



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES
REGULAR MEETING AGENDA

MEETING DATE: November 7, 2022

AGENDA ITEM SECTION: Public Hearings

AGENDA ITEM NO. : 1

AGENDA ITEM:

To consider a Local Law which proposes amendments to include a program for administration and enforcement of Operating Permits for certain types of buildings and operations as mandated by New York State Law

ITEM BACKUP DOCUMENTATION:

1. Draft resolution
2. Draft local law



VILLAGE OF DOBBS FERRY

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**RESOLUTION ADOPTING A LOCAL LAW TO INCLUDE A PROGRAM FOR
ADMINISTRATION AND ENFORCEMENT OF OPERATING PERMITS IN
THE DOBBS FERRY CODE**

WHEREAS, the Village Board of Trustees has been considering an introductory local law which proposes to add to the Code a program for administration and enforcement of operating permits relating to specific buildings and/or activities as mandated by 19 NYCRR Part 1203 (NYS Uniform Code: Minimum Standards for Administration and Enforcement); and

WHEREAS, the Board of Trustees is now prepared to take action having found no impediment to adoption of such law following close of a duly noticed public hearing on November 7, 2022.

NOW, THEREFORE, BE IT RESOLVED, that, the Board of Trustees of the Village of Dobbs Ferry, as the only jurisdictional agency in connection with adoption of the proposed law, declares the action to be Type II under the NYS Environmental Quality Review Act ("SEQRA) thus requiring no further review; and

BE IT FURTHER RESOLVED, that, the Board of Trustees of the Village of Dobbs Ferry hereby adopts a local law adding Article V to Chapter 127 of the Dobbs Ferry Code to include a program for administration and enforcement of operating permits relating to specific buildings and/or activities as required by 19 NYCRR Part 1203 (NYS Uniform Code: Minimum Standards for Administration and Enforcement); and

BE IT FURTHER RESOLVED, that, the Board of Trustees directs the Village Clerk to take all necessary action to achieve the purpose of this resolution including filing, posting, publishing and distributing said Local Law in accordance with applicable legal requirements.

Motion By: _____ Seconded By: _____

Vote:

I hereby attest that the above Resolution was approved by the Board of Trustees at its _____, 2022 meeting, and that I have been authorized to sign this Resolution by decision of the Board of Trustees.

Elizabeth A. Dreaper
Village Clerk

Date

INTRODUCTORY LOCAL LAW XX-2022
REVISING CHAPTER 127 TO INCLUDE PROGRAM FOR ADMINISTRATION AND
ENFORCEMENT OF OPERATING PERMITS RELATED TO CERTAIN BUILDINGS
AND/OR ACTIVITIES AS MANDATED BY THE NYS UNIFORM CODE

A LOCAL LAW to amend the Dobbs Ferry Code to include a program for administration and enforcement of Operating Permits as mandated by the NYS Uniform Code.

BE IT ENACTED by the Board of Trustees of the Village of Dobbs Ferry, as follows:

Section 1. Legislative Intent. The Village Board of Trustees seeks to amend the Dobbs Ferry Village Code to incorporate a program for administration and enforcement of operating permits relating to specific buildings and/or activities as required by 19 NYCRR Part 1203 (NYS Uniform Code: Minimum Standards for Administration and Enforcement).

Section 2. A new Article V “Operating Permits” is added to Chapter 127 of the Code of Dobbs Ferry as follows, with existing Articles V and VI and existing sections commencing with §127-15 renumbered accordingly:

ARTICLE V. OPERATING PERMITS.

§127-15 Operation Permit required.

- A. Unless prohibited within the Village, or as may otherwise be set forth in the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted by the Village pursuant to Article 18 of the Executive Law (“Uniform Code”), an Operating Permit issued by the Village of Dobbs Ferry shall be required for conducting any process, activity, or operations in any type of building, structure, or facility, when such process, activity or operations are among those enumerated in Section 1203.3 (g)(1) of 19 NYCRR Part 1203. The term Operating Permit shall also include any renewal, amendment, or extension of an Operating Permit. It shall be the sole responsibility of the party conducting any regulated process, activity or operation to comply with all legal requirements without any pre-requisite for notification, demand or action.

- (1) For illustrative purposes, the following are regulated activities enumerated in 19 NYCRR Section 1203 (g)(1) that are subject to this Article requiring issuance of Operating Permits in the Village of Dobbs Ferry include:

- (a) Manufacture, storage or handling of hazardous materials (including compressed gas) in quantities exceeding listed in the applicable maximum allowable quantity tables found in the Uniform Code;
 - (b) Operations that produce combustible dust;
 - (c) Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by the Uniform Code;
 - (d) 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) Tents, temporary special event structures and air-supported membrane structures;
 - (f) Welding and other hot works, except for work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - (g) Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (h) Open burning, not including recreational fires and portable outdoor fireplaces;
 - (i) Operating a mobile food preparation vehicle;
 - (j) Energy storage systems;
 - (k) Buildings containing one or more assembly areas;
 - (l) Facilities that store, handle or use hazardous production materials;
 - (m) Parking garages as defined in 19 NYCRR Section 1203.3(j);
 - (n) Other buildings, structures or facilities whose use or occupancy classification may pose a substantial potential hazard to public safety, such as hotel, motel and daycare facilities, motor fuel dispensing stations and other buildings, structures or facilities as may be identified and set forth in this code by local law.
- B. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Building Inspector, which application shall contain such information deemed sufficient to permit a determination that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Building Inspector, or his/her designee charged with the review of such applications (“Reviewer”), determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such qualified person or persons as may be designated by or otherwise acceptable to the Reviewer, at the expense of the applicant.
- C. In the discretion of the Building Inspector, a separate Operating Permit may not be required for a regulated process or activity, or for a building, structure, or facility having regulated operations provided that the use is expressly authorized by a certificate of occupancy or compliance or otherwise subject to fire safety and property maintenance inspections performed in accordance with code enforcement efforts and legal requirements.

- D. The Building Inspector, or his/her designee provided such individual is duly authorized to conduct inspections for purposes of code enforcement (“Code Enforcement Officer”), shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the Operating Permit shall be issued, or the applicant shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.
- E. In any circumstance in which more than one regulated activity is to be conducted at a single location, the Building Inspector may require a separate Operating Permit for each such activity, or the Building Inspector may, in his/her discretion, issue a single Operating Permit to apply to all such activities.
- F. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event shall such duration exceed (1) 180 days for tents, special event structures, and other membrane structures, (2) one year for regulated activities, structures, and operations specifically enumerated in 19 NYCRR 1203 (g)(1) and (3) three years for the other buildings, structures or facilities as may be identified and set forth in this code by local law. The effective period of each Operating Permit shall be specified in the Operating Permit as determined by the Code Enforcement Officer depending on the specific nature of the activities or operations and consistent with local conditions. An Operating Permit may be reissued or renewed upon application to the Building Department and in compliance with this Article.
- G. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended for a stated period and deadline to provide the permit holder an opportunity to cure the violation.
- H. An application for an Operating Permit, including any amendment, reissuance or renewal, shall be accompanied by a fee in an amount set the Board of Trustees in accordance with Chapter 175.

Section 3. Except as otherwise provided herein, all other provisions of the Dobbs Ferry Code shall remain the same.

Section 4. This Local Law shall take effect immediately upon filing with Secretary of State and shall be published and posted as required by law, including NYS Village Law concerning local zoning amendments if applicable.