permanent soil stabilization, the Village may do so, and the cost thereof shall be assessed against the property and added to the next Village tax bill. If a building permit shall expire, no new building permit shall be issued until the requirements of this section with respect to the building permit which has expired have been fully complied with. In addition to any other remedies available to the Village, failure to comply with a notice to complete or remove a structure or to remove equipment and building materials, including final grading and permanent soil stabilization, shall constitute a separate offense for each day there is noncompliance with such an order.

§ 90-17. Special supervision.

Whenever the plans accompanying an application are for a building which, in the opinion of the Building Inspector, is of a complex or unusual design, the Building Inspector may, in his or her discretion, issue the building permit subject to the condition that an architect and/or engineer be employed by the owner or contractor, to supervise all shop and field work to be done under the building permit issued. It shall be the duty of the architect and/or engineer to see that the work, as installed, conforms to the approved plans and specifications, and forthwith upon the completion of the project to make and file with the Building Inspector an affidavit or affidavits stating that there has been compliance with all inspection requirements and that the work has been completed in accordance with the approved plans and specifications, and in compliance with all the provisions of this chapter and the Codes of the State of New York.

§ 90-18. Land clearance and damage to public property.

A. When land is cleared leaving tree stumps and boulders, and where buildings are demolished, or topsoil is removed, the premises shall be maintained free from the accumulation of rubbish or water pockets and all unsafe and hazardous conditions which may endanger life or the public health.

B. Damage to public property as a result of work performed under a building permit shall be repaired to the satisfaction of the Building Inspector.

C. The Building Inspector shall further ensure that all work done under a building permit shall be done in a neat, workmanlike manner and that the construction site shall be kept reasonably clean and free from accumulation of dirt and debris which might become unsafe and hazardous. The owner shall further provide for the proper drainage of the site and where necessary, due to excavation or construction of foundation and wall, he shall, when so directed by the Building Inspector, provide for and maintain a suitable enclosure around the site to provide for the safety and welfare of the general public.

D. When the owner fails to complete the work as called for on the building permit, or abandon, or otherwise leaves the job site for an unreasonable period of time, the owner shall provide and maintain suitable enclosures or barricades at the job site and building as may be directed by the Building Inspector. Such enclosures, barricade, or fence shall be maintained by the owner for such period of time as is required to insure that the site does not become a public nuisance and for the overall safety of the general public.

E. If the owner fails to comply with such order, or any other reasonable order of the Building Inspector, in providing for the safety of the general public, the Building Inspector may employ such services and materials as may be necessary to perform the required work. Costs and expenses so incurred by the Village shall be paid by the owner, or shall be assessed against the property.

§ 90-19. Certificate of occupancy.

A. A certificate of occupancy shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy.

B. Application for certificate of occupancy shall be made by the owner or the owner's authorized agent on appropriate forms which must be obtained from the Building Inspector. Such application shall be accompanied by a certificate of completion issued by the Westchester County Health Department when a septic system has been constructed; a certificate of inspection issued by the Village's Electrical Inspector or a qualified electrical inspection agency approved by the Village for all electrical work; an "as-built" survey of the property signed by a licensed land surveyor; as well as all other required certificates of completion from state, county or local agencies having jurisdiction.

C. The Building Inspector shall issue a certificates of occupancy if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code, the Energy Code and any applicable provisions of the

Village Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code, the Energy Code and any applicable provisions of the Village Code. The Building Inspector shall inspect the building, structure or work prior to the issuance of a certificate of occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the applicant for the certificate of occupancy, shall be provided to the Building Inspector prior to the issuance of the certificate of occupancy:

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

D. A certificate of occupancy shall contain the following information:

(1) the building permit number, if any;

(2) the date of issuance of the building permit, if any;

(3) the name, address and tax map number of the property;

(4) if the certificate of occupancy is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of 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 Building Inspector and the date of issuance of the certificate of occupancy.

E. The Building Inspector shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event

shall the Building Inspector issue a temporary certificate unless the Building Inspector determines (1) that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, (2) that any fire and smoke detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Building Inspector may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed 90 days, as determined by the Building Inspector. Temporary certificates of occupancy may be reissued for an additional 90 day period upon the payment of a second application fee as determined by the Building Inspector provided that such temporary occupancy or use would not jeopardize health, life or property. 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 Code and the Energy Code.

F. If the Building Inspector determines that a certificate of occupancy or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.

G. The fee specified in or determined in accordance with the provisions set forth in section 90-23 of this chapter must be paid at the time of submission of an application for a certificate of occupancy or for temporary certificate.

§ 90-20. Notification Regarding Fire or Explosion

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

§ 90-21 Operating permits.

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

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

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

(3) use of pyrotechnic devices in assembly occupancies;

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

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

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

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

C. The Building Inspector shall inspect the subject premises prior to the issuance of an operating permit.

D. In any circumstance in which more than one activity listed in subdivision A. of this section is to be conducted at a location, the Building Inspector may require a separate operating permit for each such activity, or the Building Inspector may, in his or her discretion, issue a single operating permit to apply to all such activities.

E. Operating permits shall remain in effect until reissued, renewed, revoked, or suspended.

F. If the Building Inspector determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

G. The fee specified in or determined in accordance with the provisions set forth in section 90-23 of this chapter must be paid 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.

§ 90-22. Fire Safety and Property Maintenance Inspections

A. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Building Inspector or other code enforcement officer designated by the Building Inspector at the following intervals:

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

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

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in subparagraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.

B. In addition to the inspections required by subdivision A. of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Building Inspector or other code enforcement officer designated by the Building Inspector at any time upon:

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

(2) receipt by the Building Inspector of a written statement alleging that conditions or activities failing to comply with the Uniform Code, the Energy Code or any applicable provisions of the Village Code exist; or

(3) receipt by the Building Inspector of any other information, reasonably believed by the Building Inspector to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code, the Energy Code and any applicable provisions of the Village Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

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

D. The fee specified in or determined in accordance with the provisions set forth in section 90-23 of this chapter 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.

§ 90-23. Fees.

A. There shall be a fee charged which shall accompany each application for the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, temporary certificates of occupancy, operating permits, fire safety and property maintenance inspections, and other actions of the Building Department described in or contemplated by this chapter. Any such fee shall be as set forth by resolution of the Village Board of Trustees in the Master Fee Schedule as same may be amended.

B. If an application for the issuance of a building permit is rejected for noncompliance with Chapter 220 of the Village Code the fee paid shall be refunded. If the building permit is not issued within a period of 120 days due to an incomplete application, 1/2 of the application fee shall be retained by the Village and the applicant must recommence the building permit process and pay all application fees. In the case where a building permit has been issued, there shall be no reimbursement of any fees. In case of building permit expiration, no fees shall be refunded.

C. In the event a certificate of occupancy is sought prior to issuance of a building permit, due to large additional administration and inspection expenses incurred by the Village of Briarcliff Manor, there shall be an additional application fee, in an amount as set forth by resolution of the Board of Trustees in the Master Fee Schedule, which may be amended.

§ 90-24. Complaints.

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

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in this chapter;

(c) if appropriate, issuing a stop work order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final

written report reflecting such abatement or correction, and filing such report with the complainant, the owner of the property, the Mayor and the Village Board.

§ 90-25. Record Keeping.

A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all building permits, certificates of occupancy, 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 other features and activities specified in or contemplated by chapter; and
- (9) all fees charged and collected.

§ 90-26. Program Review and Reporting

A. The Building Inspector shall annually submit to the Secretary of State, on behalf of the Village, on a form prescribed by the Secretary of State, a report of the activities of the Village relative to administration and enforcement of the Uniform Code.

B. The Building Inspector shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Village in connection with administration and enforcement of the Uniform Code.

ARTICLE III. Procedures for Unsafe Buildings and Structures

§ 90-30. Unsafe Buildings and Structures.

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the following procedures.

A. Any building, wall, structure or any part of a building, wall or structure or any equipment that from any cause is or shall become dangerous or unsafe shall be taken down and removed or made safe and secure in compliance with the provisions of this chapter. Dangerous and/or unsafe buildings, walls, structures or equipment shall include buildings or equipment structurally unsafe, unstable or unsanitary; inadequately provided with exit facilities; constituting a fire hazard; otherwise dangerous to life or property; unsuitable or improper for the use or occupancy to which it is put; constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence, decay, deterioration or abandonment; a nuisance; having parts which are so attached that they may fall and injure members of the public, or public or private property; and those buildings, walls, structures or equipment existing in violation of any provision of the Codes of the State of New York, this chapter or other applicable provision of the Village Code.

B. The Building Inspector shall serve or cause to be served a notice of violation and/or appearance ticket in accordance with section 90-5 upon the person, individual, partnership or corporation owning, operating or maintaining the premises in which such dangerous or unsafe condition has been noted.

C. In the event of the neglect or refusal of the person served with the notice of violation to comply with the same, and the Building Inspector deems any building, wall, structure or any part of a building, wall or structure or any equipment dangerous or unsafe and recommends it for demolition, an affidavit setting forth the facts of the dangerous or unsafe condition will be signed by the Building Inspector and notarized. The Building Inspector shall have the authority to cause unsafe premises to be vacated and take necessary protective measures. The owner shall reimburse the Village for any expenditures involved in the these actions. All costs and expenses incurred by the Village in connection with any work done to remove the danger or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which such building or structure is located, and a bill for such expenses shall be presented to the owner of the property or, if the owner cannot be ascertained, then such bill shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay for such expenses within 10 days after the bill is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Building Department may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred and the owner thereof, with the Assessor, who shall, in the

preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Village.

D. The remedies in this section shall not be the exclusive remedy available to address any event described in this section, and the remedy in this section shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under sections 90-5 and section 90-6 of this chapter or under any other applicable chapter or State law. Any such other remedy or penalty may be pursued at any time.

Article IV Electrical Standards

§ 90-31. Electrical Inspector

A. The duly appointed inspectors of a qualified inspection agency approved by the Village are hereby authorized and deputized as agents of the Village of Briarcliff Manor to act as electrical inspectors and to make inspections and reinspections of all electrical installations hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Village of Briarcliff Manor. There may be appointed by the Village Manager an electrical inspector who, acting under the Building Inspector, shall supervise and administer the electrical section of the Uniform Code. The Building Inspector may also serve as the electrical inspector if so appointed.

§ 90-32. Duties of the Electrical Inspector.

A. It shall be the duty of the electrical inspector to report in writing to the Building Inspector of the Village, whose duty it shall be to enforce all provisions of this chapter and all violations or deviations from or omissions of the electrical provisions of the Uniform Code. The electrical inspector shall make inspections and reinspections of electrical installations in and on properties in the Village upon the written request of the Building Inspector. The electrical inspector shall be authorized to make inspections and reinspections of electrical wiring, installations, devices, appliances and equipment, in or on properties within the Village where the Building Inspector deems it necessary for the protection of life and property. In the event of an emergency it shall be the duty of the electrical inspector to make electrical inspections upon the oral request of the Building Inspector.

B. It shall be the duty of the electrical inspector to furnish written reports to the Building Inspector and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a certificate of occupancy when electrical installations and equipment are in conformity with the Uniform Code.

§ 90-33. Permits and Fees

A. Before commencing any electrical alterations, additions or new work, an owner and/or lessee, his contractor or authorized agent shall apply to the Building Inspector for a building permit in accordance with § 90-12. The applicant shall further submit to the Building Inspector the standard application form for inspection of the work by a qualified inspection agency approved by the Village.

B. There shall be a fee paid for the building permit at the time in accordance with the provisions set forth in section 90-23 of this chapter.

C. A separate permit shall be required for each building or unit, such as each boiler, gasoline pump, electric pump or elevator.

Section 2. Chapter 111 of the Code of the Village of Briarcliff Manor is hereby repealed.

Section 3. Chapter 104 of the Code of the Village of Briarcliff Manor is hereby amended as follows:

1. Section 104-5 of the Code of the Village of Briarcliff Manor is hereby amended to add Subsection C as follows

“C. The State Energy Conservation Construction Code.”

Section 4. Section 118-3 A. of the Village Code of the Village of Briarcliff Manor is hereby amended by adding Subdivision (8) to read as follows:

“(8) Any activity for which an operating permit is required under Chapter 90 of the Village Code.”

Section 5. Severability

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

Section 6. Effective Date

This local law shall 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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 08 of the (County)(City)(Town)(Village) of BRIARCLIFF MANOR was duly passed by the BOARD OF TRUSTEES on APRIL 17, 20 08, in accordance with the applicable (Name of Legislative Body) provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

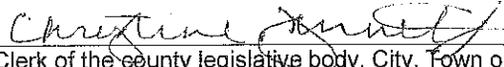
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 5-2-08

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Wormser, Kiely, Galef & Jacobs LLP

Signature
Village Attorney, Wormser, Kiely, Galef & Jacobs
Title

County _____
City of BRIARCLIFF MANOR
Town _____
Village _____

Date: 4/29/08