



TOWN OF PHILIPSTOWN

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JUDITH FARRELL, COUNCILWOMAN

MEMORANDUM

TO: Neal Zuckerman, Chairman

FROM: Tara K. Percacciolo
Town Clerk

DATE: February 8, 2022

SUBJECT: Referral of Local Law #1-2022

Attached please find a copy of the proposed Local Law to Amend Town of Philipstown Town Code Chapter 82, entitled 'Energy Conservation' to update the provisions thereof regarding the State Energy Conservation Construction Code. A public hearing has been scheduled for March 3, 2022 at 7:30 p.m. at the Philipstown Town Hall, 238 Main Street, Cold Spring, NY 10516.

**TOWN OF PHILIPSTOWN
LOCAL LAW NO. 1 OF THE YEAR 2022**

A Local Law entitled "A Local Law To Amend Town of Philipstown Town Code Chapter 82, entitled 'Energy Conservation' to update the provisions thereof regarding the State Energy Conservation Construction Code".

Be it enacted by the Town Board of the Town of Philipstown as follows:

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by updating the Town of Philipstown Code in regard to the State Energy Conservation Construction Code.

Section 2. Municipal Home Rule Law:

This law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1) that grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule Law.

Section 3. Amendment of the Town Code.

I. Section 82-2, entitled "Administration and enforcement of state", of Town of Philipstown Town Code Chapter 82, entitled "Energy Conservation " is hereby repealed and reenacted to provide as follows:

"§ 82-2 Adoption, Administration and Enforcement of Local Energy Conservation Construction Code

(A) The State Energy Code as modified in the manner contemplated by NYStretch is hereby adopted as the local energy conservation code for the Town of Philipstown.

(B) Such local energy conservation construction code shall consist of the provisions currently set forth in 19 NYCRR Part 1240 and in the publications currently incorporated by reference therein; provided, however, that the 2020 Energy Conservation Construction Code of New York State ("ECCCNYS") and the provisions of American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE") 90.1-2016 shall be deemed to be modified as follows:

(1) in each case where a section, table, or appendix in the 2018 International Energy Conservation Code ("IECC") is

modified by NYStretch, the corresponding section, table, or appendix in the 2020 ECCCNY S shall be deemed to be modified in the same manner;

- (2) in each case where a section, table, or appendix is added to the 2018 IECC by NYStretch, such section, table, or appendix shall be deemed to be added to the 2020 ECCCNY S, subject to the following exception: Section R403.6.2, which is added to the 2018 IECC by section 3.11 of NYStretch, shall not be deemed to be added to the 2020 ECCCNY S;
- (3) each section or table in ASHRAE 90.1-2016 that is modified by NYStretch shall be deemed to be so modified; and
- (4) each section added to ASHRAE 90.1-2016 by NYStretch shall be deemed to be added to ASHRAE 90.1-2016.

(C) The code shall be administered and enforced by the Town Building Inspector in the same manner, to the same extent as and in accordance with the procedure applicable to the Town's administration and enforcement of the New York State Uniform Fire Prevention and Building Code. (See Chapter 62, Building Construction and Fire Prevention.)"

Section 4. Severability.

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

Section 5. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.