

~ *Please Note - Agendas are subject to change* ~

COMMON COUNCIL

AGENDA

May 15, 2012

Call To Order

Pledge of Allegiance

Invocation

Approval of minutes of the regular meeting of April 17, 2012 and the special meetings of May 1 and May 8, 2012

Mayoral Appointments

Plumbing Board

Ralph Hinman, 17 Birdsall Street, appointment to a three-year term expiring 12/31/2014.

Youth Board

- ◆ *Casondra Birtch, 24 Hillview Drive, appointment to an indeterminate term.*
- ◆ *Shane Reynolds, 10 Grove Avenue, appointment to an indeterminate term.*
- ◆ *Ricky Runyon, 185 North Broad Street, appointment to an indeterminate term.*
- ◆ *Hannah Watts, 33 West Main Street, appointment to an indeterminate term.*
- ◆ *Katie Callahan, 926 County Road 10A, appointment as ex officio member to an indeterminate term.*
- ◆ *Abby Snow, 157 Morgan Acres Road, appointment as ex officio member to an indeterminate term.*

Correspondence

- ◆ Eddie Caputo Memorial 5k Walk/Run
- ◆ Chobani Chamber Challenge 5k Run/Walk
- ◆ Norwich Street Festival and Sidewalk Sale
- ◆ Curb Cut Request - 16 Front Street
- ◆ Curb Cut Request - 24 Canasawacta Street
- ◆ Curb Cut Request - 33 Hale Street

Department, Board and Commission Reports

- ◆ Parks Commission Minutes of April 3, 2012
- ◆ Police Department Monthly Report of April 2012
- ◆ Traffic Commission Minutes of May 9, 2012
- ◆ Youth Board Minutes of May 2, 2012
- ◆ Youth Bureau Report of April 2012

Ward Reports

Motion

- ◆ Receiving Proposed Ordinance No. (B) of 2012 - Amending Chapter 310 of City Code and Set Public Hearing
- ◆ Reject All Bids for DPW Pick-Up Truck and Purchase Vehicle at State Contract Price

Resolutions

- ◆ Authorizing Permanent Appointment to Police Sergeant
- ◆ Authorizing Creation of Police Matron Position
- ◆ Authorizing Provisional Appointment to Pool & Grounds Technician
- ◆ Authorizing Temporary Provisional Appointment to Water System Maintainer/Meter Reader Position
- ◆ Authorizing Transfer of Funds - Maple Street Renovation and Street Paving

Other Items

- ◆ None

Payment of May Bills

Executive Session (if needed)

Adjournment

CORRESPONDENCE

Eddie Caputo Memorial 5k Walk/Run Ald. _____ **moved** to receive and approve a request from Wane Webb to hold the first Eddie Caputo Memorial 4k Walk/Run on Saturday, August 25, 2012, beginning at 10:30 a.m. till the end of the event at approximately 12:30 p.m., with police assistance along the route designated. Seconded by Ald. _____, (approved / defeated) _____.

Chobani Chamber Challenge 5k Run/Walk Ald. _____ **moved** to receive and approve a request from Jill Eddy to hold the first Chobani Challenge 5k Run/Walk on Saturday, September 15, 2012, beginning at 10:00 a.m. till the end of the event at approximately 12:00 p.m., with police assistance along the route designated. Seconded by Ald. _____, (approved / defeated) _____.

Norwich Street Festival and Sidewalk Sale Ald. _____ **moved** to receive, file, and approve a request from the Norwich BID to hold the Norwich Street Festival and Sidewalk Sale from July 26-28, 2012, in downtown Norwich, with special-event designation. Seconded by Ald. _____, (approved / defeated) _____.

Curb Cut Request - 16 Front Street Ald. _____ **moved** to accept and approve a curb cut request from Peter and Rosemary McBride of 16 Front Street, subject to the approval of the Superintendent of Public Works. Seconded by Ald. _____, (approved / defeated) _____.

Curb Cut Request - 24 Canasawacta Street Ald. _____ **moved** to accept and approve a curb cut request at 24 Canasawacta Street, subject to the approval of the Superintendent of Public Works. Seconded by Ald. _____, (approved / defeated) _____.

Curb Cut Request - 33 Hale Street Ald. _____ **moved** to accept and approve a curb cut request from Michael Steward of 33 Hale Street, subject to the approval of the Superintendent of Public Works. Seconded by Ald. _____, (approved / defeated) _____.

MOTIONS

Proposed Ordinance No. (B) of 2012 Amending Chapter 310 of the Code and Set Public Hearing

Ald. _____ moved to receive Proposed Ordinance No. (B) of 2012 Amending Chapter 310 of the Code and set a public hearing for 7:00 p.m. on June 19, 2012. Seconded by Ald. _____ and duly (adopted / defeated) _____.

HOUSING STANDARDS

[§ 310-1. Legislative findings; intent.](#)

[§ 310-2. Definitions; word usage.](#)

[§ 310-3. Required Inspections and Status Reports.](#)

[§ 310-4. Enforcement; service of notices and orders.](#)

[§ 310-5. Adoption of rules and regulations by Common Council.](#)

[§ 310-6. Minimum standards for basic equipment and facilities.](#)

[§ 310-7. Minimum standards for light, ventilation and heating.](#)

[§ 310-8. General maintenance requirements.](#)

[§ 310-9. Minimum space, use and location requirements.](#)

[§ 310-10. Responsibilities of owners and occupants.](#)

[§ 310-11. Rooming houses.](#)

[§ 310-12. Designation of unfit dwellings; condemnation.](#)

[§ 310-13. Inspections and Certificates of for rental occupancy compliance.](#)

[§ 310-14. Rental dwelling unit registration.](#)

- [§ 310-15. Conflict with other provisions; severability.](#)
[§ 310-16. Fees.](#)
[§ 310-17. Penalties for offenses.](#)

Title:

This chapter shall be known as the “Housing Standards” and may be referred to in this chapter as “this Code”.

§ 310-1. Legislative findings; intent.

The Common Council of the City of Norwich hereby finds and declares that **there exist in the City rental housing properties which are, or may become in the future, substandard with respect to structure and maintenance thereof, or, further, that conditions, including but not limited to structural deterioration, lack of maintenance, the appearance of the exterior of the premises, the existence of fire hazards and unsanitary conditions, constitute a menace to the health, safety, welfare and reasonable comfort of the residents and inhabitants of the City. It is further found and declared that, by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of large amount of public funds to correct and eliminate same. By reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the immediate neighborhood and property values thereby maintained, the desirability and amenities of rental housing properties and immediate neighborhoods enhanced and the public health, safety and welfare protected and fostered.** The City of Norwich further wishes to achieve the following beneficial purposes:

~~The Common Council of the City of Norwich hereby finds and declares that the rental of dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the people of the City of Norwich. The intent of this chapter is not only to provide minimum standards for housing but also to regulate the offering for rental of dwelling units to protect the public health, safety and general welfare of the people of the City of Norwich and to further achieve the following beneficial purposes:-~~

- [A.](#) The protection of the character and stability of residential areas;
- [B.](#) The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings;
- [C.](#) The enforcement of minimum standards for heating, plumbing and other sanitary equipment necessary for health and safety;
- [D.](#) The enforcement of minimum standards for light and ventilation necessary for health and safety;
- [E.](#) The enforcement of minimum standards for the maintenance of existing residential buildings and the prevention of slum and blight conditions;
- [F.](#) The preservation of the value of land and buildings throughout the City.

The following definitions shall apply in the interpretation and enforcement of this chapter.

A. As used in this chapter, the following terms shall have the meanings indicated **unless a different meaning is indicated clearly by the context, as used in this Code:**

AGENT

~~A local contact that the owner appoints to act on the owner's behalf if a property maintenance issue arises. The agent must be at least 18 years old, must be a competent representative of the owner with decision making authority, and reside in or maintain an office in Chenango County, NY.~~

ACCESSORY STRUCTURE

A structure that the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

BASEMENT

That portion of a building partly or completely below grade. (See "story above grade.")

BUILDING

A combination of materials to form a construction, adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.

CELLAR

A portion of a building located partly or wholly underground and having 1/2 or more than 1/2 of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DETERIORATION

The condition or appearance of a building, or any part thereof, characterized by holes, rot, breaks, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.

DWELLING

Any structure designed for use by human occupants for sleeping and living purposes.
~~Building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.~~

DWELLING UNIT

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

ENFORCEMENT OFFICER

A Building Inspector of the City of Norwich, or his designated qualified representative, any officer of the Norwich Police, any professional firefighter of the Norwich Fire Department, the Electrical Inspector and Health Department when their assistance is requested by the enforcement officer.

EXPOSED TO PUBLIC VIEW

Any premises, or any part thereof, or any building, or any part thereof, which may be lawfully viewed by the public from a sidewalk, street, alleyway, open air parking lot or any adjoining or neighboring premises.

EXTERIOR OF THE PREMISES

Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

EXTERMINATION

The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the enforcement officer.

FIRE HAZARD

Any thing or act which increases, or may cause an increase in, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fires, or which may obstruct, delay or hinder, or may become the cause of an obstruction, delay or hindrance to the prevention, suppression or extinguishment of fires, or any fire hazard identified in these codified ordinances. See also "Nuisance."

GARBAGE

The animal or vegetable waste resulting from handling, preparation, cooking and consumption of food. Accumulations of rubbish, such as vehicle parts, tires, scrap lumber, construction materials, old appliances, and leaves and branches, in property yard are also considered garbage. **See also "Refuse" and "Rubbish."**

HABITABLE ROOM

A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundry, pantries, foyers, or communicating corridors, closets and storage spaces.

INFESTATION

The presence, within or around a dwelling, of any insects, rodents, or other pests.

MULTIPLE DWELLING

Any dwelling containing more than two dwelling units.

NUISANCE

1. **Any public nuisance known as provided by the statues of the State or Ordinance of the City;**
2. **Conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the condition is made perilous by active and negligent operation thereof;**
3. **Unsanitary conditions or anything dangerous to health, in violation of this Code; and**
4. **Fire hazards.**

OCCUPANT

Any individual over one year of age living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

OWNER

Any person, agent, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the

property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON

Includes any individual, firm, corporation, association, or partnership.

PLUMBING

Includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

PREMISES

A lot, plot or parcel of land, including the buildings or structures thereon.

PROPERTY AGENT

Any person who has charge, care or control of a building, structure, dwelling or premises, or any part thereof, with the knowledge and consent of the owner.

REFUSE

All putrescent and non-putrescent solid wastes, except body wastes, including but not limited to garbage, rubbish, ashes, street cleanings, feces, dead animals and solid market and industrial wastes. See also "Garbage" and "Rubbish."

RESIDENTIAL HEATING FACILITIES

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65° F. (18° C.) in all habitable rooms, bathrooms and toilet rooms based on the winter design dry-bulb temperature for the locality indicated in Table 302.1 of the Energy Conservation Construction Code of New York State. Cooking appliances shall not be used to provide space heating to meet the requirements of this definition.

ROOMING HOUSE

A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT

Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

RUBBISH

Combustible or noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal and other combustible material, paper, rag, cartons, boxes wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

STORY ABOVE GRADE

Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

(1) More than six feet (1,829 mm) above grade plane.

(2) More than six feet (1,829 mm) above the finished ground level for more than 50% of the total building perimeter.

(3) More than 12 feet (3,658 mm) above the finished ground level at any point.

STRUCTURE

A combination of materials, fixed or portable, forming a construction.

SUPPLIED

Paid for, furnished, or provided by or under the control of the owner or operator.

TEMPORARY HOUSING

Any tent, trailer, or other structure used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

B. Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" and "premises" are used in this chapter they shall be construed as though they were followed by the words "or any part thereof."

§ 310-3. Required Inspections and Status Reports.

All rental housing properties are subject to inspection by the City of Norwich Codes Department every 3 years if occupant(s) have not changed in 3 years and at each change of tenant(s). At the time of such inspection, all interior and exterior parts of the rental housing property must be available and accessible for such inspection, and the owner/property agent/occupant are required to provide the necessary arrangements to facilitate such inspections. Such inspection shall be made between 8:00 a.m. and 4:00 p.m., unless one of the following exists:

(1) The premises are not available during the foregoing hours for inspection; or

(2) There is reason to believe that a violation exists of a character which is an immediate threat to health and safety, requiring inspection and abatement without delay.

Where a rental housing property consists of more than one rental housing unit, and an inspection is required due to a change in tenancy rather than the 3-year inspection, those rental housing units in the rental housing property in which no change in tenancy has occurred will not be subject to inspection unless otherwise required under this Code. Rental housing units in which no change in tenancy has occurred remain subject to the 3-year inspection.

Application for Inspection: Whenever an owner/property agent or bona fide occupant shall apply to the City of Norwich Codes Department for an inspection in order to ascertain if any section of this Code has been violated, the Codes Department shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an information certificate or report of the inspection to the applicant, indicating therein any violations on the premises. The applicant for such inspection shall state, in writing, his or her full name, residence address and the reasons and basis for which the inspection is requested. The application may be denied for failure to comply with this requirement. Upon a passed inspection the property owner shall be issued a Certificate for Rental Occupancy by the City of Norwich Codes Department. This Certificate is non-transferable, it is only valid for the tenant in which the application was made.

Application for Status Report: Where an owner/property agent/occupant or bona fide prospective occupant, requests a status report as to whether or not there are any known violations presently pending on the premises, upon payment of the fee prescribed herein and a written request, a copy of any notice or order on any violation then pending shall be sent to the applicant.

The enforcement officer is hereby authorized and directed to make inspections to determine whether the condition of dwellings, dwelling units and rooming units and premises located within the City of Norwich are in compliance with the requirements of this chapter. For that purpose and in order that he may perform his duty of safeguarding the health and safety of the occupants of such dwellings and the general public, the enforcement officer is hereby authorized to enter, examine and survey at reasonable times all dwellings, dwelling units and premises with permission of occupant and subsequent notification being given to the owner. However, such inspections shall be made upon request to the occupant of the premises to be inspected and at the convenience of such occupant. In the event that access to such dwelling or premises cannot be obtained upon request to the occupant and after reasonable effort to obtain access by permission, the enforcement officer, if he has reason to believe said dwelling unit for the inspection of which permission has been refused or has not been given after reasonable request is in violation of one or more of the provisions of this chapter, may apply to a court of competent jurisdiction upon affidavit for an order directing that the said enforcement officer have access to said dwelling or premises for the purpose of making his inspection. The court, if satisfied from the papers presented to it that there is reasonable ground to believe that the aforesaid dwelling or premises may be in violation of one or more of the provisions of this chapter, shall grant and issue an order directed to the occupant and owner of said dwelling or premises requiring that the enforcement officer be admitted thereto for the purpose of making the inspection provided for in this chapter. The enforcement officer shall thereupon proceed to make such inspection.

[§ 310-4. Enforcement; service of notices and orders.](#)

Refused Access; Search Warrants or Access Warrants:

Refused Access: Where the City of Norwich Codes Department agent is refused access or is otherwise impeded or prevented by the owner/property agent/occupant from conducting an inspection of a rental housing property such person shall be in violation of this Code and subject to the penalties hereunder.

Search Warrants or Access Warrants: In addition to the provision of this section, the City of Norwich Codes Department may, upon affidavit, apply to City of Norwich Court for a search warrant, setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this Code exists on the premises. If the Court is satisfied as to the matter set forth in the affidavit, the Court may authorize the issuance of a search warrant permitting access to the inspection of that part of the premises on which the nuisance or violations exists. A warrant for access may be issued by the Court upon an affidavit of the City of Norwich Codes Department agent establishing grounds therefore.

[A.](#) Whenever the enforcement officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto in any building, dwelling unit or property, there shall be issued a notice of violation pursuant to Criminal Procedure Law § 150.40 and Civil Practice Law and Rules § 308 or other applicable laws.

[B.](#) Such notice shall:

- [\(1\)](#) Be put in writing.
- [\(2\)](#) Specifically state the location of the subject property.
- [\(3\)](#) State the specific violation of the chapter.

[§ 310-5. Adoption of rules and regulations by Common Council.](#)

The Council of the City of Norwich shall adopt such rules and regulations as may be deemed necessary for the enforcement of the provisions of this chapter.

[§ 310-6. Minimum standards for basic equipment and facilities.](#)

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

[A.](#) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a potable water supply and to a sewer system in a manner to comply with the Plumbing Code and the ordinances of the City of Norwich. *Editor's Note: See Ch. [392](#), Plumbing and Heating Standards.*

[B.](#) Every dwelling unit (except as otherwise permitted under Subsection [D](#) of this section) shall contain, amongst its rooms which affords privacy, a flush water closet and a lavatory basin in good working condition and properly connected to a potable water supply and to a sewer system in a manner to comply with the Plumbing Code and the ordinances of the City of Norwich.

[C.](#) Every dwelling unit (except as otherwise permitted under Subsection [D](#) of this section) shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a potable water supply and to a sewer system in a manner to comply with the Plumbing Code and the ordinances of the City of Norwich.

[D.](#) The occupants of two or more dwelling units may share a single flush water closet, a single lavatory basin and a single bath tub or shower if:

[\(1\)](#) The total number of rooms of such dwelling units shall not exceed eight and the total number of occupants shall not exceed six.

[\(2\)](#) Such water closet, lavatory basin and bathtub or shower shall be in good working condition and properly connected to a potable water supply and to a sewer system in a manner to comply with the Plumbing Code and the ordinances in the City of Norwich.

[E.](#) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of Subsections [A](#), [B](#), [C](#) and [D](#) of this section shall be properly connected with both hot and cold water lines.

[F.](#) Every dwelling unit shall have adequate rubbish and garbage storage facilities as well as containers, type and location of which are a kind sufficient to meet the requirements of Chapter [474](#), Article [II](#), Garbage, of the Code of the City of Norwich.

[G.](#) Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required by this section, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F. Such supplied water-heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities, required under the provisions of [§ 310-7E](#) of this chapter, are not in operation.

[H.](#) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the laws of this state and the City of Norwich.

§ 310-7. Minimum standards for light, ventilation and heating.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every habitable room shall have at least one window or skylight facing directly to the outdoors. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

B. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room.

C. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsections A and B, except that no window or skylight shall be required in bathrooms and water closets adequately equipped with a ventilation system approved by the enforcement officer and kept in continuous operation.

D. Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least one electric convenience for every 20 linear feet (or major fraction) of the total distance around the room as measured horizontally along the wall at the floor line. Such receptacles shall not be a part of a fixture for computation. Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.

(1) Overcurrent protection. Fuse holders for plug fuses of 30 amperes or less shall not be installed unless they are of the Type S with the adaptor inserted or of the Type S construction. Fuses or circuit breakers shall not exceed wire (conductor) capacity of the circuit.

(2) There shall be at least one lighting circuit for each 500 square feet of floor space and at least one circuit for appliances which is separate from the lighting circuits, if only one lighting circuit is in existence, all new additional outlets shall be installed on a new circuit (or circuits).

(3) In a multiple occupancy building, each occupant shall have access to his disconnecting means and overcurrent protection at all times, without locks or through other occupancies.

E. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 31 to maintain a temperature of not less than 65° F. (18° C.) in all habitable rooms, bathrooms, and toilet rooms.

F. Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling and adequate lighting system which may be turned on when needed, instead of full-time lighting.

G. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

§ 310-8. General maintenance requirements.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight and rodent-proof, shall be capable of affording privacy and shall be kept in good repair.
- B. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent-proof and shall be kept in sound working condition and good repair.
- C. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
- D. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
- E. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. Nothing contained herein shall be deemed to prohibit the maintenance of wooden floors in such rooms, provided such floors are as impervious to water as may reasonably be required to well-maintained wood floors.
- F. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- G. No owner, operator or occupant shall cause any service, facility equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alteration are in process or during temporary emergencies.
- H. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it complies with the provisions of this chapter.

§ 310-9. Minimum space, use and location requirements.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- B. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof, except that where the occupants of such room are all less than 15 years of age, a room having at least 120 square feet of floor space may be occupied by additional persons, provided that the floor space per occupant does not become less than 35 square feet.
- C. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants

of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment, except that where such a dwelling unit is occupied only by a husband and wife, or a husband and wife and child or children under the age of 13, this section shall not apply.

D. At least 1/2 of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

E. No cellar space shall be used as a habitable room or dwelling unit.

F. No basement space shall be used as a habitable room or dwelling unit unless:

(1) The floor and walls are impervious to leakage of underground and surface water and are insulated against dampness;

(2) The total of window area in each room is equal to at least the minimum window area sizes as required in § [310-7A](#) of this chapter;

(3) Such required minimum window area is located entirely above the grade of the ground and adjoining such window area; and

(4) The total of openable window area in each room is equal to at least the minimum as required under § [310-7B](#) of this chapter, except where there is supplied some other device affording adequate ventilation and approved by the enforcement officer.

G. The provisions of this section shall only apply to new construction and to existing homes which are to be remodeled.

[§ 310-10. Responsibilities of owners and occupants.](#)

A. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

C. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by § [310-6F](#) of this chapter.

D. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by § [310-6F](#) of this chapter. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units.

E. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing

provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the homeowner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

E. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

§ 310-11. Rooming houses.

No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this chapter except the provisions of §§ [310-6](#) and [310-10](#).

A. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Code Enforcement officer in the name of the operator and for the specific dwelling or dwelling unit. The owner shall apply to the enforcement officer for such permit, which shall be issued by the enforcement officer upon compliance by the owner with the applicable provisions of this chapter. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice, in writing, to the enforcement officer within 24 hours after having sold, transferred, given away or otherwise disposed of ownership or interest in or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every such permit shall be renewable annually upon written application to the enforcement officer at least three days before the expiration of one year from its issuance or last renewal, unless such permit is subject to revocation for violation of this chapter or other ordinances or law applicable to said premises.

B. Any person whose application for a permit to operate a rooming house has been denied may require and shall be granted a hearing on the matter before the Mayor or the hearing officer designated by him.

C. Whenever, upon inspection of any rooming house, the enforcement officer finds that conditions or practices exist which are in violation of any provision of this chapter or any other law or any other ordinance of this City, the enforcement officer shall give notice, in writing, to the owner of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the enforcement officer, the owner's rooming house permit will be suspended. At the end of such period, the enforcement officer shall re-inspect such rooming house, and if he finds such conditions or practices have not been corrected, he shall issue a violation pursuant to § [310-4](#) of this chapter.

D. At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the enforcement officer and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1/2 the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement, except by written approval of the enforcement officer.

E. The owner of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The owner shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

E. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

G. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open spaces at ground level as required by the laws of this state and the City of Norwich.

H. The owner of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the owner.

I. Every provision of this chapter which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

§ 310-12. Designation of unfit dwellings; condemnation.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure of the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the City of Norwich and New York State codes.

§ 310-13. Inspections and Certificates for of Rental Occupancy compliance.

No person shall occupy, and no owner or property agent shall permit a person to occupy a rental dwelling unit unless a City of Norwich Codes Department agent has issued to the owner or property agent a certificate of rental occupancy for such rental unit.

A. Application for a certificate of rental occupancy shall be made separately for each rental unit by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the City of Norwich Codes Department. Such information shall include but need not be limited to the following:

- 1. The name, address and telephone number of the owner of the rental housing property;**
- 2. The name, address and telephone number of the property agent of the rental unit if one is required;**
- 3. The address of the rental housing property and the number of the rental unit;**
- 4. The current name, address, business and/or home telephone number of the person(s) who, since the last application, shall be residing/occupying the rental housing unit;**
- 5. Number of people to be residing in the rental unit;**
- 6. Such other information as may be requested on the application.**

B. The City of Norwich Codes Department may revoke a certificate of rental occupancy if any false statement appears in the application or if the information contained in the application is inaccurate.

Upon a passed inspection of the rental housing unit, the City of Norwich Codes Department shall issue a Certificate of Rental Occupancy. In the case of a failed inspection, the property owner

shall have a time period not to exceed ten (10) days of the date of inspection to make the necessary corrections unless for good cause shown, the City of Norwich Codes Department has extended the time for completion. Issuance by the City of Norwich Codes Department of an inspection report shall serve as notice of violation.

C. Frequency and Schedule of Inspections: The City of Norwich Codes Department agent is hereby directed to conduct an inspection of all rental housing units in single-family and two-family dwelling structures, except the interior of an owner-occupied dwelling unit, at least once every 3 years, and at each change of tenant, according to a schedule established by the City of Norwich Codes Department. The City of Norwich Codes Department agent shall require an inspection as a condition to the issuance of a certificate of rental occupancy pursuant to Section § 310-3. However, no inspection will be required if a certificate of rental occupancy inspection has been issued pursuant to Section § 310-3 for the same structure within 3 years preceding the date the structure would have been inspected under the schedule established by the City of Norwich Codes Department. Pursuant to such schedule, the City of Norwich Codes Department agent shall notify the owner of any rental unit to be inspected, or his or her property agent, that arrangements must be made with the City of Norwich Codes Department agent to cause the entire structure to be accessible for inspection at the time arranged, which shall be during regular business hours. If the owner/property agent/occupant refuses to consent to an inspection of the subject property, or if consent is otherwise unobtainable, the City of Norwich Codes Department agent shall not make such inspection without first obtaining a search warrant.

~~A. Upon request of the property owner, the enforcement officer shall issue a certificate of compliance setting forth that on the date of the said certificate the building in question complied with all the terms and requirements of this chapter. In the event that the said premises do not comply with the terms and requirements of this chapter, the enforcement officer shall issue a written statement setting forth in what manner the terms and requirements of this chapter are violated.~~

~~B. The owner shall pay a fee as set forth in the City of Norwich Permit Fee Schedule upon making a request for a certificate of rental occupancy.~~

~~C. A certificate of compliance shall not be issued without an electrical inspection certification supplied by an approved inspector.~~

§ 310-14. Rental dwelling unit registration.

A. Registration required. No person shall allow to be occupied or rent to another for occupancy any dwelling unit unless the owner has first obtained a rental dwelling unit registration certificate as hereafter provided.

B. Exemptions. The provisions of this chapter shall not apply to owner occupied with no more than one rental unit; hotels; motels; hospitals; nursing homes; or other dwelling units which offer or provide medical or nursing services if such units are subject to state or federal licensing or regulations concerning the safety of users and patients.

C. Application for registration.

(1) Within 30 days after the effective date of this amended chapter, the owner of each dwelling unit existing on the effective date of this amended chapter shall **submit a properly completed**

~~rental registration form~~ make written application to the City of Norwich **Codes Department** for a rental dwelling unit registration certificate. In addition, the owner of each dwelling unit constructed after the effective date of this amended chapter shall make a written application to the building official for a rental dwelling unit registration certificate, as herein provided, prior to any initial occupancy. Furthermore, the owner of any property, whether previously used as a rental or not, whether being a single-family or multifamily dwelling, must submit **a properly completed rental registration form** an application for a rental registration certificate within 30 days of renting any dwelling unit. Such application shall be made on a form **shall** be furnished by the Code Enforcement Office and shall set forth the following information, in addition to the other information reasonably required by the Code Enforcement Office from time to time which may be necessary to administer, enforce, and insure compliance with the provisions of this chapter and the housing code:

(a) Name, principal residence address and telephone number of the owner.

(b) Each and every owner, principal member, or general partner, joint tenancy, tenancy in common or tenancy by entirety shall be indicated on the application and register an address in accordance with the Subsection **C(1)(a)** of this section.

(c) If the owner is a corporation, the principal place of business of the corporation must be provided and the name, title and residence address of all officers, directors, managing or general agents must be included.

(d) If the owner has designated a **property** agent or managing company, then the name, principal residence address and telephone number of such agent or managing company must be included in addition to that of the owner. The managing company must also supply its principal business address and telephone number.

(e) It shall be the responsibility of the owner to properly register any change of address, property agent or any other information which occurs after the filing of the application.

(f) For purposes of this section, a post office box shall not be accepted as the owner's physical address. A post office box may be designated as an address to be provided as required in Subsection **C(1)(g)**. The building intended to be licensed **registered** shall not be accepted as the owner's address unless it is the principal place of business or residence of the owner.

(g) The owner shall specify the address to which all notices of violation issued pursuant to § **310-4** of this chapter and other violations of the housing codes are to be forwarded.

(h) If the owner does not reside within the County of Chenango (New York State), the name, address and telephone number of a ~~contact~~ **designated property** agent who resides in the County of Chenango (New York) must be provided.

(2) Failure to provide the aforementioned information shall be ~~grounds to deny a rental registration certificate and~~ deemed an offense and shall be penalized upon notice to the owner pursuant to § **310-17** of this chapter.

D. Term of rental dwelling unit registration.

(1) A rental dwelling unit registration issued pursuant to this chapter shall expire three years after the date of its **is issued** issuance. Renewal shall be due within 30 days prior to the expiration of the **rental** registration certificate.

~~(2) The rental dwelling unit registration certificate is nontransferable to any subsequent owners of property.~~

E. Revocation of rental dwelling unit registration certificate. A rental dwelling unit registration certificate issued pursuant to this chapter may be revoked by the code enforcement official for any of the following reasons:

- (1) Fraud, misrepresentation or a false statement as to material fact in the application;
- (2) A finding that a rental dwelling unit registration was issued in error and not in accordance with applicable law;
- (3) A violation of any provision of this chapter, including noncompliance with a notice of violation.

§ 310-15. Conflict with other provisions; severability.

A. Except as otherwise specifically provided, in the event any provision of this chapter shall be in conflict with any statute, ordinance, or regulation governing land and property, the provision which establishes the higher standard for promotion and protection of the health and safety of the people of the City shall be controlling.

B. If a term, part or provision, section, subdivision or paragraph of this chapter shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

§ 310-16. Fees.

A. Fees for Certificate of rental occupancy inspection or status report: The minimum fee for any inspection made under this section shall be twenty-five dollars (\$25.00), there shall be no fee for any initial re-inspection should the unit fail. Any subsequent re-inspections related to the initial failure shall be ten dollars (\$10.00) each visit. A Certificate of Rental Occupancy shall be issued to the property owner upon a passed inspection. This certificate is non-transferable. The fee for any status report under this section shall be ten dollars (\$10.00).

~~A.~~ **B. Certificate issuance-Rental Registration fee.** There shall be no fee for properly completed rental registration **forms** applications submitted within 30 days of the date of initial registration as set forth in § **310-14** of this chapter and subsequent renewals per § **310-14D** of this chapter. The fee for applications received after 30 days of the deadline, **if any**, shall be as set by the Common Council. *Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **I**).*

~~B.~~ **C.** No fee for new buildings. There shall be no fee charged for the **initial inspection** issuance of **for a certificate of** rental **occupancy** registration certificate for new **rental** dwellings at the completion of their construction covered by a building permit.

~~C.~~ **Inspection fees.** Every property owner shall pay a fee, as set by the Common Council, to be assessed against the property for each inspection after the second inspection, within the three-year registration period, in which violations of a state or local building code are found.

§ 310-17. Penalties for offenses.

Any violation of any provision of this chapter, or any provision of any rule or regulation adopted by the enforcement officer pursuant to authority granted by this chapter, shall be deemed an offense and

any person found guilty thereof shall be liable to a fine which shall not be less than \$250 and not to exceed \$1,000, or to imprisonment not to exceed 30 days, or to both such fine and imprisonment, and each day's failure to comply with such provision, rule or regulation shall constitute a separate violation.

Reject All Bids for DPW Pick-Up and Purchase at State Contract Price Ald. _____ **moved** to reject all bids received for a ¾-ton pick-up truck and purchase a vehicle at the price set by state contract. Seconded by Ald. _____ and duly (adopted /defeated) _____.

Payment of May 2012 Bills Ald. _____ **moved** to pay the May 2012 bills after proper audit and certification. Seconded by Ald. _____ and duly (adopted/defeated) _____.

RESOLUTIONS

RESOLUTION # - 2012 AUTHORIZING PERMANENT APPOINTMENT TO POLICE SERGEANT

Ald. _____ introduced the following and **moved** its adoption:

WHEREAS, Stephen Zieno was promoted to the rank of Police Sergeant on a temporary basis due to a leave of absence; and

WHEREAS, the Police Chief has recommended Stephen Zieno be given permanent status; and

WHEREAS, the Finance/Personnel Committee has reviewed and concurred with said recommendations; now, therefore be it

RESOLVED, that Stephen Zieno of Norwich New York, be and is hereby granted a permanent appointment to the position of Police Sergeant, effective May 16, 2012; and, further be it

RESOLVED, that said status change does not result in a position vacancy and is subject to any action necessary from the Norwich Civil Service Commission.

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.

RESOLUTION # - 2012 AUTHORIZING CREATION OF POLICE MATRON POSITION

Ald. _____ introduced the following and **moved** its adoption:

WHEREAS, the NYS Commission of Corrections has expressed concerns regarding the lack of availability of a female to process and transport female prisoners; and

WHEREAS, the Police Chief has recommended the creation of the position of Police Matron to address said concerns; and

WHEREAS, the Finance/Personnel Committee has reviewed and concurred with said recommendations; now, therefore be it

RESOLVED, that the position of Police Matron be and hereby is authorized to be created and that the position duties be referred to the Norwich Civil Service Commission for creation and classification.

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.

RESOLUTION # - 2012

AUTHORIZING PROVISIONAL APPOINTMENT TO POOL & GROUNDS TECHNICIAN

Ald. _____ introduced the following and **moved** its adoption:

WHEREAS, a vacancy exists for a Pool & Grounds Technician; and

WHEREAS, the DPW Superintendent has recommended Joseph Canaday of McDonough, NY, for the position of Pool & Grounds Technician; and

WHEREAS, the Finance/Personnel Committee has reviewed and concurred with said recommendations; now, therefore be it

RESOLVED, that Joseph Canaday of McDonough New York, be and hereby is provisionally appointed to the position of Pool & Grounds Technician at the entry level, effective May 21, 2012; and, further be it

RESOLVED, that appointment shall become permanent upon successfully passing the required civil service exam and any action necessary from the Norwich Civil Service Commission.

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.

RESOLUTION # - 2012

AUTHORIZING TEMPORARY PROVISIONAL APPOINTMENT TO WATER SYSTEM MAINTAINER/METER READER POSITION

Ald. _____ introduced the following and **moved** its adoption:

WHEREAS, a vacancy exists for the position of Water System Maintainer/Meter Reader; and

WHEREAS, due to a leave of absence said position must initially be filled on a temporary provisional basis; and

WHEREAS, the DPW Superintendent has recommended Michael Knecht of Norwich NY for the position of Water System Maintainer/Meter Reader; and

WHEREAS, the Finance/Personnel Committee has reviewed and concurred with said recommendations; now, therefore be it

RESOLVED, that Michael Knecht of Norwich New York, be and hereby is provisionally appointed to the position of Water System Maintainer/Meter Reader at the entry level, effective May 16, 2012; and, further be it

RESOLVED, that said appointment is temporary until the expiration of the granted leave of absence; and, further be it

RESOLVED, that appointment shall become permanent upon said expiration of the leave of absence, successfully passing the required civil service exam and any action necessary from the Norwich Civil Service Commission.

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.

Ald. _____ introduced the following and moved its adoption:

WHEREAS, bids have been awarded for the replacement of Maple Street Water, Sanitary, and Storm Drains, as well as for related repaving work (the "Project"); and

WHEREAS, funds are therefore required for the construction phase of the Project; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel Committees have made certain recommendations; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to the following transfer of funds from Water System Capital Reserves accounts:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR31-878	Capital Reserves - Water Mains	\$ 51,538.30
HR34-878	Capital Reserves - Sewer Mains	\$161,351.00
HR43-878	Capital Reserves - Storm Sewers	\$ 72,348.80

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H93-03-5110.4020	Maple Street Renovation Capital Project	\$285,238.10

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.