

CHAPTER 50

MINIMUM STANDARDS FOR HOUSING

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Legislative findings and intent.

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.

§1. Definitions.

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

- 1.1 **Agent** shall mean 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.
- 1.2 **Basement** shall mean that portion of a building partly or completely below grade. (see "Story Above Grade")
- 1.3 **Cellar** shall mean a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.4 **Dwelling** shall mean 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.
- 1.5 **Dwelling Unit** shall mean a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- 1.6 **Enforcement Officer** shall mean the 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.
- 1.7 **Extermination** shall mean 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.

- 1.8 **Garbage** shall mean 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.
- 1.9 **Habitable Room** shall mean 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.
- 1.10 **Infestation** shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.
- 1.11 **Multiple Dwelling** shall mean any dwelling containing more than two dwelling units.
- 1.12 **Occupant** shall mean any individual over one (1) year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- 1.13 **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 section.
- 1.14 **Owner** shall be 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.
- 1.15 **Person** shall mean and include any individual, firm, corporation, association, or partnership.
- 1.16 **Plumbing** shall mean and include 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.
- 1.17 **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.
- 1.18 **Rooming Unit** shall mean 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.
- 1.19 **Rubbish** shall mean 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.

1.20 **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 6 feet (1829 mm) above grade plane.
2. More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet (3658 mm) above the finished ground level at any point.

1.21 **Supplied** shall mean paid for, furnished, or provided by or under the control of, the owner or operator.

1.22 **Temporary Housing** shall mean 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 thirty (30) consecutive days.

1.23 **Meaning of Certain Words**. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit,” “premises,” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof.”

§2. Inspection of dwellings, dwelling units, rooming units and premises.

The Enforcement Officer is hereby authorized and directed to make inspections to determine whether the condition of a dwelling, dwelling units and rooming units and premises located within the City of Norwich are in compliance with the requirements of this ordinance. 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 ordinance, 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 ordinance 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 ordinance. The Enforcement Officer shall thereupon proceed to make such inspection.

§3. Enforcement; service of notices and orders.

Whenever the Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this ordinance or of any rule or regulation adopted pursuant thereto, in any building, dwelling unit or property shall be issued a notice of violation pursuant to Criminal Procedure Law 150.40 and CPLR 308 or other applicable laws.

Such notice shall:

- (a) Be put in writing
- (b) Specifically state the location of the subject property
- (c) Specific violation of the code

§4. Adoption of rules and regulations by the 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 ordinance.

§5. 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:

- 5.1 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.
- 5.2 Every dwelling unit (except as otherwise permitted under Subsection 5.4 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.
- 5.3 Every dwelling unit (except as otherwise permitted under Subsection 5.4 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.
- 5.4 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:
 - (a) The total number of rooms of such dwelling units shall not exceed eight and the total

number of occupants shall not exceed six.

- (b) Such water closet, lavatory basin and bath tub 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.
- 5.5 Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of Subsections 5.1, 5.2, 5.3 and 5.4 of §5 of this ordinance shall be properly connected with both hot and cold water lines.
- 5.6 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 the City of Norwich Garbage Ordinance.
- 5.7 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 of §5 of this ordinance, 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 one hundred twenty degrees (120°) Fahrenheit. 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 Subsection 6.5 of §6 of the ordinance are not in operation.
- 5.8 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.

§6. 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:

- 6.1 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 (3) 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.
- 6.2 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.
- 6.3 Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsections 6.1 and 6.2 of §6, except that no window or skylight shall be required in bathrooms and water closets adequately ventilation be a ventilation system approved by the Enforcement Officer and kept in continuous operation.
- 6.4 Where there is electric service available from power lines which are not more than three

hundred (300) feet away from a dwelling, every habitable room of such dwelling shall contain at least one (1) electric convenience for every twenty (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 (1) 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.

- (a) Overcurrent Protection: Fuseholders for plug fuses of thirty (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.
- (b) There shall be at least one lighting circuit for each five hundred (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).
- (c) 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.

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

6.6 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.

6.7 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.

§7. General requirements relating to the safe and sanitary maintenance of parts of dwellings and dwelling units.

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:

- 7.1 Every foundation, floor, wall, ceiling and roof shall be reasonably weather-tight and rodent-proof, shall be capable of affording privacy and shall be kept in good repair.
- 7.2 Every window, exterior door and basement hatchway shall be reasonably weather-tight, watertight and rodent-proof and shall be kept in sound working condition and good repair.

- 7.3 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.
- 7.4 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.
- 7.5 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 reasonable be required to well-maintained wood floors.
- 7.6 Every supplied facility, piece of equipment or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- 7.7 No owner, operator or occupant shall cause any service, facility equipment or utility which is required under this ordinance 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.
- 7.8 No owner shall occupy or let to any other occupant any vacant dwelling unit unless it complies with the provisions of this ordinance.

§8. 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:

- 8.1 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.
- 8.2 In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof, except that where the occupants of such room are all less than fifteen (15) years of age, a room having at least one hundred twenty (120) square feet of floor space may be occupied by additional persons, provided that the floor space per occupant does not become less than thirty-five (35) square feet.
- 8.3 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 thirteen (13), this section

shall not apply.

- 8.4 At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet, and the floor area of that part of any room where the ceiling height is less than five (5) 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 therefore.
- 8.5 No cellar space shall be used as a habitable room or dwelling unit.
- 8.6 No basement space shall be used as a habitable room or dwelling unit unless:
- (a) The floor and walls are impervious to leakage of underground and surface water and are insulated against dampness.
 - (b) The total of window area in each room is equal to at least the minimum window area sizes as required in Subsection 6.1 of §6 of this ordinance;
 - (c) Such required minimum window area is located entirely above the grade of the ground and adjoining such window area; and
 - (d) The total of openable window area in each room is equal to at least the minimum as required under Subsection 6.2 of §6 of this ordinance, except where there is supplied some other device affording adequate ventilation and approved by the Enforcement Officer.
- 8.7 The provisions of §8 of this ordinance shall only apply to new construction and to existing homes which are to be remodeled.

§9. Responsibilities of owners and occupants.

- 9.1 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.
- 9.2 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.
- 9.3 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 Subsection 5.6 of §5 of this ordinance.
- 9.4 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 Subsection 5.7 of §5 of this ordinance. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units.
- 9.5 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.

- 9.6 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.

§10. 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 ordinance, except the provisions of §5 and §9.

- 10.1 No person shall operate a rooming house unless he holds a valid rooming house permit issued by the 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 ordinance. 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 twenty-four (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 (3) days before the expiration of one (1) year from its issuance or last renewal, unless such permit is subject to revocation for violation of this ordinance or other ordinances or law applicable to said premises.
- 10.2 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.
- 10.3 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 ordinance 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 section 3 of this ordinance.
- 10.4 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 (8) 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 one-half (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.

- 10.5 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.
- 10.6 Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- 10.7 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.
- 10.8 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.
- 10.9 Every provision of this ordinance which applied 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.

§11. Designation of unfit dwellings and legal procedure of 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.

§12. Certificates of compliance.

- 12.1 That 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 ordinance. In the event that the said premises do not comply with the terms and requirements of this ordinance, the Enforcement Officer shall issue a written statement setting forth in what manner the terms and requirements of this ordinance are violated.
- 12.2 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 compliance.

- 12.3 A certificate of compliance shall not be issued with out an electrical inspection certification supplied by an approved inspector.

§13. Rental dwelling unit registration.

- 13.1 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.
- 13.2 Exemptions. The provisions of this chapter shall not apply to owner occupied with no more than one (1) 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.
- 13.3 Application for registration.
- (a) 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 make written application to the City of Norwich 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 or multi family dwelling, must submit an application for a rental registration certificate within 30 days of renting any dwelling unit. Such application shall be made on a form 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.
- (1) Name, principal residence address and telephone number of the owner.
 - (2) 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 (a)(1) of this section.
 - (3) 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.
 - (4) If the owner has designated an 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.
 - (5) It shall be the responsibility of the owner to properly register any change of

address, agent or any other information which occurs after the filing of the application.

- (6) 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 section 13.3 (7) of this chapter. The building intended to be licensed shall not be accepted as the owner's address unless it is the principal place of business or residence of the owner.
- (7) The owner shall specify the address to which all notices of violation issued pursuant to §3.1 (d) of this chapter, and other violations of the housing codes are to be forwarded.
- (8) If the owner does not reside within the County of Chenango (New York State), the name, address and telephone number of a contact/agent who resides in the County of Chenango (New York) must be provided.

- (b) 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 §16 of this ordinance.

13.4 Term of rental dwelling unit registration.

- (a) A rental dwelling unit registration issued pursuant to this chapter shall expire three years after the date of its issuance. Renewal shall be due within 30 days prior to the expiration of the registration certificate.
- (b) The rental dwelling unit registration certificate is non-transferable to any subsequent owners of property.

13.5 Revocation of rental dwelling unit registration certificate

- (a) 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.

§14. Conflict of ordinances; effect on partial invalidity.

- 14.1 Except as otherwise specifically provided, in event any provision of this ordinance 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.

- 14.2. 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.

§15. Fees.

- A. Certificate issuance. There shall be no fee for properly completed rental registry applications submitted within 30 days of the date of initial registration as set forth in Section 17 of this ordinance and subsequent renewals per Section 13.4(a) of this Ordinance. The fee for applications received after 30 days of the deadline shall be: \$5 for a single-unit rental, \$10 for a two-unit rental dwelling, \$15 for three-unit rental dwelling and \$1 for each additional unit over three.
- B. No fee for new buildings. There shall be no fee charged for the issuance of a rental dwelling unit registration certificate for new dwellings at the completion of their construction covered by a building permit.
- C. Inspection fees. Every property owner shall pay a fee of \$75, to be assessed against the property, for each inspection after the second inspection, within the three (3) year registration period, in which violations of a state or local building code are found.

§16. Penalties.

Any violation of any provision of this ordinance, or any provision of any rule or regulation adopted by the Enforcement Officer pursuant to authority granted by this ordinance shall be deemed an offense and any person found guilty thereof shall be liable to a fine which shall not be less than two hundred-fifty dollars (\$250.00) and not to exceed one-thousand dollars (\$1,000.00), or to imprisonment not to exceed thirty (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.

§17. Effective date.

- 17.1 This ordinance shall take effect on and after the 1st day of May 2007.