

Chapter 30A

HOUSING STANDARDS

§ 30A-15. Administration and enforcement of provisions.

- A. The Department of Architecture, Land Use Development, Buildings and Building Compliance of the Village of ~~North Tarrytown~~ Sleepy Hollow, by its chief executive, is hereby designated responsible for administering and enforcing the provisions of this chapter. Such department or agency is hereinafter referred to as “the Department.”
- B. Within the Department, the chief investigative officer for the purpose of administering this chapter shall be referred to as “the Building Inspector” and shall be under the direction and supervision of the chief executive officer and the Building Inspector of the Village of North Tarrytown.
- C. The chief executive officer may also delegate, hire or contract with any person, firm or body to supplement or assist the Building Inspector, subject, however, to the approval of the local governing board.

§ 30A-16. Personnel.

- A. Personnel qualifications. Personnel of this Department shall be qualified and appointed as prescribed by local law and may be furnished with appropriate official badges, identification cards, or both.
- B. Administrative liability. Any personnel of this Department shall be free from personal liability for acts done in good faith in the performance of official duties. Further, personnel shall not be held liable for any costs in any action, suit or proceeding that may be instituted by such person on the enforcement of this chapter. In any of these actions, the personnel shall be defended or represented by the Municipal Attorney, until the final termination of the proceedings.

§ 30A-17. Rules and regulations.

The Department is empowered to adopt, revise, amend and enforce rules and regulations necessary for securing compliance with this chapter, and for its own organization and internal management, such rules and regulations shall not be in conflict with this chapter or with any provision of law.

§ 30A-18. Official records.

An official record shall be kept of all activities of the Department specified in the provisions of this chapter, and all such records shall be available for public inspection at

appropriate times and under reasonable regulations established by the Building Inspector to maintain the security and integrity of such records.

§ 30A-19. Duties of Department.

It shall be the duty of the Department to:

- A. Suggest amendments to this chapter as are necessary to bring it up-to-date, when local needs dictate.
- B. Cause inspections to be made of premises within the scope of this chapter.
- C. Cause an investigation of complaints of alleged violations of this chapter.
- D. Develop a system of records, inspection forms, form letters and controls for properly carrying out departmental activities.
- E. Issue written orders for the elimination of conditions in violation of this chapter, and, where appropriate, order the cessation of an unlawful use or nuisance or the vacation, demolition or repair of premises found dangerous or unsafe, and to state in the violation order a reasonable time limit for compliance herewith and the time within which an appeal may be made.
- F. Initiate techniques that will encourage and assist owners to voluntarily bring their property up to the standards of this chapter.
- G. Request the Municipal Attorney to take appropriate legal action upon failure to comply with a violation notice or notices.
- H. Require independent inspections and tests of equipment and systems used in connection with premises.
- I. Cooperate with other public and private agencies engaged in the study and improvement of housing and environmental conditions.
- J. Carry out any additional activities necessary to administer and achieve compliance with this chapter.

§ 30A-20. Registration of ownership of multiple dwellings.

Every owner of a multiple dwelling shall file with the Department the following current information:

- A. The name, address and telephone number of the owner.

- B. The corporate name and names, titles, addresses and telephone numbers of the responsible officers of the corporation if the building is owned by a corporation.
- C. The name, address and telephone number of a local responsible person over twenty-one (21) years old, residing or doing business in the municipality, who shall be responsible for the care and management of such dwelling and is authorized to accept legal process on behalf of the owner when the owner lives or is out of the municipality limits.
- D. The name, address and telephone number of the new owner within forty-eight (48) hours after having sold or otherwise disposed of ownership in said dwelling.
- E. Any other changes applicable to owner registration.

§ 30A-21. Name of owner and agent to be posted.

Every owner of a multiple dwelling shall post, in a conspicuous place in such dwelling, the name, address and telephone number of a local responsible person over twenty-one (21) years old residing in or doing business in the municipality, who shall be responsible for the care and management of such dwelling when the owner lives or is out of the municipal limits. Except when it is necessary to replace this information, no person shall remove, mutilate, destroy or obliterate any such sign or the lettering thereon.

§ 30A-22. Inspection; re-inspection.

The Department is authorized to develop, adopt and carry out plans for the inspection and re-inspection of all premises in order to safeguard the safety, health and welfare of the public, subject to the provisions of this chapter.

§ 30A-23. Right of entry.

The Building Inspector and the assistant building inspectors shall be authorized to enter any structure or premises at any reasonable time, upon display of proper identification, for the purpose of making inspections under this chapter.

- A. If admission is refused or cannot be obtained from the owner, occupant or operator of a residential structure, the Building Inspector and the assistant building inspectors shall be authorized to obtain a search warrant to make an inspection provided that reasonable or probable cause is shown.
- B. In case of an emergency, the Building Inspector and the assistant building inspectors may, without a search warrant, enter any premises or parts of premises to inspect at any time, without the permission of the owner, occupant or operator.

§ 30A-24. Access by owner or operator.

Every occupant of a residential structure or premises shall give the owner or operator thereof or his agent or employee access to any part of such structure or its premises at reasonable times and in emergencies at any time for the purpose of making necessary inspections, repairs or alterations as to comply with the provisions of this chapter.

§ 30A-25. Violations; classification.

~~A.~~ Whenever the Department finds that there has been a violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto, the following procedures Department shall be available:

A. Issue a violation notice to the person or persons responsible. The Department shall also issue a violation notice to the person or persons responsible for failure to register the ownership of the premises, for furnishing of a false statement or for interference with the inspector authorized to enter the premises, or when a structure or premises is found to be dangerous or unsafe. Once a violation is issued, it may be classified as either nonhazardous or hazardous and be given specific time for correction based on the classification of the violation.

B. Issue an Appearance Ticket. The Building Inspector and each Inspector are authorized to issue appearance tickets for any violation of this Code. Every appearance ticket that is issued, pursuant to the provisions of this chapter, shall include the following:

- (1) The name and address of the party(s) to whom the ticket is issued, when known.
- (2) The appropriate section(s) allegedly violated.
- (3) The place and date of the alleged violation(s).
- (4) The place, date and time that the party(s) is (are) required to appear in court.
- (5) The date of issuance of the appearance ticket(s).
- (6) The title and signature of the issuing officer(s).

§ 30A-26. Notice of violation.

Such notice shall be in writing and shall:

- A. Identify the premises.
- B. Specify the chapter violation and may specify remedial action to be taken.
- C. Provide a time limit for compliance of no less than fifteen (15) days from the date of the mailing of the notice in the case of nonhazardous violations.
- D. State the time within which an appeal may be made.
- E. If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, include a statement that if the violation is not remedied within the time limit

specified in the notice, the Department may remedy the violation pursuant to §§ 30A-33 and 30A-34.

§ 30A-27. Service of notice.

Notice of violation shall be served as follows:

- A. By personal service;
- B. By registered or certified mail to the person whose name and address has been filed with this Department in accordance with this chapter and, if desired, to the occupant of a copy of such notice;
- C. If the current name and address of the person upon whom an order may be served is not on file or if such person refuses acceptance of such service or of registered or certified mail, by posting a copy to the premises, addressed to the owner, lessor or his respective agent; or
- D. By regular mail.

§ 30A-28. Failure to comply upon reinspection.

If, upon reinspection, the alleged violation is determined by the Building Inspector not to have been corrected, the Building Inspector may:

- A. Require a meeting with the property owner or violator to determine why the notice was not honored; or
- B. File an information or accusation of instrument with the Court Clerk to seek a remedy in the courts.

§ 30A-29. Notice of violation to be recorded.

Whenever a notice or order has been issued for any infraction of this chapter, the Building Inspector shall keep on file a copy of such notice or order in the Department. This recording shall constitute notice of such violation, infraction or order to any subsequent purchaser, grantee, mortgagee or lessee or the property affected thereby.

§ 30A-30. Civil penalty.

- A. A person who violates any requirement of this chapter or any order of the Department shall be subject to a cumulative civil penalty, in the court's discretion, of ~~up to~~ not less than two hundred fifty dollars (\$250.) nor more than one thousand-five hundred dollars (\$1,500.) per day for each separate violation from the date set for correction in the notice of violation until the violation is corrected. Such penalty shall increase to not less than five hundred dollars (\$500.) nor more than two

thousand- five hundred dollars (\$2500.) per day for a second or subsequent violation. This penalty shall be paid forthwith by the violator. If such payment is not immediately made, it may be collected by the Department by action against the owner or his agent. A civil suit to collect said penalty may be commenced in any court of competent jurisdiction. In addition to the fine, the Court may impose a one-year conditional discharge requiring the defendant to permit access to the Department to reinspect the premises from time to time during the period of the conditional discharge.

- B. The Department may bring a civil suit in any court having jurisdiction of the amount claimed for the recovery of civil penalties, together with costs and disbursements. If the court finds, upon a showing by the defendant, that sufficient mitigating circumstances exist, it may remit all or part of the accumulated civil penalties arising from the violation with respect to which such a showing was made.
- C. When the Department obtains a judgment in an action under this chapter either against an order or his agent, in addition to the appropriate methods of enforcement for judgments established in the Civil Practice Law and Rules, such judgment for penalties shall constitute a lien and shall be filed within one (1) year from the entry of judgment and may be enforced against the premises and upon the rents and compensation due or then maturing for any rents or compensation without further proceedings.

§30A-31. Criminal penalty.

- A. Any person who willfully or recklessly violates any provision of this chapter or fails to comply with any requirement of an order of the Department; or of the Board of appeals, or makes or causes any other person to make any false or misleading statement on any registration statement, notice or other document required to be filed pursuant to this chapter or any other action by the Department pursuant to this chapter shall be guilty of a misdemeanor punishable by a fine not exceeding ~~five hundred dollars (\$500.)~~ three thousand dollars (\$3,000.) for each violation, or by imprisonment of up to one (1) year, or by both such fine and imprisonment. Every day the violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate violation.
- B. To support a finding of willful violation, evidence that the defendant had knowledge or notice of the violation and failed to correct the same for more than one hundred twenty (120) days shall be sufficient. This shall not, however, limit the introduction of other evidence or the finding of willful violation on other grounds.
- C. A person commits a willful violation when that person's action or failure to act results in a condition constituting a violation of this chapter which will or is likely to endanger the life, health or safety of another person.

§30A-32. Injunctive relief.

In addition to, or in lieu of, the civil and criminal penalties provided herein, any person may be prevented from violating the provisions of this chapter by the Department's seeking injunctive relief on the manner provided by law.

§30A-33. Dangerous structures.

- A. If all or part of any structure or the equipment for operation, including, among others, the heating plant, plumbing, electric, wiring, stairways, elevator and fire protection equipment, shall be found by the Building Inspector ~~with concurrence of the chief executive of North Tarrytown~~ to have significant defects hereinafter described, it shall be deemed a dangerous structure.
- B. A dangerous structure shall include:
- (1) One which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, structurally unsafe or vermin infested that it creates a hazard to the safety or welfare of the occupants or to the public or which contains lead-based paint that is dangerous or likely to become dangerous to the health of small children;
 - (2) One which lacks illumination, ventilation or sanitary facilities adequate to protect the safety or welfare of the occupants or to the public;
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the safety or welfare to the occupants or to the public;
 - (4) One which is so overcrowded with occupants that it constitutes a public nuisance or is a health hazard to its occupants;
 - (5) One which is in a state of dilapidation, deterioration or decay; faulty construction such that the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or the deterioration, decay or inadequacy of its foundation or other similar cause is likely to partially or completely collapse the structure;
 - (6) One in which the exterior and interior walls or other vertical members lean, buckle or twist to such an extent as to endanger life, limb and property;
 - (7) One in which is being used in such a manner and condition to constitute a public nuisance;
 - (8) One which is vacant, open to trespass, unoccupied and an attractive

nuisance to anyone on or near the premises, thereby endangering life, health and property; or

- (9) One which has been damaged by fire, wind or other causes so as to no longer provide shelter from the elements and has become or threatens to become dangerous to life, safety or the general health and welfare of anyone on or near the premises.

§30A-34. Condemnation of unfit dwelling unit or structure.

- A. Notice. Whenever the Building Inspector ~~and the chief executive of North Tarrytown~~ determines that a structure or dwelling unit is dangerous and unfit for human habitation, the Building Inspector shall give notice to the owner of condemnation and of his intent to placard and vacate the structure or dwelling unit, if compliance with the provisions of the notice of condemnation is not secured. Any person affected by any such notice may request and shall be granted a hearing on the matter before the ~~Building Inspector or the~~ Board of Appeals.
- B. Placarding. The Building Inspector or the assistant building inspectors shall post in a conspicuous place on the affected dwelling unit or structure a placard bearing the words ~~“Condemned as Unfit for Human Habitation~~ **THIS BUILDING IS UNSAFE AND ITS OCCUPANCY AND USE HAS BEEN PROHIBITED.**”
- C. Vacating. Any dwelling unit or structure which has been condemned ~~as unfit for habitation~~ shall be vacated within a reasonable time as required by the Building Inspector and shall not be used for human habitation again until written approval is secured from the Building Inspector. The owner or operator of such unit or structure shall make such unit or structure safe and secure in whatever manner the Building Inspector shall deem necessary. Any vacant building, open at doors and windows, if unguarded, shall be deemed dangerous to human life and a nuisance.
- D. Order to disconnect utilities. Whenever any dwelling unit or structure has been placarded and vacated, the Department shall order services and utilities to be turned off or disconnected and all utility meters to be removed.
- E. Order to make repairs or demolish. Whenever the Building Inspector, ~~with concurrence of the chief executive of North Tarrytown,~~ designates a building unfit for human habitation, unsafe to the community in its vacant state and determines that the cost necessary to correct the violation is not reasonably related to the value of the building, the Building Inspector shall order the demolition of the structure. A copy of such notice shall be served on the owner and copies sent to other agencies, including the Police and Fire Department. The owner may demolish such structure, convert the structure into another use, rehabilitate the structure or correct the violation regardless of cost, provided that the requirements of this chapter and of the Building Code in effect at the time of attempted compliance are satisfied.

- F. Department to make repairs or demolish. Whenever a notice or order to remove a violation, secure, vacate or demolish a building has not been complied with, and when such failure to comply is deemed by the Building Inspector ~~and chief executive of North Tarrytown~~ to constitute a danger to the tenants and the community, the Building Inspector may proceed to have the building demolished, repaired, rehabilitated, converted, altered, secured, vacated or take such action as is necessary to abate the nuisance. Abatement authorized by the provision shall not commence until at least ten (10) days after service of such notice. Such procedures and recovery of expenses shall be served as provided in § 30A-35, Emergency repair program, and work shall be completed within the time specified by the Building Inspector.

§ 30A-35. Emergency repair program.

- A. Power to act in emergencies. Whenever the Building Inspector finds that a violation of this chapter exists which, in his opinion ~~and with concurrence to the chief executive officer of North Tarrytown~~, requires immediate action to abate a direct hazard or immediate danger to the health, safety or welfare of the occupants of a building or of the public, the Building Inspector may, without prior notice or hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Notwithstanding any other provision of this chapter, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided. Emergencies include but are not limited to:
- (1) Failure to supply utilities, such as heat, water, light and gas;
 - (2) Inability to drain the waste system;
 - (3) Large amounts of falling plaster condition;
 - (4) Extreme overgrowth of noxious weeds;
 - (5) Infestation of rats and other disease-bearing rodents and insects;
 - (6) Stormwater flooding or similar condition which endangers the operability of the affected premises; or
 - (7) Any condition listed in § 30A-33. Dangerous structures.
- B. Abatement of hazards in emergencies. Whenever any violation of this chapter which requires immediate action has not been corrected by such person in the time specified by the order issued, the Building Inspector may take such direct action as is necessary to abate the hazard or danger, including but not limited to the repair of the condition, the provision of services, the provision of materials necessary to abate the condition or the demolition of the property.

- C. Recovery of expenses. The expenses incurred by the Department in abating hazardous or dangerous conditions, as provided above, shall be paid to the Department by such person. The Building Inspector shall file among his records an affidavit stating, with fairness and accuracy, the items of expense and the date of execution of actions authorized under this chapter. Upon failure of said person to pay the cost of such repairs or improvements or demolition, the Building Inspector may institute a suit in the name of the municipality to recover such expenses against any persons liable for such expenses or may cause such expenses to be charged and assessed against the property as a lien when the owner is the willful violator. If such expenses are not paid within ten (10) days after demand, the amount thereof shall be added to and become part of the taxes next to be assessed and levied upon said premises and shall be collected and enforced in the same manner as taxes.

§ 30A-36. Structures imposing serious risk to remedies for compliance.

Certain structures impose a serious and immediate risk to public health, safety and welfare. Such structures are of such age and condition or have such a history of violations of minimum housing standards that they may contain harmful or potentially harmful conditions which threaten the health, safety and welfare of the occupants or the public. It is therefore in the public interest to authorize the use of special code enforcement remedies in these cases.

§ 30A-37. Code enforcement remedies.

- A. In such cases as described in §30A-36 above, the following remedial measures may be authorized: the Department is authorized to require information regarding, but not limited to tenant turnover, vacancies, maintenance costs and mortgage indebtedness, status of tax indebtedness and any other information required by the authorities to assist in the early identification of problem conditions and buildings.
- B. In addition, the Department may require that a building registration permit be obtained as a condition to the continued occupancy of a multiple dwelling. Such permit shall be subject to revocation or modification. The Department may charge a fee for the registration of a multiple dwelling and the issuance of a building registration permit. The fee must bear a reasonable relationship to the cost to the Department of administering these requirements.
- C. Certificates of occupancy for individual units. Upon termination of the occupancy of a dwelling unit in such a district, an inspection shall be made to determine whether the unit contains chapter violations which are, or are likely to become, dangerous to health, life or safety. If such conditions exist, the owner shall be prohibited from renting such unit until he obtains a certificate from the Department which certifies that the violating conditions have been removed and that the unit no longer contains conditions that are dangerous or likely to become dangerous to life, health or safety. To enforce this requirement, an owner must notify the Department whenever a unit is vacated.

D. Evictions of occupants for chapter violations.

- (1) Owners are prohibited from evicting occupants when such evictions are substantially motivated by an owner's desire to retaliate against an occupant's good-faith complaint to the Department regarding violations of this chapter.
- (2) Whenever an owner wishes to evict a tenant, for whatever reason, the owner shall first obtain a certificate of eviction from the Department. The certificate may be requested by the owner, in writing, by telephone or in person, directly for the Building Inspector, who shall keep a separate record of all such request. If a certificate is not issued or denied within two (2) full working days following the day of the request, the owner may proceed with his eviction proceeding, unless his action or failure to cooperate has delayed action regarding the certificate.
- (3) Upon receiving a request for a certification of eviction, the Building Inspector shall immediately cause an inspection of the subject premises. If the inspection reveals serious violations of this chapter which have not been caused or substantially contributed to by the occupant, the certificate shall be denied. If the inspection reveals that serious chapter violations exist which have been caused or substantially contributed to by the tenant, the inspection report shall be filed by the Department in court as part of the record in the owner's proceeding to evict the tenant. The court shall make a final decision. Occupants who believe that evictions, rent increases or reduction in service are substantially motivated by an owner's desire to retaliate against their good-faith report of chapter violations to the Department shall be afforded a hearing on the matter before the Building Inspector or the Board of Appeals at their option.

E. Deposits by owners for emergency repairs.

- (1) Whenever the Department is required to perform the emergency measures pursuant to §30A-35 of this chapter, it may pay for those measures through an Emergency Repair Fund. Owners of multiple dwellings within such districts shall be required to deposit ~~fifty~~ five hundred dollars (\$500.) per dwelling unit with an interest-bearing escrow account maintained by the Department in such an Emergency Repair Fund for the purpose of making emergency repairs. The deposit shall be required upon the owner's filing of his first registration statement. Upon the transfer of ownership of the subject premises, the deposit shall be transferred by the Department to the new owner's account upon the filing of a registration statement by that owner. Interest accrued on the deposited funds shall accumulate in the account and be available for the purpose of this subsection.
- (2) The owner of the premises in regard to which such measures were taken shall be required to reimburse the account for the cost of the measures, including interest lost from the date of withdrawal. A per diem fine may be levied against owners

who fail to reimburse the account or who fail to post a bond guaranteeing reimbursement.

- F. Rent escrow accounts. Whenever an owner of a multiple dwelling repeatedly fails to comply with orders to correct chapter violations regarding building conditions which are likely to become dangerous to the life, health or safety of the occupant or the public, the Department may authorize, ~~with the assent of the chief executive officer of North Tarrytown,~~ the occupants to deposit their rent in a separate escrow account administered by the Department, Withdrawals from the account shall be made by the Department to cover the costs of abating the conditions. All remaining rents shall be returned promptly to the owner.
- G. Occupant nuisance. Part of the responsibility for the care and upkeep of a dwelling unit shall rest with the occupant. Occupants shall be liable if serious violations are caused by their own willful act or negligence, such as improper refuse disposal, improper and destructive acts, physical destruction or inadequately maintained living space. The Department shall act to discourage or penalize occupants who cause or substantially contribute to violations of this chapter. A system of orders, hearings and citations shall be developed with sanctions that include orders to abate fines and violation reports which can be filed in court in support of an owner's petition to evict the occupant. Before using these sanctions, the Department shall make a good-faith attempt to provide or obtain supportive services and counseling for the occupants that are designed to prevent the occupants from causing or contributing to violations of this chapter.