

Chapter 27 PROPERTY CONSERVATION CODE OF THE CITY OF SYRACUSE¹

ARTICLE I. GENERAL PROVISIONS

Sec. 27-1. Title.

This chapter shall be known as the "Property Conservation Code of the city of Syracuse, New York."
(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-2. Purpose.

The city of Syracuse has numerous residential, commercial and industrial buildings which are substantially sound and habitable structures providing decent housing and commercial resources for residents and businesses in the city. The city also has vacant areas and lots. Their condition and maintenance are vital to the protection and enhancement of the well-being of residents and businesses in adjacent residential neighborhoods and commercial and industrial areas. In order to conserve these valuable property resources, to enhance the residential neighborhoods and to protect the safety, health and welfare of the persons who live, work and recreate in the city, the provisions of this Code are established, to provide basic and uniform standards, in terms of performance objectives implemented by specific requirements governing the condition, occupancy and maintenance of all premises and the responsibilities of every person concerned therewith.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-3. Scope.

This code shall apply to all residential, nonresidential and mixed use premises within the city of Syracuse, including all buildings and structures erected thereon.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-4. Interpretations, procedural rules and forms.

The director shall, consistent with the express standards, purposes and intent of this Code and subject to the review of the commissioner, promulgate, adopt and issue such interpretations, procedural rules, and forms, and amendments thereto, as are in the director's opinion necessary to effective administration and enforcement of the

¹Editor's note(s)—General Ord. No. 30-1993, adopted Sept. 13, 1993, repealed former Ch. 27, Housing Code of the city of Syracuse, in its entirety and enacted new provisions as herein set out. See the Code Comparative Tables for ordinances and local laws affecting former Ch. 27.

Cross reference(s)—Dept. of community development, Pt. O, § 5-1801 et seq.; Health and sanitation, Pt. O, § 14-1 et seq.

provisions of this Code. These interpretations, rules and forms shall be available to the public at the office of the director.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-5. Application and availability of remedies.

- (a) The provisions of this Code shall supplement federal, state and local laws, ordinances, codes or regulations. When a provision of this Code is found to be inconsistent with any provision of a statute, local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the highest standard shall prevail. A greater penalty shall not be considered as more restrictive or a higher standard.
- (b) Notwithstanding the availability of other remedies for enforcement of the provisions contained in:
 - (1) The Americans With Disabilities Act, New York State Multiple Residence Law and the New York State Uniform Fire Prevention and Building Code; and
 - (2) The building code, plumbing code, electrical code, safety code for elevators and escalators, fire prevention code, mechanical code, health and sanitation code, and zoning ordinances of the city of Syracuse, and county of Onondaga, where applicable, the remedies and enforcement procedures as set forth in this Code may be used to enforce the provisions of the aforesaid enumerated federal and state laws and city codes and ordinances and shall be deemed cumulative to the procedures and remedies.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-6. Reference to New York State Uniform Fire Prevention and Building Code and other laws.

Installations, alterations and repairs to buildings and structures, and materials, assemblies and equipment utilized in connection therewith, shall be reasonably safe to persons and property, and in conformity with the applicable law of the State of New York and the city of Syracuse, and orders, rules and regulations issued by authority thereof. Conformity of such work, materials assemblies or equipment with the applicable requirements of the New York State Uniform Fire Prevention and Building Code or the building code of the city of Syracuse, or generally accepted standards incorporated by reference in either code, shall be prima facie evidence that the same is reasonably safe to person and property.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-7. Partial invalidity.

If an article, part, provision, section, subsection or paragraph or term of this Code shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining article, parts, provisions, sections, subsections, paragraphs or terms.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-8. Workmanship.

All alterations, repairs and installations which are caused to be performed either directly or indirectly by the enforcement of this Code shall be done in a workmanlike manner.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-9. Approval.

- (a) The director is authorized to vary or modify provision(s) of this Code upon application of the owner or the owner's representative, provided the intent of such provision(s) shall be maintained and the health and safety of the public assured.
- (1) All such applications for variances or modifications and the decisions of the director shall be in writing.
 - (2) The director may approve alternative materials or methods of construction when the proposed design is proven to be satisfactory and to comply with the intent of this Code, and the material or method proposed is, for the purpose intended, equivalent in quality, strength, effectiveness, fire resistance, durability and safety.
 - (3) The director shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the director shall approve the use of such material or assembly subject to the requirements of this Code.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-10. Definitions.

As used in this Code, the following terms shall have the meanings indicated:

Accessory structures and uses. A structure or use which:

- (1) Is incidental to and serves a principal building or a principal use;
- (2) Is usually subordinate in area, extent and purpose to the principal structure or principal use served;
- (3) Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this chapter.

Apartment or suite. A room or suite of two (2) or more rooms, one (1) of which is a bathroom, used solely as a residence in a building not used as a hotel, rooming or boarding house, or for other transient occupancy.

Approved. Approved by the director of code enforcement or approved by an authority designated by law or this Code.

Approved material and construction. Approved by generally accepted standards or the director of code enforcement under the provisions of this Code or the Building Code of the city of Syracuse, or approved by any other authority so authorized by law.

Assembly. Space within a building for public use, such as reception, ball, meeting, lecture and recreation rooms, banquet and dining rooms and their kitchens, and swimming pools.

Balcony. A platform projecting from a building and enclosed by a railing. This shall include a porch or deck.

Basement. That space of a building that is partly below grade, which has more than one-half (½) of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building.

Bathroom. Enclosed space containing a minimum of one water closet, one lavatory and either one bathtub or shower. See separate definition of "toilet room."

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(Supp. No. 40)

Building. A structure wholly or partially enclosed within exterior walls, or within exterior or party walls, and a roof, affording shelter to persons, animals or property.

Cellar. That space of a building that is partly or entirely below grade, which has more than one-half (½) of its height, measured from floor to ceiling, below the average established finished grade of the ground adjoining the building.

Certificate of adequacy. Document issued as provided hereunder by the division of code enforcement certifying that as of a specified date an inspection was made of a one-family or two-family dwelling structure which was found to be in substantial compliance with the substantive standards set forth in section 27-16 of this Code.

Certificate of suitability. The certificate of suitability issued by the city's zoning administrator or planning commission pursuant to Part C, Section VIII of the city's zoning ordinance.

Child or children. Any person ten (10) years of age or younger.

Commissioner. The Commissioner of the Department of Neighborhood and Business Development for the city of Syracuse.

Conditional certificate of adequacy. Document issued as provided hereunder by the division of code enforcement certifying that as of a specified date an inspection was made of a one-family or two-family dwelling structure which was found to be in violation of the substantive standards set forth in section 27-16 of this Code and enumerating the conditions which must be met to bring the premises into substantial compliance therewith.

Certificate of compliance. Document issued as provided hereunder by the division of code enforcement certifying that as of a specified date an inspection was made of a multiple dwelling or a building of mixed occupancy which includes residential occupancy which was found to be in substantial compliance with this Code and other applicable laws and regulations.

Conditional certificate of compliance. Document issued as provided hereunder by the division of code enforcement certifying that as of specified date an inspection was made of a multiple dwelling structure which was found to be in violation of this Code and/or other applicable laws and regulations, and enumerating the conditions which must be met to bring the premises into substantial compliance therewith.

Court, inner. An open, uncovered, unoccupied space surrounded on all sides by the exterior walls of a building or structure or by such walls and an interior lot line of the same premises.

Court, outer. An open, uncovered, unoccupied space which has at least one (1) side opening on a legal open space.

Department. The Department of Neighborhood and Business Development of the city of Syracuse.

Director. The director of the division of code enforcement of the department of community development of the city of Syracuse.

Division. The Division of Code Enforcement of the Department of Neighborhood and Business Development of the city of Syracuse.

Dwelling. Any building or part thereof, used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging thereto.

Dwelling, one-family. A building containing not more than one (1) dwelling unit occupied exclusively for residential purposes.

Dwelling, two-family. A building containing two (2) dwelling units occupied exclusively for residential purposes.

Dwelling unit. Any room or grouping of rooms located within a dwelling forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one (1) family.

Equitable owner. The person who is recognized in equity, as the result of a lease, contract or other formal written agreement, as the owner of the property even though bare legal title to the property is in someone else.

Exit. A way of departure on foot from the interior of a building or structure to the exterior at street or grade level accessible to a street, consisting of:

- (1) Corridors, stairways and lobbies enclosed in construction having a fire resistance rating, including the door openings thereto from a habitable, assembly or occupied space;
- (2) An interior stairway;
- (3) A horizontal exit;
- (4) A door to the exterior at grade; or
- (5) An exterior stairway or ramp.

Exploration shall mean geologic or geophysical activities related to the search for natural gas or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include, but are not limited to, core or rotary drilling or making an excavation in the search and evaluation of natural gas deposits.

Extermination. Control and elimination of insects, rodents and vermin 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 approved means of pest elimination.

Extraction. The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas or other hydrocarbons.

Family:

- (1) A householder plus one or more persons related by blood, marriage or adoption living together in a family-like arrangement as a single, not-for-profit housekeeping unit sharing one common kitchen facility; or
- (2) A group of persons headed by a person or persons responsible for providing care for a reasonable number of individuals, sharing one common kitchen facility, in a family-like living arrangement which is the functional and factual equivalent of a family of related persons; or
- (3) One or more persons occupying a premises and living together as a single housekeeping unit, subject to a limit of not more than five (5) unrelated persons eighteen (18) years of age or older.

Floor area. The horizontal areas of a building which are enclosed by the exterior walls of the building.

Garbage. The animal, vegetable and mineral waste resulting from handling, preparation, cooking and consumption of food.

Generally accepted standard. A specification, code rule, guide or procedure in the field of construction or related thereto, recognized and accepted as authoritative.

Grade, finished. Natural surface of the ground, or surface of ground after completion of any change in contour, abutting a building or premises.

Graffiti. Any etching, painting, covering up, drawing upon or other mark upon public or private property so as to deface said property.

Habitable space. Any room or enclosed space used or intended to be used for sleeping, living, cooking or dining purposes, excluding, however, restaurants for employees and occupants, kitchens serving them, kitchenettes, and other enclosed spaces such as utility rooms, closets, pantries, baths or toilet rooms, hallways, cellars, storage spaces, garages and similar spaces.

Hotel. A building used for the housing of the transient public in single rooms or suites of rooms. Also provided with dining rooms, kitchens, serving rooms, ballrooms and other facilities for the accommodation of the public.

Hydrofracking. High volume hydraulic fracturing which is the process of drilling wells vertically into the ground then horizontally from the well head then the fracturing of shale and other natural structures by using millions of gallons of fluid mixed with multiple chemicals for the purpose of stimulating natural gas or oil for any purpose in low permeability natural gas reservoirs.

Infestation. The presence of insects, rodents, vermin, birds or other pests.

Installation of balcony guards. Proper installation and maintenance of balcony guards in a manner approved by the director.

Kitchen. A space used for cooking or preparation of food containing sixty (60) or more square feet of gross floor area.

Kitchenette. A space used for cooking or preparation of food containing less than sixty (60) square feet of gross floor area.

Lodging house. A multiple dwelling used primarily for the purpose of furnishing lodging, with or without meals, to transient occupants, for compensation.

Lodging unit. A room or group of rooms forming a single habitable unit, or intended to be used for lodging.

Lot. An area contained within lot lines shown on a properly recorded subdivision map or similar document approved pursuant to the zoning rules and regulations of the city of Syracuse or described in a deed recorded prior to March 19, 1962, or approved as a lot by any applicable regulation. Areas shown on maps or described in deeds which are contiguous shall be deemed separate lots unless otherwise specified as one lot in said instrument.

Mixed occupancy. Occupancy of a building in part for residential use and in part for some other use not accessory thereto.

Motel. A multiple dwelling not over two (2) stories in height, intended primarily for motorists, in which the exit from each dwelling unit or sleeping room is directly to the exterior.

Multiple dwelling. A dwelling which is designed or intended to be occupied, or is occupied, as a temporary or permanent residence or home of three (3) or more families living independently of each other, including but not limited to the following: a tenement, flat house, maisonette apartment, apartment house, apartment hotel, tourist house, bachelor apartment, studio apartment, duplex apartment, kitchenette apartment, hotel, lodging house, rooming house, boarding-house, boarding and nursery school, furnished-room house, club-sorority house, fraternity house, college and school dormitory, convalescent, old-age or nursing home or residence. It shall also include a dwelling two (2) or more stories in height and with five (5) or more boarders, roomers or lodgers residing with any one family.

Natural gas. Any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature or pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

Natural gas exploration and production wastes. Any garbage, refuse, sludge, or other discarded materials, including solid, liquid, semisolid or contained gaseous material that results from the exploration, drilling or extraction of natural gas.

Nonowner occupied dwelling. Any dwelling that is not occupied by the owner of the dwelling.

Occupied space. Space within a building wherein persons normally work or remain for a period of time.

Owner. The term "owner" shall mean and include the owner or owners of the freehold of the premises or lesser estate therein who appears as the owner of record with the Onondaga County Clerk's Office, as well as any

person, agent, firm, entity or corporation having any legal or equitable interest in the property at the time a notice, order or other document is issued by the division.

Parking garage. A building or structure, or part thereof, in which a structural level, other than a slab on grade, is used for parking, storage, or maintenance of motor vehicles.

Person. An owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, operator or any other person, firm or corporation directly or indirectly in control of a building, structure, premises or part thereof and is deemed to include all of the offices and directors, if such person be a corporation.

Plumbing system. The water supply system, the drainage system, the vent system, fixtures and traps, including their various connections, devices and appurtenances within the property lines of the premises.

Pollution. The contamination or other degradation of the physical, chemical or biological properties of land, water or air that will or is likely to create a nuisance or render such land, water or air harmful, detrimental or injurious to the public health, safety or welfare, or harmful, detrimental or injurious to domestic, commercial, industrial, agricultural, recreational or other beneficial uses, or to humans and animals, birds, fish or other aquatic or wild life.

Potable water. Water which is approved for drinking, culinary and domestic purposes.

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

Public space. Space within a building for public use, such as lobbies, lounges, reception, ball, meeting, lecture and recreation rooms, banquet and dining rooms and their kitchens, and swimming pools.

Refuse. All cardboard, plastic, metal or glass food containers, wastepaper, rags, sweeping, small pieces of wood, excelsior, rubber, leather, ashes and similar waste material that ordinarily accumulates around a home, business or industry.

Rooming house. A dwelling other than a hotel, fraternity, sorority, dormitory or chapter house, where lodging and/or meals for three (3) or more roomers or boarders or guests are served for compensation.

Rooming unit. Any habitable room or group of rooms with not more than (2) habitable rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, for not more than two (2) persons.

Rubbish. All combustible and non-combustible waste, except garbage.

Screened. An assembly of approved materials installed in an approved manner designed to deter illegal entry and to permit the flow of a required volume of air. As applied to parking garages, the area screened shall include access gates of a size and in a location to be approved by the fire department.

Secure. To render inaccessible to unauthorized entry by closing, bolting, repairing, boarding or otherwise fastening all doors, windows and other openings through which unauthorized entry may be gained (see section 27-73(d) for board up standards).

Secured by other than normal means. To secure a building by means other than those used in the design of the building or in accordance with section 27-73 of the Code.

Senior citizen. Senior citizen shall mean a person who is sixty-two (62) years of age or older.

Sewage. Liquid waste containing human, animal or vegetable matter in suspension or solution, and which may include industrial wastes and liquids containing chemicals.

Structure. An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings, paving and surfacing of the ground.

Studio unit. A living unit containing one habitable room with provisions for living, cooking, eating and sleeping facilities arranged for the use of one family. See definition of "dwelling unit."

Substantial renovation/modeling. When the cost of such renovation or remodeling made within any six-month period exceeds fifty (50) percent of the cost of replacement of the building at the beginning of that six-month period; or, whenever more than fifty (50) percent of any building system, measured in units appropriate to that system, is replaced within any twelve-month period.

Tenant. Lessee or other occupant regularly residing within a dwelling unit, regardless of whether said occupant is a party to a lease agreement.

Toilet room. Enclosed space containing a minimum of one water closet and one lavatory. It may also contain additional plumbing fixtures serving similar purposes. See definition of "bathroom."

Unoccupied. A building which is not occupied, used or lived in by an owner or a person authorized by the owner.

Unoccupied hazard. ny building or structure or a substantial part thereof which remains unoccupied for a period of more than one year with either doors, windows or other openings broken, removed, boarded or sealed up.

Vacant building. A building or portion of a building which meets one or more of the following criteria:

Unoccupied and unsecured;

Unoccupied and secured by other than normal means;

Unoccupied and unsafe, or unfit, as determined by the division;

Unoccupied and in violation of federal, state or local laws, ordinances and/or regulations; and/or

Unoccupied and one (1) or more violations of this chapter or the New York State Uniform Fire Prevention and Building Code exist on the building, parcel or property.

Vacant lot. A lot, other than park lands, which is not improved by a structure and is not regularly maintained.

Ventilation. Supply and removal of air to and from a space by a natural or mechanical means.

Ventilation, mechanical. Ventilation by power-driven devices.

Ventilation, natural. Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks, with or without wind driven devices.

Weeds. All grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

Workmanlike. Performed in a skilled manner in accordance with generally accepted standards, generally, plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard. An open space on the same lot which contains a building, and located between the building line and the lot line which the particular building line faces.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 42-1993, § 6, 9-13-93; Gen. Ord. No. 29-1995, § 1, 7-10-95; Gen. Ord. No. 31-1995, § 1, 8-21-95; Gen. Ord. No. 46-2005, 10-24-05; Gen. Ord. No. 38-2011, 10-24-11; Gen. Ord. No. 17-2012, 7-9-12; Gen. Ord. No. 31-2013, 7-15-13)

ARTICLE 2. PERSONAL RESPONSIBILITIES

Sec. 27-11. Owner responsibilities.

- (a) The owner shall at all times:
- (1) Comply with all applicable provisions of any state or local statute, code, regulation or ordinance governing the maintenance, construction, use or appearance of the building, structure or part thereof and the property of which it is a part;
 - (2) Keep all public areas of the building, grounds, facilities and appurtenances in a clean, safe and sanitary condition. In one-family and two-family homes this responsibility can be delegated to the tenants if so indicated in a signed contract or lease.
 - (3) Make all repairs and arrangements necessary to put and keep the building, structure or part thereof and the appurtenances thereto in as good condition as they were or as required by agreement to have been, at the commencement of tenancy; in all cases standards established by law must be met.
 - (4) Maintain all electrical, plumbing and other facilities supplied by the owner in good working order.
 - (5) In multiple dwellings provide facilities for sanitary disposal of all rubbish and other garbage set out shall be in accordance with the solid waste ordinance.
 - (6) Be responsible for furnishing adequate heat and hot water supply, except in units with individual heating systems or domestic hot water supply. (In this situation, such systems shall be capable of providing adequate heat and hot water as defined herein.)
 - (7) The owner of premises upon whom a demand for inspection or notice of violation has been served in accordance with the provisions of this Code shall remain subject to the provisions thereof notwithstanding a transfer of title after the date of service of such demand or notice of violation. The continuing liability of such owner shall not be deemed to relieve the new owner from compliance with the provisions of this Code.
 - (8) Respect the tenants' right of quiet enjoyment. The owner shall not enter the rental premises without reasonable, prior notice to the tenant, except for emergencies or otherwise allowed by law.
- (b) Where the duty imposed by subsection (a) is incompatible with or greater than the duty imposed by other clauses of this Code, the owner's duty shall be determined by reference to subsection (a).
- (c) On or before January 1, 1994 and thereafter, any non-occupying owner that leases any premises for any purpose shall file with the division information as to the following:
- (1) Location of the premises;
 - (2) If the premises is improved by a building or structure, the number and classification by occupancy or use of all units within the building or structure;
 - (3) If the premises is unimproved, the occupancy or use of the premises;
 - (4) Name and residence address of the owner(s);
 - (5) If the owner(s) reside outside of Onondaga County or of an adjoining county, the name, address and telephone number of a responsible person for the owner(s) who resides within Onondaga County;
 - (6) The owner(s) is responsible to promptly advise the division of any changes in the foregoing information as they occur.
- (d) All buildings and structures shall have placed thereon in a conspicuous space, street numbers, either in the form of figures or lettering, which shall be of contrasting color, to the building on which they are placed, so that they are clearly legible from the middle of the road of adjacent streets, avenues, places or highways. Such numbers shall be sized as follows:

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- (1) 3-inch numbers in a minimum $\frac{3}{8}$ -inch wide stroke within fifty (50) feet of the middle of the road;
 - (2) 4-inch numbers in a minimum $\frac{3}{8}$ -inch wide stroke within seventy-five (75) feet of the middle of the road;
 - (3) 5-inch numbers in a minimum $\frac{3}{8}$ -inch wide stroke within one hundred (100) feet of the middle of the road;
 - (4) The director shall regulate for distances greater than stated above.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 42-1993, § 7, 9-13-93)

Sec. 27-12. Responsibilities of rooming and lodging house operators.

Rooming and lodging house operators shall be responsible for compliance with this Code in regard to the following:

- (a) Limiting occupancy to the maximum permitted by this Code;
- (b) Maintenance of safe and sanitary conditions in all parts of rooming and lodging house premises;
- (c) Maintenance and operation of all required service facilities;
- (d) Maintenance of cooking and refrigeration fixtures and appliances within his control, and all plumbing and other building equipment and facilities, in an operative, clean and sanitary condition;
- (e) Sanitary maintenance of walls, floors and ceilings;
- (f) Keeping exits clean and unencumbered;
- (g) Disposal of building garbage and refuse in a clean and sanitary manner;
- (h) Extermination of insects, rodents or other pests on the premises; and
- (i) Installation and maintenance of required screens.
- (j) Installation and maintenance of required fire/smoke detection and fire suppression systems.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-13. Responsibilities of occupants.

Each occupant shall comply with all requirements imposed by applicable provisions of all city, county and state codes, regulations, ordinances and statutes, including, but not limited to those relating to the following:

- (a) Limiting occupancy of that part of the premises which the occupant occupies or controls to the maximum permitted by this Code and other applicable regulations.
- (b) Maintaining that part of the premises which the occupant occupies or controls in a clean, sanitary and safe condition.
- (c) Maintaining in a clean and sanitary condition all plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities in that part of the premises which the occupant occupies or controls, and providing reasonable care in the operation and use thereof.
- (d) Keeping exits from the occupant's unit clear and unencumbered.
- (e) Place all rubbish, garbage and other organic or flammable waste, in a clean and sanitary manner in the facilities provided. (Facilities in one-family and two-family units will be provided by tenants.)

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- (f) Exterminating of insects, rodents or other pests, except rodents, within the unit if the occupant's unit is the only one infested in the premises.
 - (g) Keeping and controlling the occupant's domestic animals and pets in an appropriate and lawful manner.
 - (h) Not permitting any person on the premises with his permission to willfully or wantonly destroy, deface, damage, impair or remove any part of the structure or unit or the facilities, equipment or appurtenance thereto, nor himself do any such thing.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-14. Discontinuance of utilities.

No owner, occupant or person responsible therefor shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this Code, to be removed or shut off from or discontinued for an occupied dwelling unit except for necessary repairs, alterations or emergencies.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-15. Certificate of compliance.

(a) *When property sold:*

- (1) The owner of every multiple dwelling, and building of mixed occupancy which includes residential occupancy shall, prior to transfer of title to said premises (or, in the case of a written land contract affecting said premises, no more than thirty (30) days after the expiration of such contract) deliver to the purchaser a current certificate of compliance, issued in accordance with the provisions of section 27-113.1 below.

Notwithstanding the foregoing, no such certificate or conditional certificate shall be required in connection with the following:

- a. Involuntary transfers occurring as a direct result of bankruptcy, condemnation, inheritance, foreclosure and the like, or of sale at public auction by a municipality or public auction;
 - b. Transfer to a purchaser who has submitted to the division an affidavit declaring that the structure will not be occupied as a residence and will be demolished within ninety (90) days of the date of transfer;
 - c. Transfer to a purchaser who has submitted to the division an affidavit declaring that an application for a permit relating to a change in occupancy will be made within ninety (90) days of the date of transfer, and in the interim the structure will not be occupied.
- (2) For purposes of this section, a certificate of compliance shall be considered current for a period of six (6) months after the date of its issuance, provided it has not been revoked during such period.
 - (3) In the event that no such certificate of compliance has been delivered to a purchaser, such purchaser shall be prohibited from occupying the premises or permitting them to be occupied until such certificate has been obtained, provided however, that upon issuance of a conditional certificate of compliance, the director may in his discretion permit occupancy of the premises if he determines that the violations therein do not constitute a substantial danger to the health or safety of the occupants.
 - (4) In the event that no certificate of compliance or conditional certificate of compliance has been delivered to a purchaser as required herein, such purchaser may apply for the same and shall have an

action against the seller to recover any expenses incurred in obtaining such certificate and correcting or removing any violations found by the director or his designated representative. The existence of a civil remedy in favor of the purchaser against the seller shall not be construed as releasing either party from any obligations hereunder, and shall be in addition to any fines or penalties provided herein.

(b) *Multiple dwelling:*

- (1) The owner of every multiple dwelling and every building of mixed occupancy including residential occupancy, within the city of Syracuse shall on or before December 31, 1979, and thereafter as provided herein obtain a current certificate of compliance or, in the alternative a conditional certificate of compliance covering said premises, issued in accordance with the provisions of section 27-113.1., below. This subsection is not intended to supersede the requirements of subsection 27-15(a), above.
- (2) Except as set forth below in section 27-15(b)(3), a certificate of compliance for a multiple dwelling shall be considered current for a period of five (5) years after the date of issuance provided that such certificate of compliance has not been revoked prior to the expiration of such period, except that in the event of a sale of such multiple dwelling the six-month period (pursuant to paragraph (a)(2), hereinabove) shall apply.
- (3) A certificate of compliance for a multiple dwelling that is a non-owner occupied dwelling in a special neighborhood district established by the common council in accordance with Part C, Section VIII of the city's zoning ordinance, shall be considered current for a period of three (3) years after the date of issuance.

(c) *Revocation of certificate.* In the event that the division shall issue a notice of violation or order, pursuant to section 27-114 or section 27-118 below, based on violations existing subsequent to the date of issuance of a certificate of compliance, such certificate shall be deemed to have been revoked as of the date of such notice.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 46-2005, 10-24-05)

Sec. 27-16. Certificate of adequacy.

- (a) The owner of a one-family or a two-family dwelling may request, from the division, the issuance of a certificate of adequacy, issued in accordance with the provisions herein. The division shall, before accepting the application, fully apprise the applicant orally and in writing of the mechanics of the application process, including the fact that as a result of his/her application, should there be any property deficiencies, either the seller or purchaser must accept the responsibility to make the repairs necessary in order to obtain a certificate of adequacy.
- (b) The inspection standards that shall be used as the basis for certificate of adequacy inspections are: sections 27-31 general requirements (structural); 27-32 exterior protection; 27-33(c); chimneys, flues and vents; 27-52 plumbing, (a) general requirements, (b) water supply; 27-54 heating; 27-55 chimneys, flues and gas vents; 27-57 electrical.
- (c) For purposes of this section, a certificate of adequacy shall be considered current for a period of six (6) months after the date of its issuance, provided it has not been revoked during such period.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-17. Parking garages.

The city of Syracuse has numerous parking garages used by the public at large or various segments of the public. The safety and security of these facilities and the public perception thereof not only has an impact upon the

condition of these facilities and the well-being of the public, but, also reflects directly the vitality of the city. Section 27-17 has been adopted to preserve these facilities and to protect the health, safety and welfare of the public.

- A. *Registration.* No person shall operate a parking garage within the city of Syracuse without first having registered said parking garage as provided hereinafter.
1. Within thirty (30) days from the effective date of this section. the owner, unless there is an equitable owner, and in that event said person, or operator of every existing parking garage shall register each such parking garage with the division on a form to be furnished by the division on request.
 2. No registration shall be deemed complete until the fee therefor shall have been paid and a certificate of insurance in an amount as required hereunder shall be filed with the director. The fee for the registration of a parking garage shall be one hundred dollars (\$100.00). This fee is payable to the city of Syracuse and is due at the time of filing the parking garage registration form.
 3. Such registration shall include the name, address and telephone number of the owner, the equitable owner, if any, the operator, if any, and his or its consulting engineer, if any; garage address; construction type; size; capacity; date of construction; date and extent of any renovations performed and/or scheduled; type and extent of screening; type and intensity of security lighting; description of any active surveillance program, including type and frequency of patrols; description of passive surveillance equipment including type, coverage and monitoring; and such other information as the division may require.
 4. Parking garages constructed subsequent to the effective date of this section shall be registered before a certificate of occupancy shall be issued.
- B. *Structural condition assessment.* The owner, unless there is an equitable owner, and in that event said person, or operator of every parking garage in the city shall provide the division with a structural condition assessment prepared, signed and stamped by a qualified professional structural engineer licensed in the state of New York, experienced in the design, restoration and rehabilitation of parking garages, summarizing said engineer's background with parking garages and detailing the results of the engineer's on-site field inspection and material testing of the parking garage, identifying any unsafe areas, and providing a comprehensive initial recommendation for all necessary repairs and further inspections and/or testing, and the time frame for performing same, and shall indicate whether the parking garage is structurally stable. Testing shall include, but not be limited to, a sufficient number of destructive and nondestructive tests, such as chain dragging, coring, chloride testing or equivalent tests, to determine the structural condition of the parking garage.
1. The initial structural condition assessment for each parking garage shall be submitted to the division no later than the number of days after the effective date of this section as specified in the following schedule, based on the date of issuance of the certificate of occupancy for the parking garage:
 - 120 days for garages built prior to 1964
 - 180 days for garages built between January 1, 1964 and December 31, 1973
 - 240 days for garages built between January 1, 1974 and December 31, 1983
 - 300 days for garages built between January 1, 1984 and December 31, 1993 upon the fifth anniversary of the issuance of the certificate of occupancy for all parking garages constructed after December 31, 1993

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2. Subsequent inspections, testing and structural condition assessments shall be carried out, prepared and submitted to the division no later than the third anniversary of the due date for the initial structural condition assessment and every three (3) years thereafter.
- C. *Condition survey report.* The owner, unless there is an equitable owner, and in that event said person, or operator of every parking garage in the city shall also provide the division with a condition survey report prepared, signed and stamped by a qualified professional structural engineer licensed in the State of New York, experienced in the design, restoration and rehabilitation of parking garages, based upon the engineer's on-site field inspection of the parking garage.
1. This report shall detail the results of the inspection, identify any unsafe areas, and contain recommendations for further inspections and/or testing and the time frame for performing same, as well as any needed repairs, and shall indicate whether the parking garage is structurally stable.
 2. The initial condition survey report shall be performed and submitted to the division no later than one (1) year from the due date for the initial structural condition assessment.
 3. Subsequent condition survey reports shall be carried out, prepared and submitted to the division no later than the second anniversary of the due date for the initial structural condition assessment and no later than the first and second anniversaries of each subsequent structural condition assessment thereafter.
- D. *Operating certificate.* No parking garage which has been in operation for five (5) years or more, shall continue in operation after thirty (30) days after the effective date of this section without a current operating certificate or a temporary operating certificate issued by the division. Parking garage operating certificates shall be valid for a period of one (1) year from the date of their issuance.
1. The initial annual operating certificate shall be secured for each parking garage within thirty (30) days of the due date for the submission of the initial structural condition assessment.
 2. Upon submission of a completed registration form, the division shall issue a temporary operating certificate which shall be valid only until the due date for each parking garage to secure its initial operating certificate.
 3. The submission of the structural condition assessment or the condition survey report together with the required fee shall constitute the application for the operating certificate.
 4. No operating certificate shall be issued until the fee therefor shall have been paid. The annual fee for the operating certificate for a parking garage shall be three hundred dollars (\$300.00). This fee is payable to the city of Syracuse and is due at the time of filing of each structural condition assessment/condition survey report with the division.
 5. An applicant wishing to renew the operating certificate shall, at least thirty (30) days before the expiration date, file a complete application with the division. The existing operating certificate shall be deemed to be in full force and effect pending the division's action upon the application.
 6. The division shall act upon a complete application within thirty (30) days either by issuing a new operating certificate or revoking the existing operating certificate. The division's failure to act upon a complete application within thirty (30) days shall in no event be deemed to be an acceptance. Based upon his acceptance of the condition survey report, and the lack of any safety-related issues or violations, the director shall issue an operating certificate to the applicant. The director may refuse to issue or may revoke an existing operating certificate based upon the presence of safety-related issues, violations or an indication from the inspecting/testing engineer that the parking garage or a part thereof is not capable of supporting the loads for which it is used.

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7. Unless sooner revoked, the operating certificate must be conspicuously displayed at the primary vehicular entrance to the parking garage until the next mandated inspections and tests are performed and a new certificate is issued by the division. There shall be signs posted and maintained at all other vehicular and pedestrian entrances to the parking garage indicating the location of the parking garage operating certificate.
- E. *Insurance requirements.*
1. In order to be deemed "qualified" to submit either a structural condition assessment or a condition survey report, a professional structural engineer shall be licensed in the state of New York and maintain professional liability insurance with an insurance company licensed to do business in the state of New York in the amount of two hundred fifty thousand dollars (\$250,000.00). Proof of such insurance coverage shall be filed with the division in the form of a certificate of insurance, which shall be submitted annually with the engineer's report.
 2. No operating certificate shall be issued unless the owner, equitable owner, if any, or operator shall carry liability insurance with an insurance company licensed to do business in the state of New York. The liability insurance for the premises and the operation of the parking garage, which shall include coverage for any injury or loss caused by explosion or collapse, shall be in the amount of at least one million five hundred thousand dollars (\$1,500,000.00). Proof of such insurance coverage shall be filed with the division, in the form of a certificate of insurance, at the time of registration and renewal of the operating certificate. No cancellation of any insurance policy shall be valid except upon thirty (30) days' prior written notice to the director.
- F. *Security.* All existing and hereafter constructed parking garages shall comply with the following uniform security requirements designed to promote the safety of the public:
1. No later than six (6) months from the effective date of this section all openings in parking garages, except those openings for vehicular and/or pedestrian ingress and egress, shall be screened up to a height of twelve (12) feet from the adjacent finished grade.
 2. [Surveillance measures.]
 - (1) Operating Hours. For purposes of this section 27-17.F., operating hours means the hours of operation during which a garage is open to the general public for parking. Operating hours definition does not apply to periods when the parking facility is only accessible to patrons with key card access or when there is no general public use.
 - (2) No later than twelve (12) months from the effective date of this section, garage owners shall implement one or more of the following active surveillance measures detailed in subsections a. and b.:
 - a. Active surveillance measures incorporating hourly patrols conducted by security or facility personnel.
 - (i) These patrols will be conducted during the operating hours of the parking garage, and will cover all areas of the parking garage, including stairwells, lobbies, elevator cabs, vehicle entrances and exits, and emergency alarm stations.
 - (ii) The individual patrolling shall be readily identifiable by uniform or other means.
 - (iii) Attendants and security personnel shall be instructed in the proper handling of emergencies and the proper approach of any noncustomer in the parking garage; or

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- b. (i) A closed circuit television (CCTV) system with digital recorder shall cover all areas of the parking garage, including stairwells, lobbies, elevator cabs, vehicle entrances and exits, and single-motion safety alarm stations. The CCTV system should have ability to be connected to an off-site monitoring center. Garage owners should post appropriate signage indicating that the garage is being taped by a CCTV system and advising patrons of the emergency call stations.
 - (ii) Single-motion safety alarms are already required to be installed in all parking garages pursuant to section 27-17.F.4. of the Property Conservation Code. In parking garages that have chosen to use the CCTV system described hereinabove, all single-motion safety alarms must be connected to the 911 emergency response center. The alarm will continue to sound and display until reset by a special key at the manned station. The power supply for these devices shall be protected from unauthorized deactivation and any unauthorized tampering.
 - c. Notwithstanding the foregoing, until the garage owner implements one or more of the active surveillance measures described in this amended section 27-17.F.2., the previously adopted section 27-17.F. shall remain in effect.
 - 3. General lighting shall be installed in all parking garage structures to meet or exceed the levels of illumination identified in this paragraph. Except that the compliance deadline for roof top security lighting shall be extended to September 1, 1999. Lighting levels shall be established according to category as detailed below, and shall be subject to verification according to the procedures identified herein.
 - a. *Illumination level categories and measurements.*
 - 1) Illumination levels shall be measured at the pavement (floor) level with the photodetector of the photometer placed level and flat against the pavement (horizontal footcandles). In stairway landings the photometer shall be placed on the deck of the landing. In stairway flights the photometer shall be centered on the stair tread and aligned with the tread edge (lip) of the stair.
 - 2) Illumination level qualification shall be based upon an empty area, measured at full outdoor darkness.
 - 3) Illumination levels shall be average measured footcandles, with no value below the listed minimum level. The ratio of average to minimum shall not exceed 4:1 (average to minimum).
 - 4) Existing facilities just relamped, or new facilities shall be qualified after a minimum of one hundred (100) hours of lamp operation.
 - 5) Required illumination levels (average maintained) listed in Table 1, shall be increased by a minimum factor of twenty (20) percent for a new or newly retrofitted installation, to account for future lamp and dirt depreciation.
 - 6) Illumination levels in all parking garage structures shall meet the minimum requirements as scheduled on Table 1. It is intended that the average level be the minimum overall average. This average shall occur on each floor of the structure. It is intended that the minimum level be the minimum level measured at any one (1) observation point.

Table 1

Area	Maintained Footcandles (Average on Pavement)	Maintained Footcandles (Minimum on Pavement)	Uniformity Ratio (Average to Minimum)
General parking and pedestrian areas, ramps and corners	5	1.25	4:1
Vehicular entrance areas from door up to 50 feet into garage from entrance	20	5	4:1
Stairways, enclosed corridors, enclosed lobbies, enclosed elevator waiting areas, personnel entrances up to 20 feet into garage area (with all walls and ceilings painted white, or very light colors)	15	3.8	4:1
Stairways, enclosed corridors, enclosed lobbies, enclosed elevator waiting areas, elevator cabs, personnel entrances, up to 20 feet into garage area (unpainted concrete or darker colors)	20	5	4:1
Open (uncovered) parking deck at top of garage	0.8	0.2	4:1

b. *Garage lighting system design parameters.*

- 1) Lighting system designs for new garage structures shall incorporate the following parameters. Designs for garage structures in which more than fifty (50) percent of the lighting is replaced shall also incorporate the following:
 - a) Reflectance values of walls, ceilings and floors of zero for all areas common to vehicular areas.
 - b) Light loss factors:
 - i. Lamp lumen depreciation (LLD)
 - ii. Luminaire dirt depreciation (LDD)
 - iii. Degradation of lamp performance due to cold weather.
 - iv. Degradation of ballast performance due to cold weather.

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- c) Minimum verticle footcandle readings taken at six (6) feet above the floor on walls and columns adjacent to driving lanes, and on signage areas adjacent to driving lanes no less than five (5) footcandles average and one and one-quarter (1.25) footcandles minimum.
 - d) New systems shall be qualified by a compliance test to verify that the lighting levels in place meet the requirements of subparagraph 3.a.
 - 2) The guidelines and minimum levels identified in this ordinance [subsection] are those deemed by consensus standard to provide a reasonable degree of security for the users and employees of parking structures. Additional considerations for visual comfort, aesthetics and energy optimization may add additional parameters beyond the scope of this ordinance (subsection) (see Reference Standards).
 - c. *Lighting system compliance testing.*
 - 1) A field verification of a representative portion of a typical entrance section and a typical stairway section may be required at the request of the division of code enforcement. Such verification shall cover a sufficient area to develop a reasonable average illumination level. As a minimum the surveyed area shall include the area covered by two (2) lighting fixtures in each direction, with data developed on a grid with collected data points spaced at one-quarter (¼) of the fixture to fixture spacing.
 - 2) Exception: Where surveyed areas of stair landings/stair flights do not meet the requirements stated above for collected data points, the following shall be a recognized minimum:

Stair Landings: Two (2) data points shall be taken, one (1) in the center of the landing and one (1) taken at the junction of two (2) walls.

Stair Flights: One (1) reading shall be taken at the center of each stair flight.
 - d. *Reference standards.* The reference standards for this paragraph are "The Lighting Handbook of the Illuminating Engineering Society of North America" and "RP-20 Lighting for Parking Facilities" published by the Illuminating Engineering Society of North America, and "The American National Standard Practice for Roadway Lighting, IES/ANSI RP-8 1983" published by the American National Standards Institute.
 - e. The power supply for the security lighting shall be protected from unauthorized deactivation and any unauthorized tampering.
- 4. No later September 1, 1999, single motion safety alarm devices shall be installed at all pedestrian exit points on each level, properly signed and installed at a maximum height of forty-eight (48) inches. These devices shall include audible and visible alarms at each location, shall sound and display an alarm at the location where the alarm is initiated and simultaneously indicate the location of the alarm activation at a manned station. This alarm will continue to sound and display until reset by a special key at the manned station. The power supply for these devices shall be protected from unauthorized deactivation and any unauthorized tampering.
 - [5. Reserved.]
 - 6. Any parking garage operated solely as a valet parking facility shall be exempt from the security requirements set forth hereinabove. Any combination valet and non-valet parking garage shall not be exempt from the above security requirements. Before any parking garage changes the nature of its operation from valet only to either a combination of valet and non-valet or solely

non-valet operation, said parking garage shall first comply with all of the above security requirements.

7. No later than twelve (12) months from the effective date of this section, the following security measures shall be implemented for parking garages operated solely as valet parking facilities:
 - a. Security lighting shall be installed to meet or exceed an average maintained lighting level of twenty (20) footcandles (twenty (20) lum. per sq. ft.) for all customer areas, including, but not limited to, lobbies, waiting rooms, pick-up and drop-off points, and vehicle ingress and egress points;
 - b. Sufficient directional information signage shall be provided to clearly define the location of offices, restrooms, vehicle drop-off and pick-up points, and to assist all pedestrians/customers to their prime destinations;
 - c. Attendants shall be instructed in the proper handling of emergencies and the proper approach of any noncustomer in the parking garage.
- G. A violation of any requirement of this section shall constitute a serious violation of this Code and the violator thereof shall be subject to the penalties provided therefor in section 27-120(b)(1), in addition to all other remedies and sanctions available to the city at law or in equity.

(Gen. Ord. No. 2-1998, §§ (1), (2), 2-9-98; Gen. Ord. No. 7-1999, §§ (1)—(3), 1-11-99; Gen. Ord. No. 27-2008, 11-3-08; Gen. Ord. No. 1-2015, 1-12-15)

Sec. 27-18. Reserved.

Editor's note(s)—Gen. Ord. No. 17-2012, adopted July 9, 2012, repealed § 27-18, which pertained to certificate of sufficiency and derived from Gen. Ord. No. 46-2005, 10-24-05.

Sec. 27-18.1. Reserved.

Editor's note(s)—Gen. Ord. No. 17-2012, adopted July 9, 2012, repealed § 27-18.1, which pertained to certificate of sufficiency fees and derived from Gen. Ord. No. 16-2007, 5-7-08.

Sec. 27-19. Certificate required for occupancy.

- (a) Where a dwelling is required to obtain a certificate of compliance, certificate of suitability and/or rental registry certificate, no such dwelling without the required certificate of compliance, certificate of suitability and/or rental registry certificate shall be occupied.
- (b) Notwithstanding sections 27-18(d) and 27-19(a) above, a dwelling without the required certificate of compliance, certificate of suitability and/or rental registry certificate may be occupied provided that the owner has applied to the director, the city of Syracuse Zoning Administrator or the division of code enforcement for the applicable certificate and the director, zoning administrator or division of code enforcement has accepted the application and the application is open, pending and active with the division or the zoning administration office.

(Gen. Ord. No. 46-2005, 10-24-05; Gen. Ord. No. 45-2010, 12-20-10; Gen. Ord. No. 17-2012, 7-9-12)

Sec. 27-20. Reserved.

ARTICLE 3. SPACE, OCCUPANCY, LIGHT, VENTILATION, AND SANITATION REQUIREMENTS

Sec. 27-21. General requirements.

- (a) Buildings occupied in whole or in part as defined in this Code shall comply with the requirements hereinafter set forth concerning occupancy, size, light and ventilation in order to provide safe and healthful environment.
- (b) The term, accessory use, shall have a uniform meaning and shall apply in the same manner and under the same conditions or restrictions to all buildings.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-22. Maximum occupancy.

- (a) Every dwelling unit shall contain a minimum gross floor area of one hundred seventy-five (175) square feet for the first person, one hundred twenty-five (125) square feet for the second person and one hundred (100) square feet for each occupant thereafter.
- (b) In lodging units and rooming units the maximum number of occupants shall be limited to the number determined on the same basis as for dwelling units.
- (c) In buildings occupied as clubs, dormitories, sorority or fraternity houses and providing sleeping accommodations for more than five (5) persons, the maximum number of occupants so accommodated in any habitable room shall be limited to the number determined on the basis of the floor area, in square feet, of the room divided by eighty (80) square feet per occupant.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-23. Prohibited uses.

- (a) It shall be prohibited to use for sleeping purposes any kitchen, non-habitable space or public space.
- (b) It shall be prohibited, in lodging houses and rooming houses, to use for dining purposes any communal kitchen containing less than one hundred twenty (120) square feet of floor area, or any nonhabitable space or public space other than dining space.
- (c) It shall be prohibited to prepare meals in lodging units and rooming units.
- (d) It shall be prohibited to use any cellar or basement as habitable space except as provided in section 27-24.
- (e) The exterior use or storage of any upholstered furniture, including mattresses, not designed or manufactured for exterior use, shall be prohibited. For the purpose of this subsection, exterior shall include, but not be limited to unenclosed porches and decks.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 3-2000, 2-28-00)

Sec. 27-24. Habitable space.

(a) *Size:*

- (1) All habitable space shall have the minimum ceiling height required by the applicable building code at the time of construction or change of occupancy, except that for habitable space under a sloping roof, the minimum height in at least fifty (50) percent of the floor area shall be seven (7) feet, and the area where the ceiling height is less than five (5) feet shall not be considered in computing required floor area.
- (2) Every alcove less than sixty (60) square feet in area, except a cooking space or foyer, shall be deemed to be part of a habitable room. The area of the opening in the dividing partition between the alcove and the room shall be at least eighty (80) percent of the wall area of such partition, measured on the alcove side, but not less than forty (40) square feet. The depth of such alcove shall not exceed half its width. The floor area of the alcove shall be added to the floor area of the room in determining light and ventilation requirements for the room. An alcove with an area of sixty (60) square feet or more, but less than the required area of a habitable room, shall be separately lighted and ventilated as required for habitable space.

(b) *Basements and cellars:*

- (1) Rooms providing facilities for recreation and which may also have facilities for incidental food preparation may be located in a cellar or a basement.
- (2) Basements may be used as habitable space if the basement complies with all of the following requirements:
 - a. Windows are provided on at least one (1) wall.
 - b. The dimension from the wall having the major window area to the opposite wall does not exceed four (4) times the clear height of the basement. (If this dimension is exceeded, the portion of the basement beyond the limiting dimension shall not be used as habitable space.)
- (3) Cellars may be used as habitable space providing the cellar complies with all the following requirements:
 - a. Floor level of habitable space shall be not more than four (4) feet below the average adjoining finished grade.
 - b. The depth is not more than four (4) times the height.
 - c. All habitable space in cellars shall be ventilated by mechanical means. The ventilating system shall replace the air in the habitable spaces at least three (3) times per hour. The air supply of said ventilation system shall be from the exterior or may be drawn from the floor above provided that the floor above is occupied by the same tenancy as the cellar.
 - d. Walls of cellars shall be constructed to prevent condensation forming thereon when the relative humidity in the habitable area is thirty-five (35) percent.
 - e. Such space conforms to all other requirements for habitable space.

(c) *Light and ventilation:*

- (1) Habitable space shall be provided with natural light through one (1) or more windows, skylights, transparent or translucent panels, or any combinations thereof, that face directly on legal open spaces at least six (6) inches above the adjoining finished grade, or are above a roof. The amount of light required for each room shall be equivalent to that transmitted through clear glass equal in area to eight (8) percent of the floor area of the habitable space.

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- (2) Habitable space shall be provided with electric light.
 - (3) Habitable space shall be provided with natural ventilation through operable parts of windows or other openings in exterior walls that face legal open spaces above the adjoining finished grade or above a roof, or through operable parts of skylights, providing total clear ventilation area equal to not less than four (4) percent of the total floor area of each habitable space.
 - (4) All window sash shall be glazed and provided with suitable hardware for locking and keeping the window in an open position.
 - (5) Kitchens and bathrooms also may be provided with mechanical ventilation in lieu of or in addition to natural ventilation.
 - (6) Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations, so as not to deposit lint on adjacent properties.
- (d) *Miscellaneous requirements:*
- (1) Dwelling units shall be separated from each other and from other spaces outside the dwelling unit.
 - (2) Sleeping rooms within dwelling units shall be separated from each other and from other spaces outside the sleeping rooms to provide privacy.
 - (3) Lodging units and boarding units shall be separated from each other and from other spaces outside the lodging units.
 - (4) A communal kitchen, bathroom or dining room in a lodging house shall be accessible to the occupants sharing such kitchen, bathroom or dining room without going through a dwelling unit or lodging unit of another occupant.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-25. Public space.

- (a) *Height.* Assembly space shall have a minimum height of seven (7) feet six (6) inches measured from finished floor to finished ceiling for less than one hundred (100) people. For over one hundred (100) people the minimum height is nine (9) feet.
- (b) *Light and ventilation.*
 - (1) Public spaces shall be provided with electric light.
 - (2) In public stairs, stairways and passageways, electric lighting shall be available at all times so as to afford safe passage for occupants and users. Such lighting shall conform to the requirements of section 27-57(b) of this Code.
 - (3) Public spaces shall be provided with either natural ventilation, conforming to the requirements for habitable space, or other mechanical ventilation.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-26. Non-habitable space.

- (a) *Height.* Non-habitable space, except crawl spaces and attics, in buildings shall have a minimum height of seven (7) feet measured from floor to ceiling.

(b) *Toilet rooms and bathrooms.*

- (1) Toilet rooms and bathrooms shall have provisions for privacy.
- (2) Toilet rooms and bathrooms for dwelling units in multiple dwellings, shall be located within the dwelling units and shall be accessible from any sleeping room without passing through any other sleeping room.
- (3) Unless located within dwelling units or directly connected with sleeping rooms, toilet rooms and bathrooms in multiple dwelling shall be provided in each story containing habitable space, and shall be accessible thereto.
- (4) Toilet rooms for employees shall be in separate rooms for each sex where there are five (5) or more employees, shall be readily accessible to such employees and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.
- (5) In all buildings, floors of bathrooms, toilet rooms and similar spaces shall be waterproof; such waterproofing shall extend four (4) inches or more above floors except at doors, so that floors can be flushed or washed without leaking. Walls shall be constructed or covered with a moisture-resistant material.
- (6) All shower enclosures shall have waterproof floor and water-resistant walls.

(c) *Light and ventilation.*

- (1) Kitchenettes, bathrooms, and toilet rooms shall be provided with electric light appropriate for the use of such rooms.
- (2) Laundry rooms, furnace rooms, and similar nonhabitable space shall be provided with electric light appropriate for the intended use of such rooms.
- (3) Stairs shall be provided with electric light to allow safe ascent or descent.
- (4) Kitchenettes, bathrooms, and toilet rooms shall be provided with ventilation in accordance with either of the following:
 - a. Natural ventilation as required for habitable space, except that such operable areas shall be not less than one and one-half (1½) square feet for bathrooms or toilet rooms and not less than three (3) square feet for kitchenettes; or
 - b. Mechanical ventilation exhausting not less than one (1) cubic foot per minute ("CFM") for each square foot of floor area for bathrooms and toilet rooms and not less than four (4) CFM for each square foot of floor area of kitchenettes.
- (5) Spaces in multiple dwellings which contain central heat producing air conditioning and other equipment, shall be ventilated to the outer air, and air from these spaces shall not be recirculated to other parts of the building.
- (6) Ventilation shall be provided in unheated attics, spaces below flat roofs, and in crawl spaces. Location and net areas of ventilation openings shall be such as to minimize deterioration of structural members from condensation or other causes, in conformity with generally accepted standards.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-27. Food preparation.

All spaces to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-28. Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dust, mists, or offensive odors are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior so as not to injure, irritate, or offend occupants of the building, or any neighboring building or the general public, and not recirculated to any space.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-29. Access and vertical travel between stories.

- (a) Stairs, both interior and exterior, shall be of sufficient width in conformity with generally accepted standards so as to serve the occupants.
- (b) Railings shall be provided on open portions of stairs, balconies, landings, stairwells, and accessible roofs and shall be installed in conformity with generally accepted standards.
- (c) Stairs or steps of more than three (3) risers shall have a handrail or railing parallel to the stair slope on at least one (1) side. Where one (1) or both sides of such stairs or steps are open, railings shall be provided on open sides.
- (d) Landings, platforms and porches more than eighteen (18) inches above the adjacent floor or grade level shall be provided with railings on the open sides, except where openings are required for access.

Sec. 27-30. Exits.

- (a) Safe, continuous and unobstructed exits shall be provided from the interior of the building to the exterior at street or grade level.
- (b) Exits shall be arranged, constructed and proportioned so that occupants may escape safely from the building in case of emergency.
- (c) In one-family and two-family dwellings, in addition to a primary exit from the building, there shall be provided an opening for emergency egress. Openings for emergency use shall be as defined in the New York State Uniform Fire Prevention and Building Code.
- (d) In all other structures and buildings approved exits shall be provided.

(Gen. Ord. No. 30-1993, 6-28-93)

ARTICLE 4. STRUCTURAL REQUIREMENTS

Sec. 27-31. General requirements.

- (a) Buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject.
- (b) Buildings shall be maintained so that loads are transmitted to the soil without undue differential settlement, unsafe deformation or movement of the building or any structural part.
- (c) Buildings shall be maintained so that protection is provided for all structural members which may become structurally unsound if left unprotected. Causes of such deterioration include, among others, action of freezing and thawing, dampness, corrosion, wetting and drying, and termites or other destructive insects.
- (d) Buildings built in soil which is water bearing at any season of the year shall be maintained so that ground and surface water will not penetrate into habitable spaces.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-32. Exterior protection.

- (a) *Foundation walls:*
 - (1) The foundation walls of every building or structure shall be maintained in good repair and be structurally sound.
 - (2) Foundation walls shall be considered in good repair and structurally sound if found free from damage or defects, and capable of bearing imposed loads:
- (b) *Stairs, porches and railings:*
 - (1) All exterior stairs, porches and railings shall be kept in good repair and structurally sound.
 - (2) Stairs, porches and railings shall be considered to be in good repair and structurally sound when found to be free of holes, cracks and capable of supporting imposed loads.
- (c) *Weather and watertight:*
 - (1) Every structure shall be so maintained that it will be weather and watertight.
 - (2) Exterior walls, roofs and all openings around doors, windows, chimneys, and all other parts of the structure shall be so maintained as to keep water from entering the structure and to prevent undue heat loss. Damaged materials must be repaired or replaced. All parts of the structure, that show evidence of wet/dry rot or other deterioration, shall be repaired or replaced and refinished. Such replacement, wherever practical, shall be in conformity with the remainder of the structure.
- (d) *Protective coating for wood surfaces.*
 - (1) All exterior wood surfaces of a structure or building that are not of a species inherently resistant to decay shall be treated when necessary with a protective coating or other preservative to prevent deterioration. However, any exterior surface which has had a protective coating or preservative applied to it, must be maintained to prevent deterioration.
- (e) *Overhanging objects:*
 - (1) Every structure or building shall be free of loose overhanging objects.
 - (2) Exterior walls, roofs and all other parts of the structure shall be free from loose and unsecured objects and materials. Such objects or materials shall be removed, repaired or replaced.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 42-1993, § 8, 9-13-93)

Sec. 27-33. Interior protection.

(a) *Free from dampness:*

- (1) Cellars, basements and crawl spaces, in every structure or building shall be reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.
- (2) Ventilation shall be provided in every basement, cellar, crawl space, and attic by means of windows, openings or vents, or mechanical vents in accordance with generally accepted standards.

(b) *Structural members:*

- (1) Supporting structural members of every structure or building shall be structurally sound.
- (2) Supporting structural members shall be considered to be structurally sound if such members are capable of bearing imposed dead and live loads safely and if there is no evidence of deterioration.

(c) *Chimneys, flues and vents:* (See also section 27-55)

- (1) Chimneys and all flue and vent attachments thereto, and all other flues and vents of every structure or building shall be structurally sound and free from defects to assure the performance of the function for which they were designed and are used.
- (2) Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment. Chimneys, flue linings, where required, flues, gas vents and their supports, shall be structurally safe, durable, smoke tight and capable of withstanding the action of the flue gases.

(d) *Stairs and railings:*

- (1) Interior stairs, of every building or structure shall be structurally sound and free from defects. Railings shall be provided in accordance with generally accepted standards for stairs, balconies, landings and stairwells.
- (2) Treads or risers that evidence excessive wear or are broken, warped or loose shall be repaired. Stairs shall be securely fastened to supporting structural members and be capable of supporting normally imposed loads. Properly balustraded railings, capable of bearing normally imposed loads, shall be placed on the open portions of stairs, balconies, landings and stairwells.

(e) *Floors, walls and ceilings:*

- (1) Floors, walls and ceilings of every building or structure shall be structurally sound and maintained free of deterioration in a clean and sanitary condition.
- (2) Floors shall be considered to be structurally sound where capable of safely bearing imposed loads. Walls and ceilings shall be considered to be structurally sound and in good repair when clean, free from breaks, loose plaster and similar conditions.

(Gen. Ord. No. 30-1993, 6-28-93)

Secs. 27-34—27-40. Reserved.

ARTICLE 5. FIRE-SAFETY REQUIREMENTS

Sec. 27-41. Means of egress.

A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a legal open space.

- (a) All doors in the required means of egress shall be readily operable from the inside without the use of a key, except as permitted in the New York State Uniform Fire Prevention and Building Code.
- (b) All means of egress shall be indicated with approved exit signs.
 - (1) All exit signs shall be maintained in good repair.
 - (2) All illuminated exit signs shall be illuminated at all times that the building is occupied.
- (c) The number of exits required for a building by the building code in effect at the time of the construction or most recent change of occupancy of said building shall be maintained and be available to the occupants of the building intended to exit therefrom.
- (d) The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the New York State Uniform Fire Prevention and Building Code.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-42. Fire resistance ratings.

- (a) The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained at the level required by the building code in effect at the time of the construction or most recent change of occupancy of said building.
- (b) All required fire rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof.
 - (1) The use of door stops, wedges and other unapproved hold-open devices is prohibited.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-43. Fire protection systems.

- (a) *Mandatory smoke detectors.* Smoke detectors shall be required to be installed and maintained by the owner or person responsible for all one-family and two-family structures and all residential and residential mixed use dwelling structures and hotels within the city of Syracuse as set forth below:
- (b) *Smoke detector requirements.*
 - (1) Smoke detectors shall be either photoelectric or ionization type capable of sensing visible or invisible particles of combustion and providing a suitable audible alarm thereof.
 - (2) Every detector required to be installed and maintained by this section must be installed and located so as to avoid dead air space, be reasonably free from false alarms, and provide visible indication that the alarm is energized.

Exception: Battery operated smoke detectors do not have to provide visual indication that the alarm is energized.
 - (3) Each detector required to be installed to protect sleeping areas and common areas in existing one-story and two-story, one-family and two-family structures, and existing multiples of less than six (6)

units, and existing three (3) story or more owner-occupied one-family and two-family structures may be powered by either battery or AC, otherwise, all detectors required to be installed to protect existing structures shall be directly wired to a single AC power source with no intervening wall switch.

- (4) Each detector required to be installed to protect sleeping areas and common areas in all new residential and existing residential mixed use structures shall be directly wired to a single AC power source with no intervening wall switch.

(c) *Effective date.*

- (1) All new residential structures shall comply with the provisions of this section or of the New York State Uniform Fire Prevention and Building Code, whichever is the most restrictive, at the time of construction.
- (2) Existing one-family and two-family structures, multiple dwellings, and mixed use residential structures shall comply with the provisions of this section by January 1, 1986.

(d) *Installation requirements.*

- (1) One-story and two-story one-family and two-family structures, multiple dwellings of less than six (6) units, and three-story or more owner-occupied one-family and two-family structures:
- a. At least one (1) single-station detector shall be installed at each level within each dwelling unit and to protect each sleeping area. Each detector shall provide an alarm in the unit where installed.
 - b. Single station detectors shall be installed in the common areas at the highest habitable level and on each floor, story, or level below, including basements, or cellars, and attics which contain mechanical equipment. Detectors shall be located on the ceiling near the base of each stairway.
- (2) Three-story or more nonowner occupied one-family and two-family structures, and one-, two-, and three-story multiple dwellings containing at least six (6) and less than twelve (12) units:
- a. At least one (1) single-station detector shall be installed at each level within each dwelling unit and to protect each sleeping area. Each detector shall provide an alarm in the unit where installed.
 - b. Interconnected AC powered detectors shall be installed in the common areas at the highest habitable level and on each floor, story, or level below, including basements, or cellars, and attics which contain mechanical equipment. Detectors to contain or to be connected to an audible alarm capable of being heard within all dwelling units with the doors closed.
- (3) *Residential mixed use dwelling structures.*
- a. At least one (1) single-station detector shall be installed at each level within each dwelling unit and to protect each sleeping area. Each detector shall provide an alarm in the unit where installed.
 - b. An interconnected supervised smoke detection system shall be installed within each non-residential unit and in the common areas at the highest level and on each floor, story, or level below, including basements or cellars, and attics which contain mechanical equipment. Detectors to contain or to be connected to an audible alarm capable of being heard within all dwelling units with the doors closed.

Exceptions:

1. Where the existing mixed use residential structure is composed of a mix of C1/C2 and A1/A2 occupancies, as defined in Part 701 Title 9 Executive (b) of the NYCRR, and having not more than twenty-five hundred (2,500) square feet of commercial floor space, an interconnected, non-

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- supervised, smoke alarm system shall be installed within each non-residential unit and in the common areas at the highest level and on each floor, story, or level below, including basements or cellars, and attics which contain mechanical equipment. Detectors are to contain or be connected to an audible alarm capable of being heard within all units with the doors closed; and
2. Those structures found in compliance with this section prior to July 1, 1993, shall not be required to comply with this section unless a new system is being installed.
- (4) All multiple dwellings containing twelve (12) or more units, all four (4) or more story multiple dwellings, and all transient dwellings:
 - a. At least one (1) single station detector shall be installed at each level within each dwelling unit or guest room and to protect each sleeping area. Each detector shall provide an alarm in the unit where installed.
 - b. An interconnected supervised smoke detection system shall be installed to protect all common areas such as hallways and stairways, and in basements, utility, heating, and storage rooms, and other spaces so designated by the director. The detection system shall be connected to an audible alarm capable of being heard within all rooms and common areas with the doors closed. A visual zone alarm shall be provided at a designated building entrance to clearly and automatically indicate the location of the alarm.
 - (5) Detectors and related fire warning equipment shall be installed and wired in accordance with the manufacturer's instructions, the National Electric Code and the applicable NFPA standards.
- (e) *Inspection/Certification requirements for smoke detection systems.*
- (1) Once each year, the owner or person responsible for a structure protected by a supervised heat, fire, or smoke detection/alarm system, shall provide the division with a certificate of approval, prepared by a licensed electrician, as provided herein, on a form supplied by the division, certifying that the system has been tested by a licensed electrician and all components of said system are in working order, and that the system is maintaining its intended level of fire safety.

Exception. Those structures, containing more than twenty-four (24) dwelling units, having a trained maintenance staff that follow and document an established written procedure providing for the annual testing, maintenance and replacement of single station smoke detectors located within the dwelling units, shall be allowed to submit the documentation evidencing such periodic testing in lieu of that required herein.
 - (2) Once each year, the responsible person for a structure which is protected by a required non-supervised inter-connected smoke detection/alarm system or AC powered or battery operated smoke detectors in structures other than those set forth in paragraph (3) shall provide the division with a certification, on a form supplied by the division, certifying that the system has been tested by a licensed electrician and that all detectors in said structure are in working order and are maintaining their intended level of fire safety.
 - (3) Once each year, the owners of one-story and two-story, one-family and two-family structures shall be required to inspect the smoke detectors installed in their structures to verify that said detectors are in working order and are maintaining their intended level of fire safety, but no certification is necessary for one-family and two-family structures.
 - (4) Any repair, alteration or modification to a supervised or non-supervised system shall necessitate a recertification of said system upon the completion of the repair, alteration, or modification.
- (f) *General equipment, installation, and maintenance requirements for smoke detectors and smoke detection systems.*

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- (1) All heat, fire, and smoke detection/alarm equipment installed in the city of Syracuse must meet either the Underwriters Laboratory, Factory Mutual, or other generally accepted testing laboratory specifications, and must be installed and maintained in conformance with the requirements of this section, the New York State Uniform Fire Prevention and Building Code, the applicable NFPA standard and the manufacturers or testing laboratories specifications, whichever is the most restrictive.
- (g) All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof shall be maintained in proper operating condition at all times.
- (Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 42-1993, §§ 9—11, 9-13-93)

Sec. 27-44. Prohibited accumulations and storage.

It shall be prohibited:

- (a) To accumulate or store except in approved locations, any highly flammable or explosive matter, such as paints, volatile oils, cleaning fluids and similar materials, or any combustible refuse such as waste paper, boxes, rags or similar materials; and
- (b) To accumulate or store rubbish, garbage or other materials on fire escapes or stairs, in stairways or passageways, at doors or windows, or in any other locations where in the event of fire such materials may obstruct egress of occupants or interfere with fire-fighting operations.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-45. Prevention of fire spread.

- (a) Walls and ceilings shall be maintained free from cracks and openings which would permit flame or excessive heat to enter the concealed space.
- (b) In buildings of mixed occupancy, non-residential space shall be separated from residential space by approved fire separations which will retard the spread of fire.
- (c) Garages in or attached to a residential building shall be separated from other spaces in the building by approved fire separations which will retard the spread of fire and prevent flammable or toxic vapors originating within the garage from being transmitted to other parts of the building.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-46. Interior finishes, trim and decorative materials.

Interior finish materials for acoustical correction, surface insulation and decorative treatment on the surfaces of walls and ceilings, and interior trim shall be rated in accordance with their surface flame spread ratings, smoke density generated and fuel contributed as determined by tests conducted in conformity with generally accepted standards. Only rated finishes, trim, and materials shall be applied, installed and used where required based upon building construction classification and occupancy.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-47. Fireplaces.

- (a) Fireplaces and similar construction used, or intended to be used, for burning fuel in open fires shall be connected to approved chimneys and shall be installed so that nearby or adjacent combustible material and structural members shall not be heated to unsafe temperatures.
- (b) Hearths and linings or other parts of fireplaces exposed directly to flame shall be of materials that will not melt, disintegrate, spall or shatter at high temperatures.
- (c) Wood mantels and trim on fireplaces shall be placed and attached so that they cannot be heated to unsafe temperatures or ignited by sparks or embers from the fire.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-48. Outdoor fires.

- (a) Outdoor fires fueled by trash, yard waste, construction debris or any similar material are expressly prohibited, except with the specific written permission granted by the office of the chief of fire, after written request demonstrating reasonable purpose, compelling need and adequate provision for public safety.
- (b) Outdoor fires for domestic food preparation are permitted with the following restrictions:
 - (1) The use of unvented portable, solid, liquid or liquified petroleum gas (LPG) fueled cooking or heating equipment, is prohibited in the following locations:
 - a. Inside structures;
 - b. Under or upon roofs;
 - c. Upon balconies or porches; or
 - d. Within three (3) feet of any combustible material or structure.
 - (2) The burning of materials other than those permitted for domestic food preparation; i.e., charcoal, hardwood, natural gas, liquified petroleum gas (LPG) etc., which create excessive smoke, flaming brands or noxious odors is prohibited.

(Gen. Ord. No. 30-1993, 6-28-93)

Secs. 27-49, 27-50. Reserved.

ARTICLE 6. EQUIPMENT REQUIREMENTS

Sec. 27-51. General requirements.

- (a) Plumbing, heating, electrical, ventilating, air conditioning, refrigerating, cooking, fire protection and radiation production equipment, elevators, dumbwaiters, moving stairs and other mechanical additions, installations or systems for the use of the building shall be installed, located and maintained so that under normal conditions of use such equipment and systems will not be a danger to health or welfare, a danger because of structural defects, or a source of ignition, or a radiation hazard, and will not create excessive noise, or otherwise become a nuisance or a hazard. Equipment and systems include, but are not limited to, apparatus, devices, fixtures, piping, pipe hangers, pipe covering, wiring fittings and materials used as part of, or in connection with, such installations.

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- (b) Equipment and systems subject to damage from freezing shall be adequately protected against freezing.
 - (c) Moving parts of equipment which may be a potential hazard shall be guarded to protect against accidental contact.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-52. Plumbing.

(a) General requirements:

- (1) Plumbing systems shall be maintained in sanitary and serviceable condition, and installed and maintained in accordance with the plumbing standards of the New York State Uniform Fire Prevention and Building Code.
- (2) Plumbing systems shall be maintained so as not to weaken structural members nor cause damage or deterioration to any part of the building through fixture usage.

(b) Water supply:

- (1) Potable water from an approved source shall be available at all times in occupied buildings. The domestic water supply system of the building shall be connected to such approved source, and shall not be subject to contamination. When supplied from a public source, the potable water supply system shall not be connected to private or unsafe water supplies.
- (2) Water supply systems shall be installed and maintained so as to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily and without undue noise under all normal conditions of use.
- (3) Water supply systems shall be installed and maintained so that water used for purposes of cooling, heating or fire suppression systems shall not be reintroduced into the domestic water supply system or be distributed through such equipment to plumbing fixtures.

(c) Sewage drainage systems:

- (1) Plumbing fixtures shall be drained directly into a sewage drainage system and such system shall be connected to a public sewer or to an adequate and approved system of sewage disposal.
- (2) Where a public sewer is not available, a system shall be provided to receive and dispose of sewage without health hazard or nuisance.
- (3) Sewage or other waste shall not be discharged into the ground or into a waterway unless it has first been rendered harmless through subjection to treatment or to natural processes in conformity with generally accepted standards.
- (4) Substances which will clog the pipes, produce explosive mixtures, destroy the pipes or their joints or interfere unduly with the sewage disposal process, shall not be discharged into the building drainage system unless it is provided with approved devices suitable for intercepting such substances.
- (5) Each fixture directly connected to the sewage drainage system shall be equipped with a water seal trap.
- (6) Adequate cleanouts shall be provided and maintained so that the pipes may be readily cleaned.
- (7) The drainage system and its attendant vent piping shall be maintained so as to provide adequate circulation of air in all pipes in order that siphonage, aspiration or pressure will not cause a loss of trap seal under ordinary conditions of use.

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- (8) Each vent terminal to the outer air shall be installed and maintained so as to minimize the possibilities of clogging, frost closure, the return of foul air to the building, the creating of a nuisance to adjacent premises.
 - (9) Drains provided for fixtures, devices, appliances or apparatus containing food, water, sterile goods or similar materials, shall be equipped with air breaks, adequate to prevent contamination of such contents from any possible backup of sewage through the direct or indirect drainage piping.
- (d) *Storm drainage:*
- (1) Roofs and paved areas, including yards and courts, shall be properly drained. Storm drainage shall be conveyed to an adequate and approved system of storm water disposal where available. Storm drains shall be discharged in such manner that water will not flow onto sidewalks or adjacent properties.
 - (2) Where a drainage system may be subject to backwater, suitable provision shall be made to prevent its overflow into the building.
 - (3) Leaders and gutters, if used, shall be constructed of noncombustible material, except that plastic or wood leaders and gutters may be used for buildings not more than three (3) stories high.
- (e) *Plumbing facilities:*
- (1) Buildings shall be provided with plumbing systems designed to dispose of the sewage from all fixtures and to furnish cold water to every water closet and urinal, and hot and cold water to every sink, lavatory, bathtub and shower required therein. Water heating facilities shall be properly installed, maintained, and capable of providing an adequate volume (not less than two and five-tenths (2.5) gpm) of water to be drawn at every required fixture at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
 - (2) There shall be provided within each dwelling unit, plumbing fixtures consisting of at least:
 - One kitchen sink
 - One water closet
 - One bathtub or shower, and
 - One lavatory
 - (3) Where multiple dwellings contain sleeping accommodations arranged as individual rooms or suites, for each multiple of four (4) sleeping rooms or fraction thereof, there shall be provided plumbing fixtures consisting of at least:
 - One water closet
 - One bathtub or shower, and
 - One lavatory
 - (4) Where multiple dwellings contain sleeping accommodations arranged as a dormitory, for each multiple of fifteen (15) persons or fraction thereof so accommodated there shall be provided and located adjacent thereto, plumbing fixtures consisting of at least:
 - One water closet
 - One bathtub or shower, and
 - One lavatory
 - (5) Urinals may be substituted in men's toilet rooms for not more than one-third ($\frac{1}{3}$) of the required number of water closets.
 - (6) Toilet facilities shall be accessible within employee working areas. The path of travel to the facilities shall not exceed a travel distance of five hundred (500) feet or traverse more than one (1) flight of stairs, except where more restrictive requirements are applicable as the result of the facilities having

been constructed or undergone a change of occupancy after January 1, 1981, or where required by the Americans With Disabilities Act.

- (7) Privies, privy vaults and outhouses shall be prohibited on premises which are included in the scope of this Code.

(f) *Plumbing fixtures:*

- (1) Plumbing fixtures shall be made of smooth nonabsorbent material and shall be free from concealed fouling surfaces.
- (2) Plumbing fixtures shall be so spaced as to be reasonably accessible for their intended use.
- (3) Plumbing fixtures shall be located in spaces that are accessible, lighted and ventilated.

(g) *Swimming Pools:* (See also 27-72(k))

- (1) Water supply used for filling or for cleaning of the pool shall be clean. Water supply shall be protected against potential pollution from all sources, including cross-connection and backflow.
- (2) Drains shall be provided so that the pool can be safely and adequately drained. Drains shall be provided in floors surrounding the swimming pool, and arranged so that water from such areas will drain without entering the pool.
- (3) Filtering, sterilizing and auxiliary equipment, where required, shall be adequate to maintain the sanitary quality of water during such period the pool is in use. Equipment containing gases or disinfectants capable of giving off irritating, toxic, or flammable fumes shall be located in ventilated rooms.
- (4) The installation shall be arranged and maintained to prevent dirt, sand or other foreign matter from entering the bathing area.

(h) *Water supply tanks:*

- (1) Water supply tanks shall be installed and maintained so as to be watertight, verminproof, rodentproof, resistant to corrosion, and capable of withstanding the working pressures under normal operation.
- (2) Supports for tanks shall be of noncombustible construction.
- (3) Tanks and their supports shall not be used to support equipment or structures other than for tank use, except where specially designed for such other use.
- (4) Means for emptying water supply tanks shall be provided and maintained in proper working condition.
- (5) Potable water supply tanks for domestic supply and standpipe or automatic sprinkler systems shall be installed and maintained to furnish water in sufficient quantity and pressure for such systems.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-53. Fuel gas.

(a) *General requirements:*

- (1) Fuel gas piping systems shall be installed and maintained so as to remain gastight, safe and operative under conditions of use.
- (2) Fuel gas piping systems shall provide a supply of gas sufficient to meeting the maximum expected demand of the installed gas-burning appliances connected thereto.
- (3) Fuel gas piping and equipment shall not be located in ducts, chimneys, flues, stairways, or exits.

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- (b) *Shutoff valves:*
- (1) Gas piping systems shall have at least one (1) accessible means for shutting off all gas supply and such means shall be maintained in good operating condition.
 - (2) An easily accessible shutoff valve or cock shall be provided in the piping in close proximity to and ahead of every outlet for gas appliance.
- (c) *Service equipment for gas supplied from utility mains:* Gas services, gas meters, and gas pressure regulators shall be located so that they are protected from damage:
- (d) *Gas appliances:*
- (1) Gas appliances shall be installed with clearance for ventilation, and shall be maintained in good operating condition.
 - (2) Water cooled gas refrigerators are prohibited.
 - (3) New installations of air cooled gas refrigerators are prohibited.
 - (4) Existing air cooled gas refrigerators must be equipped with:
 - a. A flue which is resistant to the corrosive action of flue gases.
 - b. A fixed, mounted, dust-incinerating type of gas burner, gas pressure regulator, gas supply filter and thermostat.
 - c. Proper operating automatic regulating and safety devices.
 - (5) The person owning a gas appliance shall keep such appliance in good order and repair at all times.
- (e) *High pressure gas:* Any service connection supplying gas at a pressure in excess of one (1) psi gauge shall be provided with a device to reduce such pressure to not more than one-half ($\frac{1}{2}$) psi gauge prior to entering the meter, except where such service supplies equipment using gas at high pressures.
- (f) *Liquefied petroleum gas:*
- (1) Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in buildings.
 - (2) Liquefied petroleum gas shall not be vaporized by devices utilizing open flame or open electrical coil.
 - (3) Where two (2) or more containers are installed, connection shall be arranged so that containers can be replaced without shutting off the flow of gas to equipment.
 - (4) Containers shall be designed, stored and located so as not to be a hazard to the premises served, or to the surrounding property.
 - (5) Systems shall be provided with safety devices to relieve excessive pressures, and shall be arranged so that the discharge terminates at a safe location.
 - (6) Systems shall have at least one (1) accessible means for shutting off the gas. Such means shall be located outside the building, and shall be maintained in good operating condition.
 - (7) Systems shall be installed, used and maintained as required by the New York State Uniform Fire Prevention and Building Code.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-54. Heating.

(a) *General requirements:*

- (1) In all occupied buildings, adequate heat shall be provided to maintain the indoor temperature in habitable, occupied and assembly spaces, kitchenettes, bathrooms and toilet rooms, at sixty-eight (68) degrees Fahrenheit at a distance of two (2) feet from exterior walls, and at a level of five (5) feet above the floor, from September fifteenth to May thirty-first of the following year when the outside temperature falls below fifty-five (55) degrees Fahrenheit.
- (2) The capability of the heating equipment to maintain such indoor temperatures shall be based on an outside temperature of minus ten (10) degrees Fahrenheit.

(b) *Exceptions:*

- (1) Processing, storage and operation areas that require cooling or special temperature conditions.
- (2) Areas in which persons are primarily engaged in vigorous physical activities.

(c) *Smoke control:* Fuel burning heat producing equipment shall be installed and maintained so as not to violate the Syracuse Smoke and Air Pollution Control Ordinance.

(d) *Warm air heating:* Ducts and other air handling equipment used for heating shall conform to the requirements of generally accepted standards for such equipment.

(e) *Prohibited locations for heat producing equipment:* Fuel-burning water heaters shall not be located in sleeping rooms, bathrooms or toilet rooms.

(f) *Fuel supply connection:* Fuel-burning equipment shall be permanently fastened and connected in place. Fuel supply connection to such equipment shall be made with approved pipe or with an approved flexible tubing connector and be protected against mechanical injury and corrosion.

(g) *Installation and clearance:* Where heat producing equipment is installed on, or adjacent to, combustible materials, the location, insulation, clearance, and the control of the equipment shall be such that the temperature on the surface of the combustible materials will not exceed a safe temperature.

(h) *Air supply:*

- (1) Direct-fired heat producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate to replenish that consumed by complete combustion at the rated gross output of the equipment and for the ventilation of the enclosure to prevent the accumulation of heat.
- (2) Such air shall be supplied by means of one (1) or more openings to the exterior, or by means of fixed openings to interior spaces which open to the exterior.

(i) *Removal of products of combustion:*

- (1) Equipment for burning solids or liquid fuel shall be connected to suitable chimneys or flues and shall not be connected to gas vents. Unvented heaters burning liquid fuel shall be prohibited.
- (2) Fuel-burning space heaters located in sleeping rooms or rooms normally kept closed shall be connected to a suitable chimney, flue or gas vent.
- (3) Gas-fired equipment shall be connected to a suitable chimney, flue or gas vent when the discharge of products of combustion into the space where the equipment is installed would be a hazard.

(j) *Safety devices:*

- (1) Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.

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- (2) Controls for the safe operation of automatically operated heat producing equipment shall be provided to function as follows:
- a. When failure or interruption of flame or ignition occurs, the fuel supply shall be cut off;
 - b. When a predetermined temperature or pressure is exceeded, the input of additional heat shall be prevented or reduced to a safe rate;
 - c. When the water level in a steam boiler drops below a predetermined level, the fuel supply shall be cut off;
 - d. When failure or interruption of pilot light or main burner in gas equipment occurs, the fuel supply to each pilot light and main burner shall be cut off.
- (k) *Heating of garages:* Fuel-burning equipment for garages serving multiple dwellings shall be located in heater rooms, except that equipment burning gas or liquid fuel, located in the vehicle storage space, shall be permitted in stories at or above grade where the equipment is elevated so as not to be exposed to possible accumulation of flammable gases.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-55. Chimneys, flues and gas vents.

- (a) *General requirements:* (See also section 27-33 (c))
- (1) Chimneys, flues, gas vents and their supports shall be installed and maintained so as to be structurally safe, durable, smoketight, noncombustible and capable of withstanding the action of flue gases without softening, cracking, corroding or spalling.
 - (2) Such facilities shall effectively convey the products of combustion to the outside air.
 - (3) Masonry chimneys shall have noncombustible foundations. Approved prefabricated chimneys shall be installed according to manufacturer's specifications.
 - (4) Flue linings shall be capable of withstanding the action of flue gas without softening, cracking, corroding or spalling at the temperature to which they will be subjected.
 - (5) Openings for smoke pipes or gas vent connections shall be provided with means for easy connection without restriction of flue.
 - (6) No flue shall have smoke pipe or gas vent connections in more than one (1) story of a building.
 - (7) Fuel-burning equipment and fireplaces located in different tenancies shall not be connected to the same flue.
- (b) *Fire safety:* Chimneys, flues and gas vents shall be installed and maintained so that under conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith, does not exceed a safe temperature.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-56. Incinerators.

- (a) *General requirements:*
- (1) Incinerators shall be of adequate capacity for the intended use.

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- (2) Fuel-feed incinerators shall be equipped with means for burning auxiliary fuel in sufficient quantity to assure complete combustion of refuse.
 - (3) A flue serving an incinerator shall be provided with a substantially constructed spark arrester.
 - (4) Incinerators shall be connected to a suitable non-combustible chimney, smokestack or flue.
 - (5) Connections to incinerators shall provide free passage of refuse without clogging.
 - (6) Openings to abandoned incinerators must be permanently sealed.
- (b) *Service openings:*
- (1) Service openings shall be readily accessible to the building occupants.
 - (2) No person shall deposit any highly flammable substances, or objects which will clog the flue of an incinerator, and durable signs with plainly legible letters prohibiting disposal of such substances shall be provided near each service opening.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-57. Electrical.

- (a) *General requirements:*
- (1) Adequate electrical service shall be provided to meet occupancy load.
 - a. The service size shall be computed using the basic standards set forth in NFPA 70 (National Electric Code.)
 - (2) Electrical wiring and equipment shall be installed in accordance with the most current NFPA 70 (National Electric Code), and be maintained so as not to be a potential source of ignition of combustible or hazardous substances, materials or devices, or a potential source of electrical hazard.
 - (3) All electrical circuits shall be balanced properly.
 - (4) The panel box and circuits shall be properly identified.
 - (5) All old service equipment/wires not utilized shall be removed.
 - (6) All dwelling units shall have a minimum of two (2) appliance circuits, (except as hereafter provided for structures issued a certificate of compliance between June 1, 1975 and March 1, 1979), connected to the receptacle outlets located in the kitchen/kitchenette area or other area where food is processed or prepared.
 - a. Where outlets in these areas contain receptacle outlets or circuits other than appliance circuits, those appliance receptacle outlets in these areas shall be distinctively identified as appliance outlets.
 - (7) Electrical wiring and equipment shall be firmly secured to the surface on which it is mounted.
 - (8) Electrical wiring and equipment installed in damp or wet locations or where exposed to explosive or flammable gases, dust, fibers or flyings, or to excessive temperatures, shall be of a type approved for the purpose and location.
 - (9) Electrical wiring and equipment shall be protected against excessive current by properly rated and installed overcurrent devices.
 - (10) Electrical wiring and equipment shall be grounded or otherwise protected by insulation, isolation or guarding so as to minimize the danger of high voltages from lightening or other causes.

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- (11) Electrical equipment which in normal operation produces arcs, sparks or excessive heat, shall be enclosed or separated and isolated from all combustible substances.
 - (12) Service equipment and overcurrent protection devices shall be installed and maintained in a readily accessible location.
 - (13) Overcurrent protective devices shall be maintained in safe operating condition, in an accessible location and shall not be locked or fastened in the "on" position.
 - (14) Grounding of electrical wiring and equipment shall be maintained to provide protection against fire or shock hazards.
 - (15) All surface metal raceway and attached outlets shall be properly grounded.
 - (16) All electrical openings shall be provided with covers or plates.
 - (17) Flexible cord and non-metallic extension cords shall not be used in place of permanent fixed wiring and the temporary use thereof shall be kept to a minimum. It is prohibited to use extension cords to power common household appliances or permanently installed extension lights. Likewise, they may not be run through holes in walls, ceilings or floors; or run through doorways, windows or similar openings; or attached to building surfaces or concealed behind walls or above ceilings or under floors or floor coverings.
 - (18) Every bathroom and half bathroom shall contain at least one (1) wall mounted receptacle outlet with a grounding type receptacle installed. Receptacle outlets that are an integral part of medicine cabinets and/or light fixtures shall not be counted as this required outlet, and all such outlets, must be properly grounded or removed. All new outlets shall be installed in conformance with NFPA 70 (National Electric Code).
 - (19) All electrical equipment (receptacle outlets, light fixtures, switches, etc.) shall be maintained in serviceable condition, clean and free of excessive dust, paint, grease or other contaminants.
 - (20) All exposed wiring shall be maintained enclosed or protected according to applicable generally accepted standards.
 - a. Knob and tube conductors may be retained in exposed basement, cellar or attic areas if they are deemed adequate in accordance with the following:
 1. The insulation of all conductors shall be pliable and free of nicks, gouges and missing sections.
 2. The conductors shall be separated from other lighting and power conductors, conduit, piping, ducting or other conductive materials by a minimum of two (2) inches or have the appropriate sleeving installed.
 3. The conductors shall not be installed in walls or hollow spaces filled with weatherization or other insulation materials.
 4. The conductors shall not have been altered in any way.
 - b. All knob and tube conductors not meeting this criteria shall be removed and those affected areas rewired in conformance with the NFPA 70 (National Electrical Code).
- (b) *Artificial lighting:*
- (1) Habitable and occupied space shall be provided with electric light installed and controlled in conformance with the use of that space.
 - (2) Common areas in buildings and other structures shall be provided with electric light. Such lighting shall conform to the following:

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- a. A sufficient number of lighting fixtures shall be provided so that a twenty (20) foot-candle (20 lum. sq. ft.) light intensity, as measured at the floor, is dispersed evenly throughout the common area.
 - b. Artificial lighting shall be installed so as to avoid glare and objectionable shadow.
- (3) All residential buildings and occupancies shall be wired for electricity, and lighting equipment shall be installed throughout to provide adequate illumination for the intended use of each space. Each electric wiring system shall be connected to an adequate source of supply.
 - (4) There shall be a switch or other means for controlling a light in each dwelling unit near the points of entrance to such unit.
 - (5) All common areas, hatchways, stairways, interior and exterior landings, foyers and hallways shall be provided with adequate artificial lighting controlled in conformance with generally accepted standards.
 - (6) Kitchen, bathroom and required hallway lighting fixtures shall be switched from wall mounted switches.
- (c) *Minimum standards—One and two-family structures.* The aforesaid electrical requirements contained in subsections (a) and (b) shall be used as the minimum standards for inspecting and approving electrical systems in existing structures in the instances of:
 - (1) Voluntary permit applications;
 - (2) Inspection of one-family and two-family structures pursuant to complaints and/or referrals;
 - (3) The rehabilitation/remodeling of one-family and two-family structures not requiring the issuance of a certificate of occupancy; and
 - (4) The inspection of one-family and two-family structures for purposes of issuing a certificate of adequacy.
 - (d) *Minimum standards—Multiple dwellings, structures of mixed-use and substantial rehabilitation.* In addition to the requirements contained in subsections (a) and (b) above, the following electrical requirements shall be used as the minimum standards for inspecting and approving electrical systems in existing structures in the instances of:
 - (1) Certificate of compliance applications;
 - (2) Inspection of all multiple dwellings and structures of mixed-use pursuant to complaints, referrals, rehabilitation applications; and
 - (3) The rehabilitation of residential structures requiring the issuance of a certificate of occupancy.

Minimum Standards

- (1) Adequate receptacle outlets shall be installed in all spaces, as determined by the division of code enforcement. Some guidelines are as follows:
 - a. A minimum of three (3) receptacle outlets in every habitable space at least eight (8) by ten (10) feet in size. These rooms may require more receptacle outlets depending on the room size and configuration.
 - b. Basements, cellars, attics, crawl spaces, hallways, and roof areas where mechanical equipment is installed shall have adequate receptacle outlets as necessary to eliminate the use of extension cords for lighting and power.

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- c. Kitchens/kitchenettes shall have adequate receptacle outlets to utilize appliances without extension cords or multiple outlet attachments.
 - d. All new outlets installed to meet the requirements of this section shall be installed in conformance with the NFPA 70 (National Electrical Code).
 - (2) All habitable space shall be provided with artificial light.
 - a. Switched receptacle outlets and/or fixtures with integral pull switches or twist type switches are acceptable in bedrooms, dining rooms, living rooms with no entrance doors, dens, and other spaces except kitchens and bathrooms.
 - (e) *Minimum standards*—Structures issued a certificate of compliance between June 1, 1975 and March 1, 1979 should be inspected for conformance with subsections (a) and (b) above and with the following:
 - (1) Adequate receptacle outlets in all spaces as determined by the division of code enforcement guidelines.
 - a. A minimum of three (3) receptacle outlets in every habitable space eight (8) by ten (10) feet.
 - (2) A minimum of one (1) appliance circuit to the kitchen (no greater than four (4) receptacle outlets may be connected to this circuit).
 - (f) *Minimum standards—Existing commercial structures.* In addition to the requirements contained in subsections (a) and (b) above, the following shall be used as the minimum standards for inspecting and approving electrical systems in existing commercial structures in the instances of:
 - (1) Certificate of occupancy applications.
 - (2) Certificate of inspection applications.
 - (3) Rehabilitation/remodeling with or without an issuance of a certificate of occupancy.
 - (4) All complaint/referral inspections.
 - (5) All voluntary permit applications to change the electrical service.

Minimum Standards

- (1) Services less than sixty (60) amperes shall not be permitted.
- (2) Adequate receptacle outlets shall be provided in all occupiable space.
- (3) All electrical circuits shall be utilized in conformance with their over current protection.
- (4) There shall be no greater than ten (10) receptacle outlets installed on each fifteen (15) ampere branch circuit or no greater than thirteen (13) receptacle outlets installed on each twenty (20) ampere branch circuit.
- (5) All artificial lighting fixtures in occupiable space shall be switched from wall mounted switches.
 - a. Lighting for storage rooms, crawl spaces and basement areas removed from stairways, may be switched by fixtures with an integral pull switch.
- (6) Switches controlling artificial lighting where accessible to other than authorized persons shall be guarded against operation by appropriate means.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-58. Cooking and refrigeration.

(a) *General Requirements:*

- (1) Each dwelling unit shall be provided with appropriate cooking and refrigeration equipment. Cooking and refrigeration equipment shall be provided by the owner or by the tenant in accordance with their mutual, written or oral agreement.
- (2) Cooking and refrigeration equipment shall be maintained in good operating condition.
- (3) Gas-burning cooking equipment shall be permanently connected in place. Gas supply connection to such equipment shall be made with approved pipe or with an approved flexible tubing connector.
- (4) The combustion chambers of solid fuel-burning cooking equipment shall be appropriately vented.

(b) *Communal cooking and dining facilities.* Every communal kitchen and dining room located in a rooming house shall have adequate floor space and facilities to accommodate all of the occupants thereof at the same time and shall be so located as to be accessible to the occupants of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-59. Air conditioning and mechanical ventilation in one-family and two-family dwellings.

- (a) Exhaust air from a dwelling unit shall not be circulated to another dwelling unit.
- (b) Ducts shall be securely fastened in place and appropriately firestopped.
- (c) Equipment shall be secured so as not to present a hazard.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-60. Air conditioning and mechanical ventilation in multiple dwellings and non-residential buildings.

(a) *Air conditioning systems:*

- (1) Refrigerants that are highly flammable shall not be used.
- (2) Direct systems using refrigerants that are flammable or toxic shall not be used for air conditioning purposes.
- (3) Equipment shall be secured so as not to present a hazard.

(b) *Ventilating systems:*

- (1) Ventilating systems shall be installed and maintained so that the rapid spread of heat, flame or smoke through the system will be prevented, and so that under conditions of use the temperature of any combustible material adjacent thereto, or in contact therewith, will not exceed a safe temperature.
- (2) Stairways, shafts, hoistways or attics shall not be used as plenum chambers.
- (3) Ducts shall be securely fastened in place and appropriately firestopped.
- (4) Ducts and other air handling equipment shall be of non-combustible material.

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- (5) Filters shall be installed and maintained so as not to constitute a fire or smoke hazard.
 - (6) Air required for ventilation shall be taken from the exterior or shall be quality-controlled.
 - (7) Exhaust air from a unit or a space the contents of which may emit odors, fumes or vapors shall not be circulated to other occupied spaces within the building.
- (c) *Air intake and exhaust openings:*
- (1) Air intake and exhaust openings shall be installed, located and maintained so as not to constitute a hazard or nuisance, and so as to prevent the possibility of fire, smoke, fumes or foreign matter being drawn into the system.
 - (2) Ventilating systems shall be provided with adequate openings for incoming and outgoing air to obtain the required circulation. Intake openings shall provide air from an uncontaminated source.
 - (3) Where openings for mechanical exhaust are located in spaces that also contain fuel-burning equipment, there shall be provided fixed intake openings from the exterior to supply sufficient air so that the fuel-burning equipment is not adversely affected.
 - (4) Exhaust openings shall be located so that the exhaust air will not create a nuisance.
- (d) *Ventilation requirements.* Enclosures or spaces where the gases, vapors or odors may accumulate and become a potential source of hazard or nuisance, shall be provided with adequate means of ventilation to remove such excess.
- (e) *Safety controls:*
- (1) Manually operated controls shall be provided to stop the operation of all central fan equipment. Such controls shall be conspicuously identified and in readily accessible locations outside the fan room.
 - (2) Every system using recirculated air and serving an assembly space, or more than one (1) fire area, or more than one (1) story of a building, shall be provided with controls arranged so that under abnormal rise in temperature of the air in the system the fans causing normal circulation shall stop and require manual restart.
 - (3) Every system for ventilating an assembly space shall be provided with an emergency switch conveniently located and with a durable sign giving instructions for shutting down the system in case of fire.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-61. Fuel oil.

All fuel burning equipment, storage facilities, piping, etc., shall be installed, used and maintained as required by the New York State Uniform Fire Prevention and Building Code.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-62. Elevators, dumbwaiters and moving stairs.

- (a) Elevators, dumbwaiters and moving stairs shall be inspected and maintained in accord with the applicable provisions of the safety code for elevators and escalators for the city of Syracuse and the New York State Uniform Fire Prevention and Building Code.

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- (b) All multiple dwellings which are two (2) stories or more in height constructed specifically for senior citizens after the adoption of this section shall be equipped with elevators to permit access from the ground floor to the upper floors of such dwellings.
 - (c) In buildings provided with elevators, warning signs shall be provided, and located at elevator landings, advising occupants to use stairways during a fire emergency.
 - (d) Elevator hoistways and pits shall be maintained free of rubbish or other debris.
 - (e) Elevator machine rooms shall be maintained free of oil and grease, including oily and greasy clothes, rags and other combustible materials, and shall not be used for storage of articles or materials unnecessary for maintenance of elevator equipment. Flammable liquids shall not be kept in machine rooms.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-63. Refrigerators, discarded.

Every person who discards a gas-fired, electric or other refrigerator shall, before removing such refrigerator from the room in which it was installed, remove the locking device or hinges of the refrigerator.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-64. Protection of safety devices.

No person shall in any manner disconnect, by-pass, block or interfere with any safety device so as to hinder or prevent the normal and effective operation of said device. Particular reference is made to those devices required by sections 27-43(b), 27-43(e), 27-43(f)(5), 27-44(j), 27-47(a)9., 27-50.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-65. Locking device at entrances.

- (a) In every one-family and two-family dwelling each means of egress shall be equipped with a suitable locking device.
- (b) In every multiple dwelling, all entrances to common space, basement areas and accessory spaces shall be equipped with suitable locking devices, and such locking devices shall not prevent free escape from the inside.
- (c) In multiple dwellings, where the main entrance is equipped with separate bells to each dwelling unit, the main entrance shall be equipped with suitable locking devices, and such locking devices shall not prevent free escape from the inside.
- (d) Separate dwelling and rooming unit entrances and exits within multiple dwelling structures shall be equipped with suitable locking devices.
- (e) Main entrance doors which consist of two separate, operable doors shall have the active door secured with a suitable locking device, provided that the inactive leaf is equipped with flush bolts top and bottom with a minimum throw of five-eighths ($\frac{5}{8}$) inch, entering into a metal strike plate. In no case may any leaf of a double leaf door be rendered inactive if the full doorway capacity is required as an exit under the Uniform Code.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-66. Balcony guards.

The city of Syracuse has many multiple dwellings with units occupied by families with young children. This section has been adopted to promote the safety of those children ten (10) years of age and younger. Many of the dwelling units have balconies without safety railings or guards at least forty-two (42) inches in height, notwithstanding the height of the safety railings or guards, many of which contain openings which would permit a sphere four (4) inches in diameter to pass through. In order to prevent small children, in their inquisitiveness, from falling over or making their way through these railings or guards, the city of Syracuse has established certain minimum requirements.

- A. *Balcony guards.* Any balcony located at or above the second story in or attached to any dwelling unit of a multiple dwelling which is occupied by one (1) or more children shall have its open sides protected by a guard or safety rail not less than forty-two (42) inches high. However, balcony guards or safety rails existing at the time of the adoption of this section, shall be not less than thirty-six (36) inches high. Notwithstanding its height, open guards or handrails shall have vertical intermediate rails, an ornamental pattern, or substantial non-combustible screening securely installed with approved tamper resistant hardware such that a sphere four (4) inches in diameter cannot pass through any opening.
- B. *Lease notices.*
 - (1) All leases offered to tenants in multiple dwelling shall contain, as a rider to the lease, a notice the form and content of which shall be as specified in Appendix A hereto.
 - (2) Said notice shall be printed in not less than ten (10) point type, and shall bear the title "Balcony Guards Required" underlined and in bold face.
 - (3) Said notice shall be separately signed and dated by the tenant who signed the lease indicating clearly whether a child ten (10) years of age or under is, or will be, residing in the leased premises.
- D. *Annual notice.*
 - (1) Each year the owner shall deliver to each dwelling unit, a notice, the form and content of which shall be in English and Spanish as specified in Appendix B, no earlier than January 1 and no later than January 16 of the year for which the notice is delivered. In addition, said notice shall be so delivered within thirty (30) days of a change in occupancy not involving a written lease.
 - (2) The owner shall deliver said notice by any one (1) of the following methods:
 - (a) By first class mail addressed to the tenant at the dwelling unit;
 - (b) By hand delivery to the tenant at the dwelling unit;
 - (c) By enclosure with the rent bill;
 - (3) If by February 15 of the year for which the notice was sent an owner does not have a written communication signed by the tenant, and does not otherwise have actual knowledge of the need or desire for balcony guards, then the owner or his agent shall at reasonable times inspect the dwelling unit to ascertain whether a child ten (10) years of age or younger resides in the dwelling, and if so, whether approved balcony guards are properly installed and maintained.
 - (4) If by March 1 an owner who has fully complied with subdivisions B. and C. of this section has been unable to ascertain the need or desire for balcony guards in any dwelling unit or units, then he shall write to the director fully describing what efforts have been made to comply with this section, for the purpose of requesting assistance with regard to full compliance. Such request shall include the name and telephone number of the owner or his representative.

E. *Notice that installation is optional or that there is a tie-in between installation and tenant payment prohibited.*

- (1) No communication from an owner to a tenant shall indicate that the installation of balcony guards is optional or in any manner dependent upon payments by the tenant.
- (2) Owners shall not impose any type of pre-condition such as fees or any other psychological deterrent, preliminary to the installation of balcony guards.

F. *Tenant obligation to provide information and access.*

- (1) No tenant in a dwelling unit shall refuse or unreasonably fail to provide accurate and truthful information regarding the residency of children therein, or refuse, prevent or obstruct any inspection or installation required by this section.
- (2) An owner who has been denied access to a dwelling unit for the purpose of installing balcony guards required by this section shall so notify the director in writing. Said statement shall specify the owner's efforts to gain access and the circumstances of the denial thereof.
- (3) Tenants or occupants must respond to mandated inquiries by owner as to their balcony guard needs or desires. It is a violation of the law to fail to do this. Tenants or occupants must also provide access and permit installation of guards, where required.
- (4) Tenants or occupants must immediately notify the owner of the multiple dwelling that an existing balcony guard has been damaged or requires repairs.

Secs. 27-67—27-70. Reserved.

ARTICLE 7. PROPERTY MAINTENANCE REQUIREMENTS

Sec. 27-71. General requirements.

All premises within the city of Syracuse shall be maintained in conformity with the provisions of this Code so as to assure the desirable character of the property.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-72. Open areas.

- (a) Storm water shall be properly drained to prevent recurrent entrance of water into any basement or cellar.
- (b) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, storm water sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where deemed necessary.
- (c) Fences, retaining walls and other minor structures shall be maintained structurally sound, in good repair, and with appropriate protective coating for wood surfaces (see 27-32(d)(1))
- (d) Steps, sidewalks, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained so as to afford safe passage under normal use and weather conditions.
- (e) Yards, courts and vacant lots shall be kept free of physical hazards, accumulations of loose, illegally stored or illegally containerized trash and debris, garbage and other material which would cause a fire hazard or act for

a breeding place for vermin or insects. They shall be maintained in a manner that will prevent dust or other materials from being blown about the neighborhood.

- (f) All premises and exterior property shall be maintained free from weeds or grasses in excess of eight (8) inches. All noxious weeds shall be prohibited.
- (g) Heavy undergrowth and accumulations of plant growth noxious or detrimental to health shall be eliminated.
- (h) Exterior property areas shall be free from conditions which might create a health, accident or fire hazard.
- (i) Exterior property areas shall be reasonably free from holes and excavations, sharp protrusions, and other objects or conditions which might cause personal injury. Walks, steps and driveways that contain holes or tripping hazards shall be filled, repaired or replaced as the need indicates. Open wells, cesspools or cisterns shall be securely closed. Trees or limbs of trees that constitute a hazard shall be removed.
- (j) Sewage must be discharged into a public sewer system except as specially permitted by the authority having jurisdiction in accordance with the New York State Public Health Law and the Onondaga County Plumbing and Sanitary Code. Discharge of inadequately treated sewage shall not be permitted upon the surface of the ground, or into natural or artificial surface drainways.
- (k) For the protection of the general public, all permanently installed outdoor swimming pools shall be effectively fenced by an artificial enclosure not less than four (4) feet in height. Gates provided in the enclosure shall be self-closing and self-latching with the latch handle located within the enclosure and at least forty (40) inches above grade.
 - (1) A wall of a structure is permitted to serve as part of the enclosure under the following conditions:
 - a. Windows in the wall shall have a latching device at least 40 inches above the floor;
 - b. A swinging door in the wall shall be self-closing and self latching; and
 - c. A sliding door in the wall shall have a self-latching device.
 - (2) Above-ground pools which are self-enclosed by the exterior projection thereof, shall be deemed to satisfy the requirements of this provision, provided:
 - a. Said enclosure is not less than four (4) feet in height above the average adjoining grade of the ground within four (4) feet of the enclosure; and
 - b. Any openings in the enclosure affording access to the pool shall be provided with a gate containing a self-latching device affixed in such a manner as to exclude small children.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-73. Buildings and structures.

- (a) Exterior surfaces of buildings and structures not inherently resistant to deterioration by the natural elements shall be periodically treated by appropriate means and materials suitable for preservation of said exterior.
- (b) Graffiti shall be removed from all exterior surfaces, upon all buildings and structures and all interior surfaces in public space.
- (c) Buildings and structures shall be maintained in such condition so that they shall not become an unoccupied hazard.
- (d) The owner of a vacant building shall take such steps and perform such acts as may be required of him by the director from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or the public. If a board up is required by the director the standards shall be:

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- (1) The first floor front entry door to the structure shall be secured with a padlock and any windows therein shall be boarded as hereinafter provided;
 - (2) All other door, window and other openings below the second floor level shall be covered with one-half (½) inch CDX plywood sized to fit the window or door frame, leaving a two-inch opening at the top of said opening for natural light, painted with an earth tone exterior paint, and secured to the frame of the opening with No. 8 coated nails, every twelve (12) inches on center.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-74. Infestation and screening.

- (a) Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.
- (b) Where the potential for rodent infestation exists, windows and other openings in basements shall be appropriately ratproofed with wire mesh or other suitable materials.
- (c) From May 1st to November 1st, exterior entrances to residential dwellings and exterior service entrances to commercial buildings where food is processed, manufactured, packaged, stored or prepared for human consumption, shall be provided with screened doors on self-closing hardware or air curtains to prevent flying insects from entering the building. Also, all exterior windows of habitable space and bathrooms in residential dwellings located within twenty-four (24) feet above finished grade shall be provided with screens to prevent flying insects from entering the building.
- (d) The exterior of every building shall be so maintained as to be vermin and rodent free. Where rodent or vermin problems exist, all exterior windows, doors and other openings, two (2) feet above ground level and below, shall be screened, or protected with acceptable wire mesh or other approved materials. Defects, cracks or holes shall be rightly sealed to prevent the entrance of vermin and rodents.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 42-1993, §§ 15, 16, 9-13-93)

Sec. 27-75. Solid waste.

- (a) Exterior property area shall be kept free from organic and inorganic material that might become a health, accident or fire hazard.
- (b) Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and rubbish. It shall be prohibited to store or accumulate garbage or rubbish in halls or stairways. Solid waste shall be stored in regulation containers.
- (c) Solid waste shall be set out in accord with section 14-18 of the health and sanitation ordinance.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-76. Animals and pets.

- (a) Domestic animals and pets shall not be kept on any premises in such a manner as to create unsanitary conditions or to constitute a nuisance.
- (b) A determination that a nuisance exists shall be made by the director based upon his finding that any of the following conditions exist:

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- (1) Excessive noise;
 - (2) Fouling of the air;
 - (3) Unsanitary conditions;

and any of which create unreasonable annoyance or discomfort to neighbors or others within close proximity to the location where said animals are housed or maintained.

- (c) Upon a finding by the director that the premises are maintained in violation of this section, said director shall by notice, pursuant to section 27-114 herein, to the person boarding, harboring and/or caring for said animals advise of the nuisance and order its abatement.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 38-1996, 10-15-96)

Sec. 27-77. Lead paint.

No person shall use a paint containing more than six one-hundredths of one percent (.06%) of metallic lead, based on the total nonvolatile content of the paint, on the interior of any apartment or room in any dwelling to which this Code applies, or in any location accessible to children on the interior or exterior of any said dwelling.

An owner shall be deemed in compliance with this section if he removes paint containing more than one (1) percent of metallic lead from the aforesaid surfaces of a dwelling, and recovers such surfaces with a paint containing less than [six hundredths (0.06) of] one percent of metallic lead. However, an owner may cover surfaces on which paint containing more than one six one hundredths of one percent (.06%) of metallic lead is present without removing such paint first, if the material and the method used to cover the surface are approved by the division.

(Gen. Ord. No. 30-1993, 6-28-93)

Secs. 27-78—27-110. Reserved.

ARTICLE 8. ADMINISTRATION

Sec. 27-111. Administrative agency.

- (a) The division of code enforcement of the department of community development of the city of Syracuse, New York, is hereby designated to administer and secure compliance with this Code.
- (b) The division shall be under the direction and charge of the director who may designate as his representative such assistants and inspectors as may be necessary to carry out effectively the powers and duties of the division.
- (c) Violations of the provisions of this Code which are specifically covered by or within the scope of the fire prevention code shall be referred to the chief of the department of fire or his designated representative, and violations of such provisions of this Code which are specifically covered by or within the scope of any applicable sanitary code and/or the public health laws of the State of New York, shall be referred to the commissioner of health or his designated representative. These referrals shall be for the following purposes:
 - (1) To make inspections of said referred alleged violations and report in writing the results thereof to the director.

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- (2) At the time of submitting such report, the chief of the department of fire or commissioner of health of the Onondaga County health department or their designated representatives making the report shall inform the director in writing that:
- a. The violations contained in the report will be processed under and compliance secured in accordance with the provisions of said fire prevention code or said sanitary code and/or public health laws; or
 - b. The violations contained in the report may be processed under and compliance secured in accordance with the provisions of this Code, and the inspector making such inspection as contained in the report shall cooperate with the director to obtain compliance. The items for violation contained in the report shall be included in any notice or order issued by the director and in all legal proceedings pertaining thereto.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-112. Powers and duties.

- (a) The division shall be empowered to adopt rules and regulations necessary for securing such compliance and for its own organization and internal management, provided that such rules and regulations shall not be in conflict with this Code.
- (b) It shall be the duty of the director:
 - (1) To cause periodic inspections to be made of all premises within the scope of this Code;
 - (2) To cause an investigation of all complaints of alleged violations or other unsafe or unsanitary conditions;
 - (3) To request the corporation counsel to take appropriate legal action upon failure of the responsible party to comply with any notice of violation within the time specified herein;
 - (4) To cooperate with other municipal governmental and private agencies engaged in the survey, study and improvement of housing conditions as set forth in section 5-180(1) of the Charter of the city of Syracuse—1960, as amended by Local law No. 3 of 1962, and Section 5-707 of said Charter, as amended by Local Law No. 4 of 1962.
- (c) To keep records of all complaints, inspections made and violations found regarding premises regulated by this Code. Records of inspections made and violations found shall be available for examination and copying in accordance with Chapter 41 of the Revised General Ordinances of the city of Syracuse entitled Public Access to Records and commonly known as the Freedom of Information Law.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-113. Inspection of premises.

- (a) The director shall be authorized to make or cause to be made inspections to determine the condition of premises in order to safeguard the health, safety and welfare of the public. The director or his designated representatives, shall be authorized to enter any premises at any reasonable time during business hours or at such other time as may be necessary in any emergency, for the purpose of performing his duties under this Code. Inspections herein authorized shall be limited to the provisions of this Code.
- (b) Inspectors and authorized personnel of the division shall be supplied with official identification, and upon request, shall exhibit such identification when entering any premises and all parts thereof.

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- (c) Access to all parts of any building, premises and part thereof shall be provided by the owner, operator, agent or occupant thereof to personnel herein for the purpose of making such inspections at any reasonable time during business hours, or at such other times as may be necessary in an emergency. Whenever the director or his designated representative shall be unable to obtain access to premises for the purpose of making an inspection as herein provided, a demand for access to such premises shall be served upon the owner and/or occupants thereof at least ten (10) days before the time for compliance in accordance with the provisions of section 27-114. In the event of an emergency, the ten-day time period may be shortened by means of a search warrant, court order or other legal procedure.
- (d) If the person entitled to possession of any building, premises or part thereof refuses admittance thereto of the director or his duly authorized representatives for the purposes of making an examination or inspection of the premises, the director or his representative shall seek authorization, by use of an order to show cause or any other prompt legal means, from any court of competent jurisdiction. The moving papers shall recite that he believes or has probable cause, said probable cause justified by a valid public interest, to believe that by an inspection of certain premises, designated in his affidavit, he will obtain evidence tending to reveal the existence of violations of this Code. If such probable cause shall appear, the judge shall issue a warrant or order authorizing the director or his representative to inspect the premises named in the affidavit and designated in the warrant to obtain evidence tending to reveal the existence of violations of this Code.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-113.1. Issuance of certificate of compliance/adequacy.

- (a) Upon receipt of written application by the owner thereof for a certificate of compliance or adequacy for specified premises, and payment of fees prescribed in section 27-127 herein, the director or his designated representative shall make an inspection of such premises to determine whether or not such premises conform to the requirements of this Code and other applicable laws, ordinances and regulations and if the premises do not so conform, to determine the violations thereof. Such application shall be deemed to have expired after six (6) months from the date thereof whether or not a certificate has been issued, and thereafter no certificate shall be issued except upon a renewed application and payment of the prescribed fees, provided however, that the application shall not be deemed to have expired in the event the failure to issue a certificate is due solely to delay caused by the division.
- (b) Within ten (10) days of receipt of such written application and fee, the director shall issue one (1) of the following:
- (1) An appropriate certificate covering the premises specified, which certificate shall be dated as of the date of the latest inspection hereunder; or
 - (2) A notice of intent to issue an appropriate conditional certificate which shall:
 - a. Specify any violations of this Code or of other applicable laws or regulations; and
 - b. Designate the period in which such violations must be removed or corrected; and
 - c. Inform the person to whom it is directed of his right to apply within five (5) days for a hearing before the director or his designated representative to request a review or modification of such conditions. (When an application for a hearing is properly made, the director shall set a time and place for such hearings); and
 - d. State the penalties provided by law for failure to remove or correct such violation; or
 - (3) A notice of violation in accordance with section 27-114 or section 27-118 herein.

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- (c) Within five (5) days after a hearing held in accordance with subparagraph 113.1(b)(2)c., above, or if no such hearing has been held, within ten (10) days after issuance of notice of intent to issue a conditional certificate, the director shall issue such a conditional certificate. The director may require, as a condition of his issuance of such a conditional certificate:
 - (1) That the owner shall first provide an undertaking in an amount, or place in escrow a sum, reasonably calculated to cover the cost of removing or correcting the violations noted; and/or
 - (2) That the owner and/or the prospective purchaser acknowledge in writing the existence of the violation(s) and their intention to remove or correct such violation(s) and to waive further notice of such violation(s).
 - (d) After a conditional certificate has been issued, the director or his designated representative shall make a subsequent inspection of the premises, and if the conditions of said conditional certificate have been satisfied and no further violations are found, shall issue an appropriate certificate without further application or payment of fees therefor. If the violations enumerated in the conditional certificate have not been corrected within the time specified therein, the director may, without further notice, proceed to have the violation removed or corrected pursuant to section 27-117 below, applying any sums held in escrow for this purpose to the expense thereof, and may pursue any other penalties provided by law.
 - (e) Failure to issue any notices or certificate within the time periods stated in this section shall not be construed as a waiver by the division of any requirements of this Code.
 - (f) Notwithstanding any provision contained herein no certificate of compliance shall be issued until proof has been submitted to the director that there are no delinquent city taxes including assessments for local improvements against the subject premises or proof that an agreement has been executed with the city of Syracuse to pay delinquent taxes including assessments for local improvements in installments as provided by the Tax and Assessment Act of the city of Syracuse, as amended, being Chapter 75 of the Laws of 1906, as amended.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-113.2. Reserved.

Editor's note(s)—Gen. Ord. No. 17-2012, adopted July 9, 2012, repealed § 27-113.2, which pertained to issuance of certificate of sufficiency and derived from Gen. Ord. No. 46-2005, 10-24-05; Gen. Ord. No. 16-2007, 5-7-08.

Sec. 27-114. Notices and orders; service; extension of time.

- (a) Whenever the director determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this Code or of any other state or local law, ordinance or regulation enforced by the division, he shall give written notice of such violation or alleged violation to the person or persons responsible for such violation.
- (b) Such notice shall:
 - (1) Specify the alleged violations;
 - (2) Provide fifteen (15) days for compliance or such lesser period(s) of time where an emergency exists as may be determined by the director; and
 - (3) Inform the person to whom it is directed of his right to apply, within the shortest period of time given to correct any violation in said notice, for a hearing before the director or his designated representative. When an application for a hearing is properly made, the director shall set a time and

place for such hearing. The rules of evidence prevailing in courts of record shall not be controlling in such hearings.

- (4) Advise the person to whom it is directed and the tenant(s) that repairs can be made by the tenant(s) if the person or persons responsible for such violation fail to comply within the time provided by the initial notice.
- (c) (1) Such notice may contain an outline of remedial action, which, if taken shall effect compliance with the provisions of this Code and any other state or local law, ordinance or regulation enforced by the division.
 - (2) Remedial action may include allowing a tenant(s) to cause the repair to be done in a manner in compliance with this Code, if after the time set out for compliance in the initial notice as provided herein, the person or persons responsible for such violation fail to comply. The tenant(s) shall provide notice to all persons named in the initial notice of their intent to cure the violation. The tenant(s) shall submit to all such persons an itemized statement for the work performed and may deduct from the rent the actual and reasonable cost or the fair and reasonable value of the work performed.
- (3) A tenant may not repair at the responsible person's expense, if the condition was caused by the deliberate or negligent act or omission of the tenant(s), a family member, or other person on the premises with the tenant's consent.
- (d) The director may, for good cause shown in his discretion, extend the compliance time specified in any notice and order issued under the provisions of this Code.
- (e) It shall be sufficient service of a notice and order of the division if said notice is posted in a conspicuous place upon the premises affected and a copy thereof mailed to the person to whom it is directed at the address filed by him in the division or in the office of the department of finance, and if his address is not so filed in the division or the office of the department of finance, then in such case such notice shall be sent by certified mail to his last known address or place of residence.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 14-1999, 3-29-99)

Sec. 27-115. Designation and vacation of unfit premises.

- (a) Unfit premises shall be any premises within the scope of this Code, having any of the following defined defects and may be designated by the director as unfit for human habitation or dangerous to human life or detrimental to health and may be so placarded:
 - (1) The structure lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.
 - (2) The structure or premises is damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested in such a manner as to create a serious hazard to the health and safety of the occupants or the public.
 - (3) The structure or premises, because of the location, general conditions, state of premises, or number of occupants, is so unsanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public.
 - (4) The structure, because of the failure of the owner or occupant to comply with such notice and orders, issued pursuant to this Code, is unfit for human habitation or dangerous to human life or detrimental to health.
- (b) Whenever the director determines that any premises are unfit for human habitation or dangerous to human life or detrimental to health as provided herein, he must include such finding within the notice and order

provided for in section 27-114, along with a statement of his intent to order the premises vacated and to placard said premises, if compliance with the provisions of the notice and order has not been secured.

- (c) Whenever a notice and order as provided herein has not been complied with, the director may placard said premises directing the premises or any part thereof to be vacated, the tenants affected thereby shall be notified of such designation.
- (d) Any premises ordered placarded and vacated as provided herein, shall be vacated within such reasonable time as the director may specify in the order. No such premises shall again be used or the placard removed until written approval is secured from the director; as evidenced by the issuance of the appropriate certificate prior to reoccupancy.
- (e) The owner, or person responsible for any such premises which have been designated as unfit for human habitation or dangerous to human life or detrimental to health shall make such premises safe and secure for the protection of the public.
- (f) The owner of the premises designated as unfit for human habitation may correct the violation, regardless of cost, provided that the requirements of the applicable building code are satisfied.
- (g) In the event that premises designated as unfit are reoccupied prior to the issuance of written approval for reoccupancy, after having been vacated pursuant to such order, then in such event the act or omission of the owner or person responsible therefor which caused or permitted the unfit premises to be reoccupied shall be deemed a serious violation. Such serious violation shall commence on the date the unfit premises are reoccupied and continue until a written approval for reoccupancy is issued or the unfit premises are vacated again and made secure. Each day that such violation persists shall constitute a separate serious violation.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 42-1993, § 17, 9-13-93)

Sec. 27-116. Vacant properties; demolition.

- (a) *Purpose.* In the city of Syracuse there are vacant structures which do not possess the protective measures normally provided by legal occupants, making such structures subject to unlawful entry, vandalism and fires. Therefore, these vacant structures present a potential health and safety hazard to the general public, immediate neighbors and residents and public employees performing municipal duties and services in the area or at the site of the vacant structure.
- (b) *Owner's duties.*
 - (1) Vacant buildings. It shall be the duty of every owner or person responsible for a property which has a vacant building thereon:
 - a. To maintain the building in a safe and sanitary condition and in compliance with this Code.
 - b. To secure the building to prevent unauthorized entry.
 - c. To maintain the yard free of trash, debris, high grass and overgrown weeds.
 - (2) Vacant lots. It shall be the duty of every owner or person responsible for a vacant lot to maintain the lot in a safe and sanitary condition and in compliance with this Code. It shall also be the duty of every owner or person responsible for a vacant lot to maintain the lot free of trash, debris, high grass and overgrown weeds.
- (c) *Maintenance and securing of vacant building and clearing of vacant lots.*
 - (1) Notification of owners. If the director determines that a vacant building or a lot is in violation of this Code, he shall notify the owner or person responsible therefor of that determination and order the owner or responsible person to maintain and secure the building or maintain or clear the lot. Notice

shall be sufficient if said notice is posted on the property affected and a copy sent to the owner or person responsible therefor by mail addressed to the owner's last address known to the division.

(2) Discharge of owner's duties by city.

- a. If the owner or person responsible therefor fails to comply with the notice within five (5) days after the notice is sent, the director may have the owner's duties discharged by city employees or contractors. It shall be the personal obligation of the owner to reimburse the city for its expenses incurred in discharging said owner's duties.
- b. If the owner has previously disregarded the order of the director and thereafter the property again is in violation of this section the director may again discharge the owner's duties, at the owner's expense, without notice to the owner.

(3) The director may utilize any other remedies available to him to obtain compliance with his order.

(d) *Demolition.* Whenever the director shall determine that a building or structure constitutes an unoccupied hazard or is unfit for human habitation or dangerous to human life or detrimental to health, and after having determined that the building or structure or part of said building or structure should be demolished, he shall cause to be issued a notice and order which would require demolition of same addressed to the property owner in a manner pursuant to section 27-114.

- (1) If the owner fails to comply with such order of demolition within the time provided for compliance in said order the corporation counsel may upon notice to the property owner, mortgagees, tenants and lienors, present said order to demolish and the records and papers of all prior proceedings upon which said order is based before a justice holding a special term of the supreme court for the county of Onondaga for review of said determination and confirmation thereof at which time the court may either annul or confirm wholly or in part or modify the determination reviewed.
- (2) If the owner fails to comply with such order of demolition within the time provided for compliance in said order and the director has determined that the condition of the structure constitutes an imminent danger which, in his opinion, requires immediate action to abate a hazard or to eliminate the imminent danger or menace to the public health, safety and welfare, then in such case he may exercise his emergency powers to cause said building to be immediately demolished.

(e) *Vacant property registry.*

(1) *Registration.*

- a. Effective July 1, 2013, the owner of any vacant building in the city of Syracuse, whether residential or commercial or of some other nature, which has one or more exterior code violations shall be required to apply for and obtain a vacant property registry certificate from the division of code enforcement. A vacant property registry certificate shall be valid for one year from the date of issuance, and must be renewed annually for as long as the building remains vacant.
- b. The vacant property registry certificate application forms shall be provided by the division of code enforcement and shall request information relevant to the property being registered, including but not limited to, the following:
 1. The address of the vacant building;
 2. The name, address, and telephone number of the owner(s) of the building;
 3. A photocopy of the owner(s) government issued photo identification;
 4. The names and addresses of all known lienholders and all other parties with an ownership interest in the building;

5. For owners who reside outside of Onondaga, Madison, Cayuga, Oswego or Cortland County, the name, address and telephone number of the individual responsible for the property in Onondaga County;
 6. If the owner is a corporation, general or limited partnership, or a limited liability company, the names, addresses and telephone numbers of all officers, partners and/or members; and
 7. A vacant building plan in accordance with subsection (3) below.
- c. Addresses on the application must be physical addresses, no post office box addresses will be accepted.
 - d. A separate vacant property registry application shall be submitted along with the applicable fee for each vacant building the owner needs to register. Any application containing information for more than one property shall not be accepted by the division of code enforcement.
 - e. Application forms should be submitted to the division of code enforcement with the applicable fee as laid out below. Failure to remit the fee will result in the application being returned to the owner as incomplete.
 - f. The vacant property registration certificate shall be valid for one year from the date of issuance and must be renewed annually as long as the property remains vacant. Each certificate shall contain the expiration date to insure owners are aware of when they need to renew.
 - g. The Vacant Property Registry Certificate is non-transferable.
 - h. Upon transfer of a vacant building the new owner, shall be required to apply for a vacant property registry certificate within ninety (90) days of transferring title, if the property owner's intent is for the property to remain vacant.
 - i. Incomplete registration forms will not be accepted and shall be returned to the owner. If thereafter a complete registration form is not submitted it will result in the owner being cited for lack of compliance and prosecution under Section 27-120 of the Property Conservation Code.

(2) *Fees for a Vacant Property Registry Certificate.*

- a. The annual fees for a vacant property registry certificate for each vacant building regulated by this section shall be in accordance with the fee schedule in the chart below. This fee shall be payable by check or money order to the commissioner of finance and is due at the time of filing of the annual vacant property registry certificate application.
- b. Failure to pay the annual fee will result in the owner being in violation of this section of the Property Conservation Code of the city of Syracuse and thereby subject to fines and penalties and prosecution under Section 27-120 of the Syracuse Property Conservation Code.

Property Type	Year 1	Year 2	Year 3	Each Subsequent Year
Plan A or C below	\$100	If no extension is granted, then the maximum fee for the relevant property type will be charged each subsequent year.		
1—3 unit residential	\$250	\$500	\$750	\$1,000
4—6 unit residential	\$500	\$1,000	\$1,500	\$2,000
7+ unit residential	\$250/unit	\$500/unit	\$750/unit	\$1,000/unit

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Commercial (whichever is greater)	\$1,000 or \$.05/sq. ft.	\$2,000 or \$.10/sq. ft.	\$3,000 or \$.15/sq. ft.	\$4,000 or \$.20/sq. ft.*
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* = gross square footage

- c. The above fee schedule chart shall not apply to the following:
 - 1. All non-profit entities that own ten (10) or more properties which require registration under this section; and/or
 - 2. All entities that are subject to the New York State Public Authorities Law that own ten (10) or more properties which require registration under this section.
 - d. Non-profit entities that own ten (10) or more properties which require a vacant registry and/or all entities that are subject to the New York State Public Authorities Law that own ten (10) or more properties which require registration under this section shall each pay a flat fee of \$1,000.00 per year to register all properties pursuant to this section.
 - e. Failure to pay the flat fee will result in the owner being in violation of this section of the Property Conservation Code of the city of Syracuse and thereby subject to fines and penalties and prosecution under Section 27-120 of the Syracuse Property Conservation Code.
- (3) *Vacant building plan.* Included with their vacant property registry certificate application, the owner must submit a vacant building plan to the division of code enforcement for approval. In order for a vacant property registry certificate to be issued the director or the individuals designated by the commissioner must first approve the owner's vacant building plan. Acceptable plans must contain at a minimum, the elements of at least one of the plans outlined below:

PLAN A: Rehabilitate and Reoccupy

If the building is to be returned to an appropriate occupancy or use, a rehabilitation plan for the property must be submitted. The rehabilitation plan shall not exceed three hundred sixty-five (365) days, unless the director or the individuals designated by the commissioner grants an extension upon receipt of a written statement from the owner, detailing the reasons for the extension. Any repairs, improvements, or alterations to the property must comply with applicable zoning (including historic preservation) and building codes. The property must be secured in accordance with the maintenance standards below during the period of rehabilitation. If no building permit has been applied for within the one-year period, the owner will be notified of their noncompliance. The owner will be required to file an extension with a revised rehabilitation plan and reasons for non-compliance. If this is not satisfied, the owner may be prosecuted under Section 27-120 of the Syracuse Property Conservation Code.

Applicants who select Plan A will pay a lesser fee in year 1 (see registration fee schedule in subsection (2) above), but will be required to pay the maximum fee for their property type if they are found to be in non-compliance for lack of progress on the rehabilitation plan.

All properties being rehabilitated under Plan A must be secured by normal means or in accordance with board up standards set forth in article 7, section 27-73 of this chapter.

PLAN B: Stabilize and Maintain

If the building is to remain vacant, a plan for securing the building in accordance with the maintenance standards below must be submitted. This must include the procedure that will be used to monitor and

maintain the building in accordance with these standards, and a statement of the reasons why the building is to remain vacant.

All properties being stabilized and maintained under Plan B must be secured by normal means or in accordance with the board-up standards set forth in article 7, section 27-73 of this chapter.

PLAN C: Demolish

If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition, including timeline to obtain the necessary permits.

If no demolition permit has been applied for within the one-year period, the owner will be notified of their noncompliance. The director or the individuals designated by the director have discretion to grant an extension, upon receipt of a written statement from the owner, detailing the reasons for the extension, if extenuating circumstances have prevented the demolition of the property or if the plan for the property has changed for reasons deemed legitimate by the enforcement officer. If no extension is granted, the property owner will be required to pay the maximum fee for their property type in all subsequent years and the owner may be prosecuted under Section 27-120 of the Syracuse Property Conservation Code.

Applicants who select Plan C will pay a lesser fee in Year One, as shown in the registration fee schedule outlined in subsection (2) above, but will be required to pay the maximum fee for their property type if they are found to be in non-compliance for lack of progress on the rehabilitation plan.

All properties being demolished under Plan C, prior to demolition, must be secured as defined in section 27-10 of this chapter or boarded in accordance with the board-up standards set forth in section 27-73 of this chapter.

- (4) *Conversion to rental registry.* Should the owner of a vacant building that is registered pursuant to this section convert the vacant building to a non-owner occupied dwelling, the owner shall notify the division of code enforcement immediately of the occupancy and the director or individuals designated by the director shall convert the vacant property registry certificate to a rental registry certificate. No additional fees shall be required from the owner at the time of the conversion. However, after the conversion and issuance of the rental registry certificate, the owner of the now converted vacant building will be required to comply with all the provisions of article 9 of this chapter, including obtaining a rental registry certificate every two (2) years from the date of issuance of the rental registry certificate and paying all applicable rental registry fees.
- (5) *Failure to apply for a vacant property registry certificate.* Failure to comply with this section shall be a violation of the Property Conservation Code of the city of Syracuse and subject to the fines, penalties and prosecution outlined in Section 27-120 of the Syracuse Property Conservation Code.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 16-2007, 5-7-07; Gen. Ord. No. 11-2013, 4-15-13; Gen. Ord. No. 31-2013, 7-15-13)

Sec. 27-117. Division to make repairs or demolish.

- (a) Whenever a notice and order to remove a violation, secure, vacate or demolish a building has not been complied with, the director may proceed to cause the violation to be removed or corrected or the structure to be demolished, repaired, altered, secured or vacated, or to take such other legal action as is necessary.
- (b) The expense incurred by the city hereunder, plus fifteen (15) percent of such amount, shall be charged to and paid by the person(s) responsible for such violation. The director shall file with the commissioner of finance a statement of the items of expense, including the surcharge authorized hereunder, and the date of

execution of actions authorized thereunder. The commissioner of finance shall proceed to collect said sums owing the city in the manner provided by law.

- (c) Notwithstanding the aforementioned subsections (a) and (b) above, the corporation counsel, on behalf of the city of Syracuse, may commence a special proceeding in a court of competent jurisdiction to collect the costs of demolition and other expenses incurred by the city in removing or correcting violations, including reasonable and necessary legal expenses incidental to obtaining an order to demolish, from the owner of any building, structure or lot that may now be or shall hereafter become dangerous or unsafe to the public. The provisions of Article 4 of the Civil Practice Law and Rules shall govern any special proceeding commenced under this section.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-118. Power to act in emergencies.

Whenever the director finds that a violation of this Code exists which, in his opinion, requires immediate action to abate a hazard, or constitutes an immediate danger to the health, safety or welfare of the occupants of a building or the public, he may, without prior notice of hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard of danger. Notwithstanding any other provisions of this Code, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-119. Administrative liability.

No officer, agent or employee of the city of Syracuse, shall be personally liable for any damage resulting from any official determination, order or action required or permitted in the discharge of his duties under this Code. The city of Syracuse shall defend and indemnify the director and the chief of the fire department, or other officers of their departments specifically designated and authorized by them to make such official determination, order or action in the discharge of their duties under this Code, against any judgments or liability that may arise as a result of any such official determination, order [or] action made or taken by them in the discharge of their duties under this Code.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-120. Penalties.

- (a) *Criminal penalties.* Any person(s) who shall knowingly and willfully violate or assist in the violation of this Code shall be guilty of an offense and upon conviction shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred fifty dollars (\$150.00) or imprisonment for not more than fifteen (15) days, or both, for each offense. Each day after conviction that such violation continues shall constitute a separate offense.
- (b) *Civil penalty.* Imposition of cumulative civil penalty.
- (1) A person who violates any requirement of the Code, except those designated serious violations, shall be subject to a cumulative civil penalty of one hundred dollars (\$100.00) per day for each separate violation from the date set for correction in the notice of violation until the violation is corrected. A person who violates any requirement of the Code designated as a serious violation shall be subject to a cumulative civil penalty of five hundred dollars (\$500.00) per day for each separate serious violation from the date each serious violation commences until the serious violation is corrected. The penalty

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- may be collected by the corporation counsel by action or special proceeding against the owner or other responsible person, or by an action against the property. An action against the owner may be joined with an action against the property.
- (2) The notice of violation shall specify the last date when each violation shall be corrected. The division may postpone the last day when a violation shall be corrected upon a showing by the owner or other responsible person that he has begun to correct the violation but that full correction of the violation cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labor, or inability to gain access to the premises wherein the violation occurs.
 - (3) When an owner or other responsible person has corrected one or more violations, he shall promptly, but not later than two (2) weeks after such correction, report to the division in writing, indicating the date when each violation was corrected. It shall be presumed that the violation was corrected on the date so indicated, unless a subsequent inspection by the division again reveals the existence of the condition giving rise to the earlier notice of violation. Evidence of the condition shall be deemed sufficient to support a finding that the owner or other responsible person failed to correct the violation, unless he explains the existence of the condition to the satisfaction of the court.
 - (4) When there are a number of separate instances of a single condition that violates any requirement of this Code, such separate instances of such condition shall be treated collectively as a single violation with respect to any one unit, or with respect to the public parts of the building wherein they occur, but nothing contained in this subsection shall limit the number of violations that may be included in any notice of violation, or the number of violations for which a penalty under this section may be collected with respect to each unit or the public parts of a building.
- (c) *Enforcement of civil penalty; powers of court; collection of judgment.*
- (1) The corporation counsel may maintain an action or special proceeding in a court of competent jurisdiction for the recovery of civil penalties, together with costs and disbursements.
 - (2) The defendant or respondent in an action or proceeding for civil penalties may show, in mitigation of his liability:
 - a. That the violation giving rise to the action was caused by the willful act, or gross negligence, neglect or abuse of another; or
 - b. That he began to correct the violation promptly upon receipt of notice thereof; but that its full correction could not be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labor or inability to gain access to the unit wherein the violation occurs.
 - (3) If the court finds, upon a showing by the defendant or respondent as provided in paragraph (2) of this subsection, that sufficient mitigating circumstances exist, it may remit all or part of the accumulated civil penalties arising from the violation with respect to which such a showing was made.
 - (4) The defendant or respondent in an action or proceeding for civil penalties who has corrected the violation giving rise to the action, and who asserts that such violation was caused by the wilful act, or gross negligence, neglect or abuse of a third party, may request the court to permit consolidation of his action for the reasonable cost of such correction against such third party with the action or proceeding for civil penalties.
- (d) *Manner of collecting judgment for penalties.* When the corporation counsel obtains a judgment in an action or proceeding under this article either against the owner or responsible person, or a property, or both, in addition to the appropriate methods of enforcement for judgments established in the Civil Practice Law and Rules; such judgment for penalties may constitute a lien, be a lien on the subject property and on the rents therefrom, or may be added to the owner's real property taxes, or may be collected in the manner of any

other civil judgment, and such penalties when collected shall be deposited in the special account maintained by the city for the repair and demolition of substandard property and any other special accounts relating to code inspection activity to be established by the common council.

(e) *Stay of accumulation of per diem penalties during pendency of actions.*

- (1) In any action or proceeding for penalties under this article, the defendant or respondent may move at any time before the trial of the case for an order to stay the further accumulation of the per diem penalty from the day the action is commenced until the same is finally terminated by judgment or otherwise, including the time necessary for judicial review. The court shall grant the motion if the defendant or respondent shows to the satisfaction of the court that there is a substantial issue of fact or law concerning the existence of the violation charged. The court may impose such conditions on the granting of the motion as justice may require.
- (2) Nothing contained in this article shall prevent an owner or other responsible person from contesting the finding of a violation by the division, in advance of the division's action for the collection of penalties, by any means provided by law. In any such action or proceeding, the court may stay the further accumulation of the per diem penalty in the same manner and under the conditions as provided in paragraph (1) of this subsection.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 13-1999, 3-29-99; Gen. Ord. No. 12-2014, 3-31-14)

Sec. 27-121. Receivership.

- (a) The city may apply to court by initiating a special proceeding, or by motion in a pending action or proceeding for a penalty, for the appointment of a receiver of rents, issues and profits of a property in violation of this Code or any other city law or ordinance or other applicable building or construction code.
- (b) The court shall appoint a receiver of a property when there exists on the premises a condition which:
 - (1) Is a danger to or constitutes a threat to the life, health or safety of the occupants of the building or to the public, or is a fire hazard; or
 - (2) Is a nuisance or cause of sickness, accident or harm to the occupants or public; or
 - (3) Causes the premises to be unfit for human habitation.
- (c) The receiver shall have the authority as allowed by the court and as essential to carry out the purpose of the receivership including, but not limited to, the right to enter the premises, collect rents, issues and profits, enter into contracts for repairs of the premises, take any action necessary to remove the nuisance, to remove dangerous conditions, to remove all violations of the Syracuse property conservation code and other applicable building codes, and to effect ordinary repairs and maintenance during the term of the receivership, and to operate the premises in a safe and habitable manner. The receiver shall have the authority to incur expenses reasonably necessary to carry out the purposes of the receivership which charges shall be payable out of the rents, issues and profits by current payments on utilities and taxes.
- (d) (1) The receiver shall have the authority, where the income of the property is insufficient to promptly remove the condition which led to the creation of the receivership pursuant to paragraph (b) of this section, to borrow money, and utilize such funds to effect authorized repairs and to repay such funds from the rents, issues and profits of the premises. The receiver shall have the authority to encumber the premises with a lien or mortgage benefiting the entity which is the source of funds in order to secure repayment of any funds borrowed or advanced to effect the repairs to the premises.

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- (2) Such lien or mortgage shall be filed in the appropriate place in the office of the clerk of the county of Onondaga and the expense of filing shall be deemed an expense necessary to carry out the receivership.
- (e) The receiver shall continue until further order of the court and be discharged upon rendering a full and complete accounting to the court as to the removal of the conditions which led to the receivership, and as to the receiver's actions with regard to the activities authorized under subsections (c) and (d) of this section, and the attendant income, and disbursements. Discharge of the receiver will not affect the right to a lien on the property of any entity which may have advanced funds used for repair. Upon removal of the conditions, the owner or any lienor of the property may apply for the removal of the receiver upon payment to the receiver of all funds expended under the receivership.
- (f) Nothing herein contained shall be deemed to relieve the owner of any civil or criminal liability by reason of acts or omissions of the owner, nor shall anything contained herein be construed to suspend during the receivership any obligation of the owner for the payment of taxes or other operating and maintenance expenses of the building nor of the owner or any other person for the payment of mortgages or liens.
- (g) The receiver shall be entitled to the same fees, commissions and necessary expenses as receivers in actions to foreclose a mortgage. The receiver shall be liable only in his official capacity for injury to person or property by reason of conditions on the premises in a case where an owner would have been liable; the receiver shall not have any liability in his personal capacity.
- (h) If the city seeks a receiver with rights superior to any mortgagee or lien of record the city shall:
- (1) Serve administrative notice upon said mortgagee or lienor of record informing same that the property in question is in violation of applicable laws and codes, that the owner has failed to remedy the violations, that the mortgagee or lienor has fifteen (15) days to correct the violations or to request an administrative hearing to review the matter. The notice shall further inform the lienor or mortgagee that the city may bring a legal proceeding for appointment of a receiver of rents, issues and profits with rights superior to the recorded lien or mortgage; and
- (2) Serve legal process upon said mortgagee or lienor of the action of proceeding for appointment of a receiver of rents, issues and profits.
- (i) At the time of determination of the application for appointment of a receiver, the owner, mortgagee, lienor or any other person having interest in the property may apply to the court to be permitted to remove the conditions and shall: (1) Demonstrate the ability to promptly complete the work required; and (2) post security for the performance of the work as deemed necessary by the court. The court may then, in lieu of appointing such receiver, issue an order permitting such person to perform the work within a time fixed by the court. If the work is not completed in accordance with the court order, the security shall be forfeited, a receiver appointed, and the receiver shall have use of the forfeited security funds to remove the conditions.
- (j) Any mortgagee or lienor who at his expense removes the conditions to the satisfaction of the court pursuant to subsection (i) of this section, shall be entitled to a lien against the property equivalent to the lien created by the receiver under this section.
- (k) Any mortgagee or lienor who, after removal of the conditions by the receiver, reimburses the receiver for all allowable expenses of the receivership shall be entitled to an assignment of the lien created by the receiver encumbering the premises.
- (l) Any lien of the receiver arising under this section shall have priority over all other mortgages, liens and encumbrances of record in the case where notice has been provided to such mortgagee, lienor and encumbrancer as provided by this section. Failure to provide such notice will not affect the validity of the proceeding for the appointment of a receiver, but shall only affect the priority of the receiver's lien.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-122. Duties of legal officer.

The corporation counsel shall upon complaint of the director, or upon his own motion, institute appropriate action or proceeding to restrain, prevent, enjoin, abate, correct or remove violations of this Code and to take such other legal action as is necessary to carry out the terms and provisions of this Code. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law and as provided in section 27-5; any and all remedies may be pursued concurrently or consecutively and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-123. Judicial review.

Any person or persons, jointly or severally, aggrieved by any final order of the director, may seek to have such order reviewed by the supreme court in the manner prescribed by law.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-124. Unconstitutionality or invalidity in part.

Should any section, paragraph, sentence, clause or phrase in this Code be declared unconstitutional or invalid for any reason, the remainder of the code shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Code are declared to be severable.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-125. Security deposits.

- (a) Any advance or deposit of money, whose primary function is to secure the performance of a rental agreement on any part thereof, shall be governed by this section. This money shall be held and administered for the benefit of the tenant. This money shall not be commingled with any monies of the landlord. The tenant's claim to such money shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy, even if such security funds are commingled.
- (b) The landlord may only claim such funds as are reasonably necessary to remedy tenant defaults or make repairs due to damage caused by the tenant; said damage being beyond normal wear and tear. Remaining funds shall be returned to the tenant no later than twenty-one (21) days after the time at which the rental agreement would have terminated. Any claim made by the landlord must be made within this time period, pursuant to an itemized list identifying, with specificity, how the security deposit was applied as to each claim. Failure of the landlord to provide the tenant with a written, itemized list during this time period will result in the return of the full amount of the security deposit to the tenant.
- (c) The wilful retention of a security deposit in violation of this section by a landlord whose interest has expired or terminated shall be a serious violation of this Code.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-126. Retaliatory evictions.

- (a) No owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building or part

thereof shall threaten to or take reprisal against any tenant (who has not committed a breach of the lease or contract of rental) for reporting or complaining, in good faith, of the existence or belief of the existence of any violation of the provisions of this Code or other applicable laws, statutes, ordinances or regulations or for, in good faith, availing himself of any legal remedy shall have committed an offense. Reprisal shall be defined herein as:

- (1) The institution of eviction proceedings or other legal remedy relating to the tenant's right of possession; or
 - (2) The imposition of an unreasonable rent increase; or
 - (3) The curtailment of services required to be given to the tenant by law or agreement.
- (b) Receipt of a notice to quit the premises or a substantial rent increase without adequate cause within ninety (90) days after the above defined tenant has made a report or complaint or availed himself of remedies against the owner provided by law shall create a rebuttable presumption that such notice to the said tenant is a reprisal against the tenant for making such report or complaint or for having availed himself of such remedies against the owner as provided by law.
- (c) Notwithstanding subsections (a) and (b), the landlord may recover possession of the premises if:
- (1) The tenant is in arrears with respect to rent; or
 - (2) The tenant, his family or guests are committing waste, or a nuisance, or is using the premises for illegal purposes or otherwise in violation of his rental agreement; or
 - (3) The landlord seeks in good faith to recover possession of the premises for immediate use as his own abode; or
 - (4) The landlord seeks in good faith to recover possession of the premises for the purpose of substantially altering, remodeling, or demolishing the premises; or
 - (5) The landlord seeks in good faith to recover possession of the premises for the purpose of immediately terminating for at least six (6) months use of the premises as a previously used; or
 - (6) The complaint or request of subsection (a) relates only to a condition or conditions caused by lack of ordinary care by the tenant or another person or on the property with his consent; or
 - (7) The premises and other property and facilities used by or affecting the use and enjoyment of the tenant were on the date of filing of such complaint or request in substantial compliance with all codes, statutes and ordinances; or
 - (8) The landlord has in good faith contracted to sell the property, and the contract of sale contains a representation by the purchaser corresponding to paragraphs (2), (3) or (4) above; or
 - (9) The landlord is seeking to recover possession the basis of a notice to terminate a periodic tenancy, which notice, was given to the tenant previous to the complaint or request of subsection (a).
- (d) The defense of retaliatory eviction or reprisal may be raised by the tenant in any eviction action, summary proceeding, or other action or proceeding relating to the right of the tenant to remain in possession of the premises.

(Gen. Ord. No. 30-1993, 6-28-93)

Sec. 27-127. Fees for certain inspections.

- (a) Every application for a certificate of compliance or certificate of adequacy shall be accompanied by payment, by check or money order made payable to the commissioner of finance, of a fee in accordance with the

following schedule (except that payment of such fee shall not be required where the owner of the premises is a duly-constituted not-for-profit, limited-profit or limited-dividend housing organization or an individual of limited income over sixty-five (65) who is receiving partial property tax exemption pursuant to Ordinance No. 353-1966, as amended from time to time).

For a one-family house\$45.00

For a two-family house55.00

For a structure containing more than two (2) units55.00

Plus for each unit in excess of two (2)20.00

- (b) A fee in accordance with the schedule enumerated in subsection (a) shall be charged to the owner of premises for each additional inspection made by the division after the inspection made after the expiration for the shortest time period set for correction of each violation, and for those cases which are the subject of litigation, for each additional inspection after the first scheduled court hearing on the case, which inspection is required because of an adjournment granted at the request of such owner.
- (c) The owner of premises shall be liable for the cost of any inspections performed by agents of the city of Syracuse or other non-city of Syracuse employees at the request of the division. Such costs may be collected in the manner prescribed in section 27-117.

(Gen. Ord. No. 30-1993, 6-28-93; Gen. Ord. No. 2-1995, 1-23-95; Gen. Ord. No. 46-2005, 10-24-05; Gen. Ord. No. 16-2007, 5-7-07)

Secs. 27-128, 27-129. Reserved.

ARTICLE 9. RENTAL REGISTRY

Sec. 27-130. Rental registry established.

The city of Syracuse hereby creates a rental registry for all one-family and two-family non-owner occupied dwellings throughout the city of Syracuse. The rental registry shall consist of identifying information for all owners of one-family and two-family non-owner occupied dwellings.

(Gen. Ord. No. 16-2007, 5-7-07)

Sec. 27-131. Rental registry certificate required.

- (a) Effective January 1, 2011, owners are required to obtain a rental registry certificate for each one-family and/or two-family non-owner occupied dwelling rented or leased within the city of Syracuse.
- (b) Effective July 1, 2018, rental registry certificates will expire three (3) years after they are issued. The expiration date shall be printed on each rental registry certificate. Rental registry certificates issued prior to July 1, 2018 will expire two (2) years after they were issued, the expiration date on the certificate shall still apply. All renewal rental registry certificates shall be issued for a three (3) year period.
- (c) Upon expiration of any rental registry certificate, an owner must renew the registration of any one-family and/or two-family non-owner occupied dwellings. Applications for renewal of a rental registry certificate should be submitted at least forty-five (45) days prior to the expiration date of the rental registry certificate.

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- (d) Except as otherwise provided herein, it shall be unlawful and a violation of this chapter to rent or lease a one-family and/or two-family non-owner occupied dwelling without obtaining a rental registry certificate as required by article 9.
 - (e) Notwithstanding the foregoing, an owner is not required to obtain a rental registry certificate for any one-family and/or two-family non-owner occupied dwelling where at least one dwelling unit is solely occupied by a person related by blood, marriage, or adoption to or under the legal custody of the owner of the dwelling unit, which may include one additional person who is not a minor without regard to the relationship of the person and without regard to the number of minors in the dwelling unit related by blood, marriage or adoption to the additional person or under the legal custody of the person.

(Gen. Ord. No. 16-2007, 5-7-07; Gen. Ord. No. 45-2010, 12-20-10; Gen. Ord. No. 32-2020, 9-14-20)

Sec. 27-132. Application and processing fee.

An application and processing fee must be paid for each one-family and/or two-family non-owner occupied dwelling that the owner(s) wish to register, and must be submitted with the rental registry application form. The application and processing fee for one-family and/or two-family non-owner occupied dwellings shall be one hundred fifty dollars (\$150.00).

(Gen. Ord. No. 16-2007, 5-7-07; Gen. Ord. No. 45-2010, 12-20-10; Gen. Ord. No. 11-2018, 3-26-18)

Sec. 27-132a. Reserved.

Editor's note(s)—Gen. Ord. No. 11-2018, adopted March 26, 2018, repealed § 27-132a, which pertained to no fees for rental registry in special neighborhood districts and derived from Gen. Ord. 45-2010, adopted December 20, 2010.

Sec. 27-133. Registration.

- (a) To obtain a rental registry certificate, an owner of a one-family and/or two-family non-owner occupied dwelling must, at the time of registration:
 - (1) Complete the rental registry certificate application form as described in section 27-134, and disclose all required information to the satisfaction of the division of code enforcement;
 - (2) Pay all required fees, pursuant to section 27-132 above;
 - (3) Have no open cases with the division of code enforcement on the property being registered;
 - (4) Complete an affidavit of compliance, pursuant to section 27-140 below;
 - (5) Be current on all taxes and water bills for the property being registered;
 - (6) Have no pending nuisance abatement proceedings or orders of closure for the property being registered;
 - (7) The property being registered must pass an exterior and interior inspection conducted by employees of the division of code enforcement. Interior inspections shall be conducted either with consent of the property owner, property manager, or tenant(s), or pursuant to an inspection warrant issued by a court of competent jurisdiction in accordance with the procedures outlined below. This shall not be construed to require a person to consent to an inspection of the property in order to determine compliance with applicable code provisions; and

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- (b) The rental registry certificate application form and affidavit of compliance shall be signed by an owner of the property or a property manager, registered with the city of Syracuse, who is also employed by the owner to manage the registered property.
 - (c) Owners of one-family and/or two-family non-owner occupied dwellings that are required to be registered pursuant to section 27-131(a) shall file the rental registry certificate application form during the following time periods, determined by the property's location within one of the city's four (4) quadrants used by the department of public works for the yard waste and construction debris pick-up schedule, as set forth and defined in section 14-21(b) of the Revised General Ordinances of the city of Syracuse, as amended:
 - (1) Properties located within the southeast quadrant shall have their rental registry certificate application forms filed between January 1 and February 15 every odd year.
 - (2) Properties located within the southwest quadrant shall have their rental registry certificate application forms filed between July 1 and August 15 every odd year.
 - (3) Properties located within the northwest quadrant shall have their rental registry certificate application forms filed between January 1 and February 15 every even year.
 - (4) Properties located within the northeast quadrant shall have their rental registry certificate application forms filed between July 1 and August 15 every even year.

A map of the quadrants shall be made available at the division of code enforcement.

- (d) Owners must obtain the rental registry certificates for each one-family and/or two-family non-owner occupied dwelling rented or leased within the city of Syracuse no later than the deadlines for the issuance of rental registry certificates set forth herein. For rental registry applications filed by the deadlines set forth in section 27-132(c) above, the deadlines for the issuance ("issuance deadlines") of rental registry certificates by the division of code enforcement are as follows:
 - (1) Rental registry certificates for properties located in the southeast quadrant shall be issued no later than June 30 every odd year.
 - (2) Rental registry certificates for properties located in the southwest quadrant shall be issued no later than December 31 every odd year.
 - (3) Rental registry certificates for properties located in the northwest quadrant shall be issued no later than June 30 every even year.
 - (4) Rental registry certificates for properties located in the northeast quadrant shall be issued no later than December 31 every even year.
- (e) Any owner of a one-family or two-family non-owner occupied dwelling who registers a one-family or two-family non-owner occupied dwelling outside of the designated time period as set forth in section 27-132(c) above, and the property being registered has not undergone any ownership or character changes, shall pay one hundred fifty dollars (\$150.00) in addition to an administrative surcharge in an amount to be determined by the director of the division of code enforcement.

(Gen. Ord. No. 16-2007, 5-7-07; Gen. Ord. No. 45-2010, 12-20-10; Gen. Ord. No. 30-2011, 8-1-11; Gen. Ord. No. 11-2018, 3-26-18)

Sec. 27-134. Registration application.

- (a) The rental registry application form is available at the division of code enforcement.

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- (b) A rental registry application form must be completed for each one-family and/or two-family non-owner occupied dwelling to be rented or leased. The rental registry application form must be submitted to the division of code enforcement.
 - (c) The rental registry application form shall request relevant information relating to the owner of the one-family and/or two-family non-owner occupied dwelling being registered. This information shall include, but not be limited to:
 - (1) The owner's name, domicile address and telephone number;
 - (2) If the owner is a corporation, general or limited partnership or a limited liability company, all information required by section 27-135 shall be provided;
 - (3) If the owner employs a property manager, the name, domicile address and telephone number of the property manager, the duties and responsibilities of the property manager, whether the property manager is a licensed real estate broker, and the property manager's real estate broker license number; and
 - (4) The names and street addresses and/or domicile addresses of any and all individuals, companies, firms, corporations, etc. Who perform the duties of a property manager on the property being registered.
 - (d) No post office box addresses will be accepted in lieu of the domicile and/or the street addresses for any of the information required in this article.

(Gen. Ord. No. 16-2007, 5-7-07; Gen. Ord. No. 45-2010, 12-20-10; Gen. Ord. No. 30-2011, 8-1-11)

Sec. 27-135. Registration application requirements for entities.

- (a) An owner of a one-family and/or two-family non-owner occupied dwelling that is a limited liability company (LLC), corporation, or general or limited partnership must provide the name, domicile address and telephone number of each principal, partner, associate, member and/or any other party responsible for the contracts and obligations of the LLC, corporation, or general or limited partnership, and submit that information with the rental registry application form.
- (b) No post office box addresses will be accepted as addresses for any of the information required in this section.
- (c) At the time of initial registration, an owner of a one-family and/or two-family non-owner occupied dwelling that is an LLC, corporation, or general or limited partnership must attach the LLC, corporation, or general or limited partnership's articles of organization, articles of incorporation, or partnership agreement along with the entity's operation agreement or similar document.
- (d) In no event shall an LLC be an owner occupant for purposes of this article.

(Gen. Ord. No. 16-2007, 5-7-07; Gen. Ord. No. 45-2010, 12-20-10)

Sec. 27-136. Rental registry card not transferable.

Rental registry cards cannot be transferred from one owner to another for a one-family or two-family non-owner occupied dwelling.

(Gen. Ord. No. 16-2007, 5-7-07)

Sec. 27-137. Conversion to vacant registry.

Should the owner of a one-family or two-family non-owner occupied dwelling that has a rental registry certificate pursuant to this article convert the dwelling to a vacant one-family or two-family structure, the owner shall notify the division immediately of the vacancy and the director or designated representative shall convert the rental registry certificate for the non-owner occupied dwelling/vacant structure to a vacant registration. No additional fees shall be required from the owner at the time of the conversion. However, after the conversion, the owner of the now converted one-family or two-family vacant structure will be required to comply with all the provisions of section 27-116(e), including registering the vacant one-family or two-family vacant structure every three (3) years and paying all applicable vacant registry fees at times of subsequent registrations.

(Gen. Ord. No. 16-2007, 5-7-07; Gen. Ord. No. 45-2010, 12-20-10)

Sec. 27-138. Severability.

In the event any clause, sentence, paragraph, section or part of this article shall be finally adjudged by a court of competent jurisdiction to be invalid, unlawful and/or unconstitutional, such determination shall not affect, impair or invalidate the remainder thereof but shall be limited to the portion directly involved in the determination and the remainder of this article shall remain in full force and effect.

(Gen. Ord. No. 16-2007, 5-7-07)

Sec. 27-139. Posting of a rental registry certificate.

Owners must conspicuously post their rental registry certificate within a common space of the property and must make the rental registry certificate available to present to inspectors and other employees of the division of code enforcement. If there is no common space in a two-family non-owner occupied dwelling, then a copy of the rental registry certificate must be conspicuously posted within the interior of each unit.

(Gen. Ord. No. 45-2010, 12-20-10)

Sec. 27-140. Affidavit of compliance.

- (a) In accordance with section 27-134(c), all owners or property managers submitting an affidavit of compliance, as part of the rental registry application form, must affirm that the property substantially satisfies each code requirement listed in the checklist on the affidavit of compliance.
- (b) The affidavit of compliance, as part of the rental registry application form, shall be made available by the division of code enforcement and may be submitted to the division of code enforcement by mail or in person. The affidavit of compliance must be notarized and sworn to by the owner or property manager before submission.

(Gen. Ord. No. 45-2010, 12-20-10; Gen. Ord. No. 30-2011, 8-1-11)

Sec. 27-141. Rental registry inspection warrants.

Nothing in this article shall be construed to require a person to consent to an inspection of a premises in order to determine compliance with applicable Code provisions. However, nor shall this article be construed as removing the obligation of a person to apply and secure a rental registry certificate for their applicable premises. When applying for a rental registry certificate, which calls for an inspection, a person shall have the right to decline

to consent to the inspection, and the city, may without further notice to the applicant, apply for an inspection warrant to conduct the required inspection. However, if the premises are occupied, notice to the occupant or other person with apparent right of possession in accordance with the procedure outlined in section 27-142 below, shall be required.

Nothing in this part shall be construed to require either an inspection warrant or prior notice to enter or inspect a premises under circumstances in which a warrant is not constitutionally required.

(Gen. Ord. No. 11-2018, 3-26-18)

Editor's note(s)—Ord. No. 11-2018, adopted March 26, 2018, repealed the former § 27-141, and enacted a new § 27-141 as set out herein. The former § 27-141 pertained to creation of "compliant landlord" list and derived from Gen. Ord. No. 45-2010, adopted December 20, 2010.

Sec. 27-142. Notice of intent to conduct a rental registry inspection for premises that are occupied.

- (a) Before an application may be made for an inspection warrant for a rental registry inspection of occupied premises, the director of the division of code enforcement or his designee must give prior notice of his or her intent to conduct an inspection to the occupant or other person with apparent right of possession. As indicated above, no notice is required to an applicant who has declined to consent to an inspection when applying for a rental registry certificate which calls for an inspection. No further notice is required before additional inspection warrants are sought to inspect a premises, including warrants to reinspect a premises to determine if cited violations have been corrected, or additional warrants necessitated by the expiration of a warrant before an inspection could be completed.
- (b) The notice of intent to conduct an inspection shall contain the following: (1) The date and time at which the designated code enforcement officer or employee will be present to conduct an inspection; (2) instructions on how to reschedule the inspection to a reasonable date and time by contacting the designated code enforcement officer or employee before the stated date of the inspection; (3) notify the person that if the inspection is not allowed to be conducted the city will make an application to a court of competent jurisdiction for an inspection warrant; and (4) notify that a tenant may be protected against retaliation by the landlord for making a good faith complaint of code violations pursuant to Section 223-b of the New York State Real Property Law.
- (c) Service of the notice of intent to conduct an inspection must be either sent by first-class mail or personally delivered to the occupant or person with apparent right of possession. The notice shall be addressed to the occupants of record if their names are provided to the city by the owner in writing, otherwise notice shall be sufficient if addressed to the "occupant" of a particular unit.

(Gen. Ord. No. 11-2018, 3-26-18)

Editor's note(s)—Ord. No. 11-2018, adopted March 26, 2018, repealed the former § 27-142, and enacted a new § 27-142 as set out herein. The former § 27-142 pertained to qualifications to be a "compliant landlord". See Code Comparative Table for complete derivation.

Sec. 27-143. Rental registry inspection warrant application with prior notice of intent.

The director of the division of code enforcement or his designee may make an application for an inspection warrant to conduct an inspection after notice of intent to conduct an inspection has been given, if the person notified does not allow, fails to schedule or unduly delays the inspection and derived from Gen. Ord. No. 45-2010, adopted December 20, 2010.

(Gen. Ord. No. 11-2018, 3-26-18)

Editor's note(s)—Ord. No. 11-2018, adopted March 26, 2018, repealed the former § 27-143, and enacted a new § 27-143 as set out herein. The former § 27-143 pertained to seasonal violations and "compliant landlord" list. See Code Comparative Table for complete derivation.

Sec. 27-144. Applications for rental registry inspection warrants.

The application for an inspection warrant should be in writing and contain the following information:

- (1) The name of the court to which it is addressed;
- (2) The name of the director of the division of code enforcement;
- (3) The date of the making of the application;
- (4) Indicate that the inspection is required under chapter 27, article 9 of the Property Conservation Code for issuance of a rental registry certificate;
- (5) Describe the limited nature and purpose of the inspection and the manner in which the inspection is to be conducted in order to assure that any observations, findings and evidence obtained through execution of the inspection warrant shall be restricted to use in civil enforcement proceedings only;
- (6) Identify the premises to be entered and inspected in sufficient detail and particularity so that the director of code enforcement or the employee executing the inspection warrant may readily ascertain the premises;
- (7) For cases where prior notice of intent to conduct an inspection is required, the application should contain specific information showing how and when the notice has been given, which most recent notice shall have been given within ninety (90) days of the application for an inspection warrant, and how the inspection has not been allowed, has not been scheduled, or has been unduly delayed by the person notified;
- (8) Request that the court issue an inspection warrant directing an inspection of the subject premises for civil enforcement purposes only, which inspection may include the photographing, recording or nondestructive testing of the property or physical conditions found thereon or therein, subject to such limitations and restrictions as may be provided by the court; and
- (9) The application should be subscribed and sworn to by the applicant before a commissioner of deeds or a notary public.

(Gen. Ord. No. 11-2018, 3-26-18)

Editor's note(s)—Ord. No. 11-2018, adopted March 26, 2018, repealed the former § 27-144, and enacted a new § 27-144 as set out herein. The former § 27-144 pertained to benefits applicable to owners who qualify for "compliant landlord" list and derived from Gen. Ord. No. 45-2010, adopted December 20, 2010.

Sec. 27-145. Execution of a rental registry inspection warrant.

- (a) In executing an inspection warrant, the designated city officer or employee authorized by the court to execute the warrant shall, before entry, make a reasonable effort to present his or her credentials, authority and purpose to an occupant or person in possession of the premises designed in the warrant and to deliver a copy of the warrant to the occupant or person in possession of the premises.
- (b) When authorized in the inspection warrant, a police officer may provide protection to the designated city officer or employee during the execution of the inspection warrant. Absent such authorization, a police

officer shall not accompany the designated city officer or employee during the inspection of the interior portions of a building not open to the public.

- (c) An inspection warrant shall be executed within the time specified in the warrant, not to exceed thirty (30) days or if no time is specified therein, within thirty (30) days from the date of issuance of the inspection warrant.

(Gen. Ord. No. 11-2018, 3-26-18)

Sec. 27-146. Unlawful actions.

It shall be unlawful for any person to willfully deny or unduly delay entry or access to any premises to a designated city officer or employee with an inspection warrant authorizing inspection of said premises, to willfully deny or unduly delay or interfere with the inspection authorized by the warrant, or after receiving a copy of an inspection warrant requiring the scheduling of an inspection, to willfully fail to schedule a reasonable date and time for the inspection as set forth in the inspection warrant. Any person who violates this section shall be subject to an application to be found in contempt of court pursuant to article 19 of the Judiciary Law, and punishment as provided for therein may include a fine or imprisonment, or both.

(Gen. Ord. No. 11-2018, 3-26-18)

Sec. 27-147. Collection of rents.

No owner, agent or person in charge shall collect rents during any period of noncompliance with article 9 which would otherwise be due and owing for the rental of premises unless and until the owner shall have complied with the provisions herein. Nothing herein shall be construed to prevent an owner, upon receipt of the rental registry certificate, from receiving the equitable value of the occupancy of the premises from the earliest date of occupancy, but in no event shall an owner recover in excess of the agreed rent. Failure on the part of the tenant to pay the equitable value of the occupancy of the premises from the earliest date of occupancy until the owner's receipt of the rental registry certificate may not be used as a basis for eviction.

(Gen. Ord. No. 32-2020, 9-14-20)

Sec. 27-148. Conditional rental registry certificate.

- (a) A conditional rental registry certificate may be issued by the director of code enforcement or their designee to an owner of a one-family and/or two-family non-owner occupied dwelling whose rental registry certificate is applied for or eligible for renewal between the period of October 15 and March 31 if, at the time of registration, the owner has satisfied the requirements of section 27-133(a)(1), (2), (5) and (6) above, in that they have completed the rental registry certificate application form and disclosed all required information to the satisfaction of the division of code enforcement; they have paid all the required fees detailed in section 27-132 above; they are current on all taxes and water bills for the property being registered; and they have no pending nuisance abatement proceedings or orders of closure for the property being registered but they are unable to satisfy the remaining requirements of section 27-133(a)(3), (4) and (7) to have no outstanding code violations, to complete an affidavit of compliance and to pass an interior and exterior inspection of the property due to seasonal weather conditions that make it impracticable for the owner to address exterior non-immediate health or safety code violations issued on or after October 15 of the year of the rental registry application and prior to April 1 of the following year.
- (b) An owner seeking a conditional rental registry certificate shall complete an affidavit of compliance, pursuant to the requirements of section 27-140, affirming that the property substantially satisfies each code

requirement listed in the checklist on the affidavit of compliance with the exception of the identified exterior non-immediate health or safety violation for which the owner intends to remedy and submit a request for exterior inspection to the division of code enforcement prior to June 21 in order to be cleared of the violation.

- (c) Owners issued a conditional rental registry certificate shall submit a request for an exterior inspection to the division of code enforcement prior to June 21. An owner must pass an exterior inspection conducted by an employee of the division of code enforcement to be cleared of the exterior non-immediate health or safety code violation and satisfy the condition by which the rental registry certificate was issued.
 - (c) A conditional rental registry certificate shall be converted to a rental registry certificate once the property is cleared of its identified exterior non-immediate health or safety code violation. The three-year term of the rental registry certificate will be considered to run for three (3) years from the date of issuance of the conditional rental registry certificate.
 - (d) A conditional rental registry certificate is void if:
 - (1) The owner fails to submit a request for an exterior inspection to the division of code enforcement prior to June 21;
 - (2) The owner fails an exterior inspection conducted by an employee of the division of code enforcement requested prior to June 21 but conducted after June 21;
 - (3) The owner's property is cited for any additional code violations prior to or concurrent with the performance of the requested exterior inspection of the property by an employee of the division of code enforcement; or
 - (4) The owner fails to continue to meet the requirements of section 27-133(a)(1), (2), (5) and (6) above.
 - (e) A conditional rental registry certificate may only be granted to a property once every three (3) years.
- (Gen. Ord. No. 39-2020, 12-21-20)

Secs. 27-149, 27-150. Reserved.

ARTICLE 10. NATURAL GAS EXPLORATION AND EXTRACTION

Sec. 27-151. Prohibition against the exploration for or extraction of natural gas.

- (a) No person, firm, corporation or other entity shall conduct any hydrofracking or other exploration for natural gas; drill any well for natural gas; transfer, store, treat or dispose of natural gas exploration or production wastes; or erect any derrick building or other structure or place any machinery or equipment for such purpose within the territorial boundaries of the city of Syracuse.
- (b) The city of Syracuse shall not permit any person, firm, corporation or other entity shall conduct any hydrofracking or other exploration for natural gas; drill any well for natural gas; transfer, store, treat or dispose of natural gas exploration or production wastes; or erect any derrick building or other structure or place any machinery or equipment for such purpose on any property owned or controlled, through lease or otherwise by the city of Syracuse, Syracuse Regional Airport Authority or Syracuse Urban Renewal Agency.

(Gen. Ord. No. 38-2011, 10-24-11)

Sec. 27-152. Prohibition against the storage, treatment and disposal of natural gas extraction wastes.

- (a) The storage, transfer, treatment and/or disposal of natural gas exploration and production wastes are deemed hazardous wastes within the meaning of the City Charter, local law or ordinance and any federal or state law, rule or regulation wherein the term "hazardous waste" is defined.
- (b) No person, firm, corporation or other entity shall engage in the storage, transfer, treatment and/or disposal of natural gas exploration and production wastes within the territorial boundaries of the city of Syracuse. No permit issued by any state or federal agency, commission or board to any person, firm or corporation, which would violate the prohibitions of this revised general ordinance shall be deemed valid within the city of Syracuse.

(Gen. Ord. No. 38-2011, 10-24-11)

Sec. 27-153. Prohibition against pollution.

No person, firm, corporation or other entity shall engage in the pollution of any real property located in the territorial limits of the city of Syracuse or any real property owned or leased by or from the city of Syracuse, Syracuse Urban Renewal Agency, or Syracuse Regional Airport Authority.

(Gen. Ord. No. 38-2011, 10-24-11)

Sec. 27-154. Enforcement.

- (a) Any person, firm, corporation or other entity who violates any prohibition of this revised general ordinance shall be guilty of a summary offense and, upon conviction thereof, shall be subject to the maximum fine allowable under the City Charter and applicable local law or ordinance for said violation. A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this revised general ordinance found to be violated.
- (b) The city of Syracuse may also enforce this revised general ordinance through action in equity brought in New York State Supreme Court. In such an action, the city of Syracuse shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees. In the alternative the city may choose to enforce this revised general ordinance through city court in the manner provided by law.

(Gen. Ord. No. 38-2011, 10-24-11)

Sec. 27-155. Effective date and DEC permit holders.

This revised general ordinance shall be effective five (5) days after the date of its enactment, at which point the revised general ordinance shall apply to any hydrofracking or other natural gas exploration and extraction or storage, transfer, treatment or disposal of natural gas exploration and production wastes in the city of Syracuse regardless of the date of any applicable DEC permits.

(Gen. Ord. No. 38-2011, 10-24-11)

Sec. 27-156. Severability.

The provisions of this revised general ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this revised general ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this revised general ordinance.

(Gen. Ord. No. 38-2011, 10-24-11)

ARTICLE 11. VISITABILITY ORDINANCE—BARRIER FREE REQUIREMENTS IN NEW CONSTRUCTION WHEN FUNDING FROM PUBLIC SOURCES IS RECEIVED**Sec. 27-157. Purpose.**

The provisions of this article are specifically enacted to further the policy of the city of Syracuse to provide that newly constructed single-, two- and three-family dwellings that are constructed with public funds, as herein described, should include design features to provide visitability, accessibility and livability for people with physical disabilities and/or the elderly.

(Gen. Ord. No. 27-2012, 9-24-12)

Sec. 27-158. Applicability.

The following regulations shall be applicable to newly constructed single-, two- and three-family dwellings that receive funding through federal assistance. For purposes of this chapter, the funding sources include: the community development block grants (CDBG) where applicable and when the covered dwelling unit is constructed by a community based development organization (CBDO) certified by the department of neighborhood and business development, and the HOME Investment Partnership Program, and other funds that require that visitable standards be met.

(Gen. Ord. No. 27-2012, 9-24-12)

Sec. 27-159. Definitions.

For purpose of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

Dwelling unit shall mean a detached or semi-detached single family home, a townhouse, or any individual unit in two- or three-family dwelling (whether detached or attached to other buildings or structures) that is designed, or intended for occupancy, as a residence.

Covered dwelling unit shall mean any new dwelling unit designed, constructed, or commissioned, contracted or otherwise arranged for design or construction by any person or entity who, at any time during the commissioning, design, or construction, received or will receive community development block grants (CDBG) and other funds that require that visitable standards be met.

Visitable design shall mean a dwelling unit is designed and constructed to include features such as a step-free entrance, wide doorways and hallways, clear access to an accessible toilet, and others, in order to permit people with physical disabilities and the elderly, who use wheelchairs, walkers, and other assistive devices to visit and live in the dwelling unit.

(Gen. Ord. No. 27-2012, 9-24-12)

Sec. 27-160. Applicability to new construction.

All architects, engineers, builders, developers and others involved in the design and construction of covered dwelling units by this article should design and construct any new covered dwelling unit so that it complies with the provisions of this article.

(Gen. Ord. No. 27-2012, 9-24-12)

Sec. 27-161. Design requirements.

In addition to the mandated requirements of the New York State Uniform Fire Prevention and Building Code, the common council encourages that the following design standards be applied to each newly constructed single-, two- and three-family dwelling unit:

- (a) *Accessible route to the dwelling.* The route is to be located on a continuous unobstructed path from the public street, driveway, sidewalk or garage that serves the unit. It must be accessible to and usable by people with disabilities and do not contain stairs or any door thresholds that exceed one-half ($\frac{1}{2}$) inch in height. Any thresholds above that should be beveled. It must be served by a slope or a ramp, in compliance with ICC/ANSI A117.1-2003 with a maximum slope of 1:12, and have a width of thirty-six (36) inches minimum, unless it is impractical due to characteristics of the terrain. Exception: the finished grade of the site is too steep to provide a 1:12 route of travel.
- (b) *Accessible dwelling entrance.* Applicable dwelling units shall be designed and constructed to have one no-step dwelling entrance on an accessible route. This entrance should have an accessible door in accordance with ICC/ANSI A117.1-2003 and minimum clearance of thirty-six (36) inches. Any entrance at the front, side or back of the dwelling is acceptable.

The aforementioned requirement may be waived by the city of Syracuse Commissioner of Neighborhood and Business Development or his/her designee by issuing and "Exterior Accessibility Waiver" only in instances of site impracticability. The individual requesting such waiver shall file an application for the waiver, which shall provide proof that the topographical conditions of the building site prevent complying with the above access feature despite proper grading and site preparation to improve accessibility. An independent party shall make a verification of the site's impracticability. A good faith attempt must be made on the part of a developer to improve accessibility of the site.

- (c) *Accessible interior door criteria.* All doors that are designed to allow passage within the ground level shall have an unobstructed opening of thirty-six (36) inches when the door is open at ninety (90) degree angle. Doors should be operated with a minimum strength and effort in accordance with ICC/ANSI A117.1-2003. Lever handles are preferred on all ground floor doorways.
- (d) *Accessible route throughout the ground floor of the dwelling.* An accessible route shall be designed and constructed in such a manner that a thirty-six (36) inches wide, level route must be provided throughout the ground floor of the dwelling with ramped or beveled changes at the thresholds, creating an interior circulation path between the dwelling entrance and the interior spaces in accordance with ICC/ANSI A117.1-2003.
- (e) *Bathroom on the ground floor with accessible features.* A bathroom on the ground floor should contain the following features in accordance with ICC/ANSI A117.1-2003:

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- (1) Clear floor space of a five-foot turn around radius, with a clear floor space of thirty (30) by forty-eight (48) inches centered on and contiguous to the sink, not encroached by the swing path of the bathroom door.
 - (2) A sink and a toilet that each allow for parallel or head-on approach by a wheelchair user.
 - (3) Walls that are reinforced for future grab bar installation that resist forced of a minimum of at least two hundred fifty (250) pounds as follows.
 - a. All walls adjacent to the toilet shall have horizontal backing reinforcements, each at least thirty-three (33) inches, but not more than thirty-six (36) inches, above the floor, and sufficient to allow for a twenty-four (24) inch grab bar on the wall behind the toilet and another forty-two (42) inch grab bar on the other walls adjacent to the toilet.
 - b. If a bathtub is present, such reinforcements shall include a two (2) backing reinforcements on the back wall of the bathtub, each at least twenty-four (24) inches long and not more than twenty-four (24) from the head end wall and no more than twelve (12) inches from the foot end wall; one in a horizontal position at least thirty three (33) inches, but no more than thirty-six (36) inches, above the floor; and one nine (9) inches above the rim of the bathtub; one backing reinforcement on the foot end wall of the bathtub, at least twenty-four (24) inches long and located at the front edge of the bathtub; and one backing reinforcement on the head end wall of the bathtub, at least twelve (12) inches long and located at the front edge of the bathtub.
 - c. If a shower is present in the bathroom, such reinforcements shall include backing reinforcements on at least two walls on which the control valve is not located, each at least thirty-three (33) inches, but not more than thirty-six (36) inches, above the floor.
 - (f) Light switches, electrical controls, thermostats and other environmental controls in accessible locations. All applicable dwellings shall be designed and constructed in such a manner that all premises contain light switches, electrical outlets, thermostats and other controls are in accessible locations, located no higher than forty-eight (48) inches and no lower than fifteen (15) inches from the floor, and in accordance with ICC/ANSI A117.1-2003.
 - (g) Usable ground floor kitchen with wheelchair maneuvering clearances and accessible food preparation area. Clear floor space of a five-foot turn around radius, with a clear floor space of thirty (30) by forty-eight (48) inches centered on and contiguous to the sink, not encroached by the swing path of the bathroom door. This should be accomplished as set forth by the (ICC) ANSI A117.1-2003.
 - (h) Accessible habitable space on the ground floor that could be used as a bedroom. The space should contain at least one indoor room that has an area of not less than seventy (70) square feet and contains no side or dimension narrower than seven (7) feet in accordance with ICC/ANSI A117.1-2003.

(Gen. Ord. No. 27-2012, 9-24-12)

ARTICLE 12. BUSINESS CERTIFICATE OF USE

Sec. 27-162. Purpose.

The purpose of this article is to establish regulatory controls to ensure that certain businesses are operated in accordance with law, do not have a negative impact upon surrounding residential neighborhoods, or do not endanger the health, safety or welfare of persons in the city of Syracuse.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-163. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Bar shall mean one or more of the following:

- (1) A building or portion thereof where alcoholic beverages are sold for consumption on the premises;
- (2) A building or portion thereof operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there.

Business and *businesses* shall mean a bar, food store, drugstore, or smoking establishment as defined herein.

Drugstore shall mean a building or portion thereof where prescription drugs are sold at retail, together with dry goods, food or beverages.

Food store means a building or portion thereof with a total floor space less than twenty thousand (20,000) square feet which is devoted, in whole or part, to the sale of dry goods and food and beverages to be consumed off the premises.

Owner means and includes the owner or owners of the freehold of the premises or lesser estate therein who appears as the owner of record with the Onondaga County Clerk's Office, as well as any person, agent, firm, entity or corporation having any legal or equitable interest in the property at the time a notice, order or other document is issued by the division of code enforcement.

Proprietor means an owner and/or operator or future owner and/or operator of the business specified on a particular certificate of use for a particular business location.

Premises shall mean the building in which the business is located, as well as accessory structures and uses, including parking lots, and the land on which the building is located.

Restaurant shall mean a building or portion thereof where food is sold to be consumed on or off the premises. This definition shall not include a building or portion thereof where a non-alcoholic beverage or snack is available but is incidental to the conduct of the business at the premises or a college or university's dining halls.

Smoking establishment shall mean a building or portion thereof where tobacco products and paraphernalia, which includes but shall not be limited to cigarettes, cigars, pipes, Kreteks (clove cigarettes), hookahs, and Shisha, are used and/or consumed on the premises.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-164. Certificate of use required.

- (a) No proprietor shall operate or maintain a business within the city of Syracuse without first having obtained a certificate of use or conditional certificate of use authorizing the operation of said business by said proprietor at the specific business location.
- (b) No owner shall allow a business to be operated or maintained at the premises without requiring proprietor to obtain a certificate of use or conditional certificate of use authorizing the operation of said business by said proprietor at the specific business location.
- (c) Any business operating without a valid certificate of use shall be considered "unlawful" pursuant to the provisions of section 107.1.4 of the 2010 Property Maintenance Code of New York State and may be subject to immediate closure by the division of code enforcement.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-165. Application.

- (a) An application for a certificate of use shall be made by the owner or the proprietor to the division of code enforcement on forms prescribed by the director of code enforcement. The application shall request relevant information relating to the owner, proprietor and the business to be conducted at the premises, including the existence of necessary licenses and permits for the business.
- (b) Applications for a certificate of use are to be submitted by the owner or proprietor, including a proprietor who does not yet own and/or operate the subject business, but will own and/or operate the subject business within the next ninety (90) days.
- (c) In the event the application is not approved, the owner and proprietor shall be advised as to the specific requirements which must be met to qualify for a certificate of use and of the right to a hearing on such determination.
- (d) In the event the director of code enforcement determines after the city of Syracuse's review of the application pursuant to section 27-166 of this article that the business is not qualified for a certificate of use based upon any requirement which the director of code enforcement determines cannot be complied with by means of an extension of time under section 27-174(b) of this article, the director of code enforcement shall notify the owner and proprietor in writing of the reasons the application cannot be approved and provide notice to the owner and proprietor of the right to a hearing on such determination. Any such hearing shall be requested in writing to the director of code enforcement within fifteen (15) days of the date of such notice of determination that the application cannot be approved.
- (e) A hearing, when requested, shall:
 - (1) Be held before a hearing officer chosen by the director of code enforcement who shall not be an employee of the division of code enforcement;
 - (2) Be recorded by a stenographer;
 - (3) Take place no later than fifteen (15) business days after the director of code enforcement receives the written request from the owner or Proprietor for the hearing. The director of code enforcement may adjourn the date only upon the owner or proprietor presenting compelling reason(s) in writing that an adjournment of the hearing date is warranted;
 - (4) The owner and proprietor shall be allowed to be represented by counsel and shall be allowed to call witnesses on their behalf and conduct cross-examination of all witnesses.
- (f) Upon receipt of the transcript of the hearing, the corporation counsel or his/her designee shall have the transcript and all exhibits from the hearing forwarded to the hearing officer. The hearing officer shall review the transcript and exhibits and within thirty (30) days from receipt of the transcript and exhibits, render a written recommendation to the director of code enforcement as to whether the application for a certificate of use should be approved.
- (g) Thirty (30) days after receiving from the hearing officer a transcript of the suspension/revocation hearing, all exhibits submitted at the hearing and the hearing officer's written recommendation, the director of code enforcement, shall conduct a de novo review of the transcript, all exhibits submitted at the hearing and the hearing officer's written recommendation. The director shall determine whether the application for a certificate of use should be approved. If the determination of the director of code enforcement is that the application be denied, the director shall issue a written order containing his/her determination. The order shall be drafted within thirty (30) days by the corporation counsel or his/her designee and then signed by the director of code enforcement.

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- (h) Any such order issued pursuant to subsection (g) above shall be served on the owner and proprietor pursuant to the provisions of Article 3 of the New York Civil Practice Law and Rules.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-166. Inspections and investigations.

- (a) Upon receipt of an application for a certificate of use, the director of code enforcement or his/her designee, the chief of fire or his/her designee, and the zoning administrator or his/her designee shall inspect the premises to determine whether the proprietor and owner are complying with the laws and ordinances which they are charged with enforcing. The chief of police or his/her designee shall also conduct a criminal background check on the applicant. The chief of police, the director of code enforcement, the chief of fire and the zoning administrator along with members of their staff shall have the right to enter upon any premises for which a certificate of use is sought for the purpose of making such an inspection during normal business hours, and shall also have the authority to seek warrants where necessary.
- (b) Upon receipt of an application for a certificate of use, the city of Syracuse Zoning Administrator or his/her designee shall review the location to ensure that the operation of the business at that location will be in compliance with the zoning ordinance.
- (c) The director of code enforcement or his/her designee shall determine that the owner and proprietor do not have an expired conditional certificate of use, is not serving a period of suspension, has not had a previous certificate of use or conditional certificate of use revoked, is not the subject of pending charges brought for violations of the terms and conditions of a certificate of use or conditional certificate of use, and that the owner and proprietor has procured all necessary licenses and permits for the business.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-167. Issuance of certificates of use and conditional certificates of use.

- (a) A certificate of use shall be issued when the following conditions have been satisfied:
- (1) All fees required by section 27-169 of this article have been paid;
 - (2) The application form has been completed and accepted by the division of code enforcement;
 - (3) The owner and proprietor have all necessary licenses and permits for the business;
 - (4) The proprietor does not have an expired conditional certificate of use, a certificate of use or conditional certificate of use that is under suspension, a previous certificate of use or conditional certificate of use revoked, and/or does not have charges pending for violations of the terms and conditions of a certificate of use or conditional certificate of use;
 - (5) The owner and the proprietor do not owe the city any money for delinquent taxes, water charges, civil penalties, parking tickets or other duly incurred charges, fines or penalties; and
 - (6) Due to the interaction between proprietors and the general public, the city has an interest in protecting the health, safety and welfare of the public. Accordingly, the city will conduct a criminal background check on each applicant in accordance with section 296(16) of the New York State Executive Law. The director of code enforcement makes a determination in accordance with Article 23-A of the New York State Correction Law. Specifically:
 - a. The criminal background check shall initially be reviewed by an individual who is not directly involved in the final determination. For purposes of this paragraph, this individual shall be called a "screener".

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- b. The screener shall review the criminal background check and determine if the applicant has been convicted of:
 - i. Any felony in the five (5) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana; or
 - D. The sale of controlled substances.
 - ii. Any misdemeanor in the two (2) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana;
 - D. The sale of controlled substances;
 - E. Selling stolen goods;
 - F. Unlawfully dealing with a child; or
 - G. Violations of the Alcoholic Beverage Control Law.
 - c. In the event that the background check is free from convictions for any of the offenses enumerated above, the screener shall communicate to the Director of Code Enforcement that the applicant's background is clear, even if there are other convictions contained within the background check. A background check with convictions for offenses others than the ones set forth above shall have the same effect as a background check with no convictions.
 - d. In the event that the applicant's background check does contain one of the above enumerated offenses, the screener shall deliver to the director of code enforcement the background report, along with a notation of which offense or offenses, of the above enumerated offenses, necessitate further review.
 - e. The director of code enforcement shall communicate to the applicant, via certified letter, that the background check revealed one of the above enumerated offenses. The director of code enforcement shall include a copy of the full background check with this correspondence. The letter shall inform the applicant of the opportunity to provide any information to the director of code enforcement regarding rehabilitation and/or good conduct. The applicant shall furnish such information, if any, in writing to the director of code enforcement within ten (10) days of the date of the certified letter sent from the director of code enforcement.
 - f. After the ten (10) days has lapsed, the director of code enforcement shall then review the background check in accordance with Article 23-A of the Correction Law of New York State, even if the applicant has not submitted any information regarding rehabilitation and/or good conduct.
- (7) All applicable city officials in section 27-166 of this article have inspected and investigated the business, the business's premises and the business location and have approved the owner's application for a certificate of use.
- (b) A conditional certificate of use may be issued where the director of code enforcement or his/her designee has decided to issue a conditional certificate of use where the following conditions have been satisfied:
- (1) All fees required by section 27-169 of this article have been paid;

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- (2) The application form has been completed and accepted by the division of code enforcement;
 - (3) The owner and proprietor have all necessary licenses and permits for the business;
 - (4) The proprietor does not have an expired conditional certificate of use, a certificate of use or conditional certificate of use that is under suspension, a previous certificate of use or conditional certificate of use revoked, and/or has charges pending for violations of the terms and conditions of a certificate of use or conditional certificate of use;
 - (5) The owner and proprietor do not owe the city any money for delinquent taxes, water charges, civil penalties, parking tickets or other duly incurred charges, fines or penalties; and
 - (6) Due to the interaction between proprietors and the general public, the city has an interest in protecting the health, safety and welfare of the public. Accordingly, the city will conduct a criminal background check on each applicant in accordance with Section 296(16) of the New York State Executive Law and the director of code enforcement makes a determination in accordance with Article 23-A of the New York State Correction Law. Specifically:
 - a. The criminal background check shall initially be reviewed by an individual who is not directly involved in the final determination. For purposes of this paragraph, this individual shall be called a "screener".
 - b. The screener shall review the criminal background check and determine if the applicant has been convicted of:
 - i. Any felony in the five (5) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana; or
 - D. the sale of controlled substances.
 - ii. Any misdemeanor in the two (2) years preceding the date of the application for a crime involving:
 - A. Theft;
 - B. Fraud;
 - C. The sale of marijuana;
 - D. The sale of controlled substances;
 - E. Selling stolen goods;
 - F. Unlawfully dealing with a child; or
 - G. Violations of the Alcoholic Beverage Control Law.
 - c. In the event that the background check is free from convictions for any of the offenses enumerated above, the screener shall communicate to the director of code enforcement that the applicant's background is clear, even if there are other convictions contained within the background check. A background check with convictions for offenses others than the ones set forth above shall have the same effect as a background check with no convictions.
 - d. In the event that the applicant's background check does contain one of the above enumerated offenses, the screener shall deliver to the director of code enforcement the background report,

along with a notation of which offense or offenses, of the above enumerated offenses, necessitate further review.

- e. The director of code enforcement shall communicate to the applicant, via certified letter, that the background check revealed one of the above enumerated offenses. The director of code enforcement shall include a copy of the full background check with this correspondence. The letter shall inform the applicant of the opportunity to provide any information to the director of code enforcement regarding rehabilitation and/or good conduct. The applicant shall furnish such information, if any, in writing to the director of code enforcement within ten (10) days of the date of the certified letter sent from the director of code enforcement.
 - f. After the ten (10) days has lapsed, the director of code enforcement shall then review the background check in accordance with Article 23-A of the Correction Law of New York State, even if the applicant has not submitted any information regarding rehabilitation and/or good conduct.
- (7) The owner or proprietor indicates in a signed, notarized writing on a form provided by the director of code enforcement, their intention to take the necessary action to comply with the requirements given them by the applicable city officials in section 27-166 for the approval of their application for a certificate of use.
- (c) A conditional certificate of use shall contain a date by which the owner or proprietor who signed the notarized writing submitted to the director of code enforcement must comply with the requirements for approval by the applicable city officials in section 27-166 of this article. A conditional certificate of use shall not be extended for any reason.
 - (d) Upon completion of the requirements set forth in the conditional certificate of use and the approval of the owner's application by said city officials, the director of code enforcement shall issue a certificate of use to the proprietor for the business in accordance with the terms of this section.
 - (e) Both certificates of use and conditional certificates of use shall include the date on which the certificate of use or conditional certificate of use will expire.
 - (f) Certificates of use and conditional certificates of use shall be conspicuously posted in a window or door so that they are visible from the closest public right-of-way.
 - (g) Certificates shall be issued or denied within ninety (90) days after an application is completed. Nothing herein shall require the director of code enforcement to issue or deny a certificate of use within such period, if the necessary reviews and approvals by the city officials in sections 27-166 and 27-167 have not been completed.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-168. Operation of businesses.

- (a) The proprietor of any business shall comply with all provisions of federal and state statutes and rules and regulations and all city of Syracuse local laws, ordinances and rules and regulations relating to the conduct of businesses and the occupation, use and maintenance of the premises in which the business is located. Moreover, owners and proprietors shall comply with any and all notices, orders, decisions and determinations made by any city official which governs the occupation and use of the business.
- (b) The proprietor of any business shall cause the certificate of use to be posted in a conspicuous place visible to the public on the premises of the business.
- (c) The proprietor of any business shall not permit at any time a greater number of persons on the premises than the capacity approved by the city of Syracuse.

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- (d) The proprietor of any business shall maintain good order on and about the premises at all times. The proprietor of any business shall also be responsible for removing refuse from the premises and obstructions from the sidewalk adjacent to the premises as well as for operating the business in accordance with the requirements of all state statutes, rules and regulations and all city of Syracuse local laws, ordinances and rules and regulations, and for operating the business so that neither the business nor its patrons become a source of disruption to other building tenants or a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The term "failure to maintain good order" shall include, but not be limited to, the following:
- (1) Allowing or permitting the premises to become disorderly, including allowing or permitting offenses against public order in violation of chapter 16, article 2 of the Revised General Ordinances of the city of Syracuse, as amended.
 - (2) Gambling in violation of chapter 16, article 2 of the Revised General Ordinances of the city of Syracuse, as amended.
 - (3) Prostitution.
 - (4) Illegal possession, use, gift, sale, or offer for sale of alcoholic beverages.
 - (5) Illegal possession, use, gift, sale, or offer for sale of cigarettes or tobacco products.
 - (6) Food stamp or welfare fraud or criminal diversion of prescription medications and prescriptions.
 - (7) Littering in violation of chapter 14 of the Revised General Ordinances of the city of Syracuse, as amended.
 - (8) Possession, use, gift, sale, or offer for sale of illegal drugs.
 - (9) Noise Control Ordinance violations in contravention of chapter 40 of the Revised General Ordinances of the city of Syracuse, as amended.
 - (10) Possession of stolen property.
 - (11) Operating beyond the legal hours of operation.
 - (12) Illegal possession, use, gift, sale, or offer for sale of dangerous weapons.
 - (13) Violations of the New York State Uniform Fire Prevention and Building Code and the city of Syracuse's Zoning Ordinance, Property Conservation Code, Building Code, Electrical Code, Mechanical Code and Elevator Code.
 - (14) Loitering in violation of chapter 24, article 13 of the Revised General Ordinances of the city of Syracuse, as amended.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-169. Fees.

The fee for a certificate of use, both for initial applications for a certificate of use and for renewals of a certificate of use shall be five hundred dollars (\$500.00) every two (2) years.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-170. Expiration of the certificate.

Certificates of use shall be valid for a period of two (2) years from the date of issuance, unless the certificate is suspended or revoked pursuant to this article. The date of expiration shall be printed on the certificate.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-171. Renewal of the certificate.

- (a) No later than sixty (60) days prior to the expiration date of the certificate of use, the owner of the applicable business shall apply for the renewal of the business's certificate of use with the division of code enforcement on a form provided by the director of code enforcement. The period for renewal shall be listed on the certificate of use when it is issued.
- (b) The issuance or denial of renewals of certificates of use shall follow the requirements set forth in section 27-167.
- (c) Failure to apply for and obtain a renewal of a certificate of use may result in the business being closed as unlawful, pursuant to Section 107.1.4 of the 2010 New York State Property Maintenance Code, until the renewal certificate of use is issued. Failure of the director of code enforcement to provide such form shall not relieve the owner from the obligation to comply with this section.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-172. Transfer of the certificate.

- (a) Certificates of use shall not be transferred or assigned in the event of any change involving the proprietor, the type of business, or the business location. A new certificate of use shall be required if the certificate holder changes the type of business at the location or relocates the business, or if another person wishes to operate the same business or a new business at the location.
- (b) The proprietor of any business that has a certificate of use shall notify the director of code enforcement within five (5) business days following the date when such owner transfers, assigns, sells, closes or moves the business. Upon being notified, the director of code enforcement shall cancel the certificate of use for the business.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-173. Failure to apply for certificate of use.

- (a) In the event the owner or the proprietor shall fail to apply for a certificate of use as required herein, the director of code enforcement shall notify the owner in writing of such violation pursuant to the procedure set forth in section 27-114 of this chapter. The director of code enforcement, may, but is not required to, also provide such notice of violation to the proprietor, if the proprietor's information is known.
- (b) In the event the owner or the proprietor is provided with notice pursuant to section 27-173(a) and neither submits the required application within the time set for the correction of the violation, the director of code enforcement and/or his/her designee may treat the failure to apply for the certificate of use the same as any other violation of this chapter shall be treated. Additionally, the business may be deemed unlawful pursuant to Section 107.1.4 of the 2010 New York State Property Maintenance Code and subject to immediate closure by the division of code enforcement.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-174. Operation of business.

The proprietor of a business subject to the provisions of this article must obtain a certificate of use or conditional certificate of use prior to the commencement of any business operations. In the event an application is approved, the director of code enforcement shall issue the proprietor a certificate of use in accordance with the terms of this article. In the event the application is denied, the provisions of section 27-165 shall be followed.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-175. Suspension or revocation of certificate of use.

- (a) Any certificate of use or conditional certificate of use issued pursuant to this article may be suspended or revoked by the director of code enforcement in accordance with the provisions of this article based on:
 - (1) Findings after a suspension or revocation hearing on notice conducted in accordance with the procedure detailed in subsection (b) below; or
 - (2) A closing of the business location pursuant to chapter 45 of the Revised General Ordinances of the city of Syracuse, as amended; or
 - (3) Failure to comply with the provisions of section 27-176 and the proprietor has been convicted of a felony or misdemeanor involving theft or fraud since the certificate of use was issued as detailed in section 27-175(c) below.
- (b) In the event a proprietor issued a certificate of use has failed to maintain good order at the subject business as required by section 27-176, the director of code enforcement is authorized to conduct a suspension or revocation hearing on notice to the owner and proprietor to determine whether the certificate of use should be suspended or revoked based on the violations set forth in the notice. Notice shall be served pursuant to the service rules set forth in Article 3 of the New York State Civil Practice Law and Rules.
 - (1) A copy of the hearing notice shall be sent to the district councilor in whose district the subject business is located.
 - a. It shall be the responsibility of the district councilor to provide notice of the hearing to his/her constituents.
 - b. In the event the district councilor and/or his/her constituents wish to provide testimony to be considered by the hearing officer, and ultimately the director of code enforcement, they shall be allowed to submit written statements made under penalty of perjury before a notary public. Such statements shall be forwarded to the director of code enforcement no less than fifteen (15) days prior to the day of the hearing. The director of code enforcement shall send, via certified mail, copies of the written statements to the owner and proprietor at the address to where service of the notice of hearing was made no less than ten (10) days prior to the day of the hearing. The original written statements shall be delivered by the director of code enforcement to the hearing officer prior to the day of the hearing.
 - (2) The suspension or revocation hearing shall be scheduled for a date no fewer than thirty (30) days and no more than sixty (60) business days after the date upon which the owner and proprietor are served with notice of the hearing. The director of code enforcement may adjourn the date only upon the owner or proprietor presenting compelling reason(s) in writing that an adjournment of the hearing is warranted. Such an adjournment shall in no circumstances be later than twenty (20) business days from the originally scheduled date for the suspension or revocation hearing.

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- (3) The suspension or revocation hearing shall be held before the hearing officer chosen by the director of code enforcement, who shall not be an employee of the division of code enforcement. The hearing officer shall consider as evidence any written testimony that was provided pursuant to section 27-175(b)(1)c. above. Oral testimony from members of the public shall not be heard. Strict adherence to the New York Rules of Evidence shall not be necessary.
 - (4) The suspension or revocation hearing shall be recorded by a stenographer.
 - (5) The owner and proprietor shall be allowed to be represented by counsel and shall be allowed to call witnesses on their behalf and conduct cross-examination of all witnesses. Additionally, the owner and/or proprietor shall be allowed to testify and/or submit evidence to respond to any written testimony previously submitted pursuant to section 27-175(b)(1)c. above.
 - (6) Upon receipt of the transcript of the hearing, the corporation counsel or his/her designee shall have the transcript and all exhibits from the hearing forwarded to the hearing officer. The hearing officer shall review the transcript and exhibits and within thirty (30) days from receipt of the transcript and exhibits, render a written recommendation to the director of code enforcement as to whether the certificate of use should be revoked, suspended or remain valid.
 - (7) Thirty (30) days after receiving from the hearing officer a transcript of the suspension/revocation hearing, all exhibits submitted at the hearing and the hearing officer's written recommendation, the director of code enforcement, shall conduct a de novo review of the transcript, all exhibits submitted at the hearing and the hearing officer's written recommendation. The director shall determine whether the certificate of use should be revoked, suspended or remain valid. If the determination of the director of code enforcement is that the certificate should be revoked or suspended, the director shall determine the length of time for which the certificate shall be revoked or suspended. The director shall issue a written order containing his/her determination. The order shall be drafted within thirty (30) days by the corporation counsel or his/her designee and then signed by the director of code enforcement.
 - (8) Any such order issued pursuant to subsection (6) above shall be served on the owner and proprietor pursuant to the provisions of Article 3 of the New York Civil Practice Law and Rules. A copy of the order shall also be posted to the business location.
- (c) Notwithstanding the provisions above, the director of code enforcement shall be authorized to temporarily suspend a certificate of use prior to a suspension or revocation hearing in the event that the owner or proprietor has failed to maintain good order at the subject business as required by section 27-176, and the proprietor has been convicted of a felony or misdemeanor involving theft or fraud since the time the certificate of use was issued.
 - (d) In the event the Chief of Police of the city of Syracuse has commenced enforcement proceedings against a property owner to abate a nuisance in accordance with chapter 45 of the Revised General Ordinances, as amended, relative to a premises containing a business subject to the certificate of use requirements of this article, a copy of the notice of hearing shall be given to the business at the address provided for notice in connection with a certificate of use, along with a written notice that in the event the business location is closed as a result of the nuisance abatement proceeding, the certificate of use shall be revoked for the period of such closing and the business shall remain closed for the period provided in such nuisance abatement order.
 - (e) The action of the director of code enforcement in granting or refusing to grant or to renew a license under this article or in revoking or suspending or refusing to revoke or suspend such a license or imposing any fine or reprimand shall be subject to review by a proceeding instituted under article seventy-eight of the civil practice law and rules at the instance of the applicant for such license, the holder of a license so revoked, suspended, fined or reprimanded or the person aggrieved.

Sec. 27-176. Failure to maintain good order at the business location.

- (a) For the purposes of this chapter, the owner of a business holding a certificate of use or conditional certificate of use shall be deemed to have failed to maintain good order at the business location in the event a sufficient number of violations are found to have occurred relative to separate incidents at the subject premises, resulting in the accumulation of twelve (12) or more points within a period of twelve (12) months or eighteen (18) or more points within a period of twenty-four (24) months in accordance with the following point system:
- (1) Violations of the following State statutes and rules and regulations and city of Syracuse local laws, ordinances and rules and regulations, which have not resulted in a conviction or judgment, shall be assigned a point value of four (4) points:
- a. Article 220 of the Penal Law - Controlled Substances Offenses;
 - b. Article 222 of the Penal Law - Cannabis;
 - c. Article 225 of the Penal Law - Gambling Offenses;
 - d. Article 230 of the Penal Law - Prostitution Offenses;
 - e. Article 120 of the Penal Law - Assault and Related Offenses;
 - f. Article 155 of the Penal Law - Larceny Offenses;
 - g. Sections 165.40, 165.45, 165.50, 165.52 and 165.54 of the Penal Law - Criminal Possession of Stolen Property;
 - h. The Alcoholic Beverage Control Law;
 - i. Chapter 7-A of the Consolidated Laws, known as the Cannabis Law;
 - j. Article 265 of the Penal Law - Firearms and other Dangerous Weapons;
 - k. Section 270.00 of the Penal Law - Unlawfully Dealing with Fireworks and Dangerous Fireworks;
 - l. Section 415-a of the Vehicle and Traffic Law - Vehicle Dismantlers;
 - m. Section 175.10 of the Penal Law - Falsifying Business Records;
 - n. Sections 170.65 and 170.70 of the Penal Law - Forgery of and Illegal Possession of a Vehicle Identification Number;
 - o. Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law and/or Section 260.20 of the Penal Law, or of any cigarette or tobacco products in violation of Article 20 of the Tax Law and/or Section 260.21 of the Penal Law;
 - p. Article 158 of the Penal Law - Welfare Fraud;
 - q. Article 178 of the Penal Law - Criminal Diversion of Prescription Medications and Prescriptions;
 - r. Section 147 of the Social Services Law - Food stamp program fraud;
 - s. Any violation of the New York State Uniform Fire Prevention and Building Code and the city of Syracuse's Zoning Ordinance, Property Conservation Code, Building Code, Electrical Code, Mechanical Code and Elevator Code which is life threatening and/or necessitates the declaring of the Premises as "unfit for habitation".

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- (2) Violations of the following State statutes and rules and regulations and city of Syracuse local laws, ordinances and rules and regulations, which have not resulted in a conviction or judgment, shall be assigned a point value of three (3) points:
- a. The New York State Uniform Fire Prevention and Building Code and the city of Syracuse's Zoning Ordinance, Property Conservation Code, Building Code, Electrical Code, Mechanical Code and Elevator Code;
 - b. Operating a Business during hours which the business is required to be closed pursuant to the State of New York's statutes and rules and regulations and/or the city of Syracuse's local laws, ordinances and rules and regulations;
 - c. Allowing persons on the premises in excess of occupancy limits;
 - d. Section 14-25.1 of the Revised General Ordinances of the city of Syracuse, Health and Sanitation Ordinance - Littering;
 - e. City of Syracuse Noise Control Ordinance, chapter 40 of the Revised General Ordinances of the city of Syracuse;
 - f. Failure to have an entertainment and/or amusement license where the Business's current operation so requires;
 - g. Allowing or permitting the Premises to become disorderly, including allowing or permitting offenses against public order.
- (b) For purposes of this chapter, in addition to the point system set forth in section 27-176(a), two (2) additional points shall be added to any of the violations specified in section 27-176(a) which have resulted in a conviction and/or judgment in favor of the prosecuting party.
- (c) For purposes of this chapter, where more than one (1) violation of the State statutes and rules and regulations and city of Syracuse local laws, ordinances and rules and regulations set forth above in section 27-176(a) occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation.
- (d) Businesses that have a conditional certificate of use shall be subject to this section and any points they accumulate prior to the issuance of the certificate of use shall be carried forward to such certificate of use.
- (Gen. Ord. No. 13-2014, 3-31-14; Gen. Ord. No. 17-2015, 5-26-15; Gen. Ord. No. 24-2022, 12-24-22)

Sec. 27-177. Notice to owners relative to accumulated points.

- (a) In the event that it shall come to the attention of the director of code enforcement or his/her designee that a business issued a certificate of use pursuant to this article has accumulated as provided by section 27-176 hereof, eight (8) or more points in any six (6) month period or twelve (12) or more points in any eighteen (18) month period, the director of code enforcement or his/her designee shall transmit to the owner or the proprietor, where applicable, by certified mail at the address specified in the application for said certificate of use, a letter advising the owner or the proprietor of the number of points accumulated and warning the owner or the proprietor, where applicable, of the possibility of suspension or revocation of the subject certificate of use upon accumulation of the twelve (12) or more points in a twelve (12) month period or eighteen (18) or more points in a twenty-four (24) month period.
- (b) The failure of the director of code enforcement or his/her designee to transmit a warning letter pursuant to section 27-177 (a) hereof or the failure of the owner or his/her/their designee, or proprietor, where applicable, to receive a warning letter shall in no event be a defense to suspension or revocation of the certificate of use or criminal or civil penalties or an injunction as provided for in this chapter.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-178. Promulgation of policies and procedures.

A committee comprised of the director of code enforcement or his/her designee, the chief of police or his/her designee, the chief of fire or his/her designee, the commissioner of finance or his/her designee, and the chair of the common council committee on economic development, downtown and metropolitan planning or his/her designee may promulgate administrative policies and procedures to carry out and give full effect to the provisions of this article. In addition to the previously listed individuals, the committee shall also be comprised of, on a rotating basis, a Tomorrow's Neighborhoods Today (TNT) facilitator and a business proprietor from that TNT area, who shall be chosen by the facilitator. The TNT facilitator and business proprietor shall rotate every six (6) months, in the following order: Northside, Eastwood, Eastside, Downtown, Valley, Southside, Westside, Lakefront. A copy of the policies and procedures promulgated by this committee shall be filed with the Syracuse City Clerk's Office.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-179. Severability.

In the event any clause, sentence, paragraph, section or part of this chapter shall be finally adjudged by a court of competent jurisdiction to be invalid, unlawful and/or unconstitutional, such determination shall not affect, impair or invalidate the remainder thereof but shall be limited to the portion directly involved in the determination and the remainder of this chapter shall remain in full force and effect.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-180. Access to premises for inspections.

In addition to the requirements set forth in section 27-166, officers and employees of any city departments with responsibility to enforce or assist the director of code enforcement in enforcing this article shall have the right of access to any business subject to the terms of this article for the purpose of making an inspection during normal business hours and the city of Syracuse shall also have the authority to seek inspection warrants where necessary to properly administer this article.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-181. Annual report to the common council.

Every year the director of code enforcement or his/her designee shall prepare and submit to the common council an annual report detailing the number of businesses that have a certificate of use and the number and names of businesses that have had their certificate of use suspended and/or revoked pursuant to this article. The annual report should be transmitted to the common council no later than April 1st in the year in which the annual report is due with the first annual report being due no later than April 1, 2015.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-182. Penalties—Criminal and civil.

- (a) *Criminal penalties:* Any owner or proprietor who having been served with a notice or order to correct or remove any violations of this chapter who fails to comply with such notice or order within the time period

fixed by the director of code enforcement shall be guilty of an offense and upon conviction shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred fifty dollars (\$150.00) or imprisonment for not more than fifteen (15) days or both for each offense.

- (b) *Civil penalty—Imposition of cumulative civil penalty:* Any owner or proprietor who having been served with a notice or order to correct or remove any violation of this article shall be subject to a cumulative civil penalty of one hundred dollars (\$100.00) per day for each separate violation from the date set for correction in the notice or order until the violation is corrected. The penalty may be collected by the corporation counsel by action or special proceeding against the owner or proprietor.
- (c) *Enforcement of civil penalty.*
- (1) The corporation counsel may maintain an action or special proceeding in a court of competent jurisdiction for the recovery of civil penalties, together with costs and disbursements.
 - (2) In addition to any action or special proceeding for civil penalty as provided in subsection one (1) above, the corporation counsel may, where the owner or proprietor has failed to correct the violation(s) set forth in any notice or order issued pursuant to this chapter, bring such action or special proceeding as necessary to enjoin the owner from continuing to operate or maintain any business in violation of the terms of this article.

(Gen. Ord. No. 13-2014, 3-31-14)

Sec. 27-183. Enforcement.

The enforcement by the city of Syracuse of this article in the manner provided herein shall not be deemed to limit in any manner the city of Syracuse's authority to enforce the provisions of other federal, state and local laws, ordinances, rules and regulations against businesses covered by this article.

(Gen. Ord. No. 13-2014, 3-31-14)

ARTICLE 13. BUREAU OF ADMINISTRATIVE ADJUDICATION FOR THE CITY OF SYRACUSE

Sec. 27-184. Purpose.

The purpose of this article is to establish pursuant to Local Law No. 9-2017 an administrative tribunal to be known as the "Bureau of Administrative Adjudication for the city of Syracuse" within the city of Syracuse Department of Finance to adjudicate charges of municipal code violations, statutory violations and fee disputes relative to matters that constitute a danger or threat to the public health, safety or welfare as authorized by the recent amendment to Section 380 of the New York State General Municipal Law by the New York State Legislature. The bureau shall not hear or determine charges of violations of the city of Syracuse Building Code.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-185. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Director for the purposes of this article shall mean the head of the bureau of adjudication, who shall be the chief administrative law judge of the bureau and shall have all the powers of an administrative law judge pursuant

to Article 14-BB, Section 381 of the New York State General Municipal Law. Director will be more fully defined in later sections of this article.

Municipal code violation or statutory violation for the purposes of this article shall mean any infraction constituting a violation of the city of Syracuse Property Conservation Code, the International Property Maintenance Code and/or the city of Syracuse Zoning Rules and Regulations, as well as other applicable regulations governing matters that constitute a danger or threat to the public health, safety or welfare. This shall not mean any infraction of the city of Syracuse Building Code.

Notice of violation ticket for the purposes of this article shall mean the written instrument issued by the bureau notifying the property owner of the violation for which they are being cited along with the time frame to either admit or deny the violation charged in the notice.

Respondent for the purposes of this article shall mean any person or entity charged with a municipal code or statutory violation within the city of Syracuse.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-186. Jurisdiction.

The bureau of administrative adjudication shall have jurisdiction to hear and determine charges of municipal code violations that affect the quality of life of the citizens of the city of Syracuse, New York or may constitute a threat or danger to the public health, safety or welfare for which civil penalties may be imposed and to render decisions and orders and impose the civil penalties provided under the law for such violations. The Bureau shall not hear or determine charges resulting from violations of the city of Syracuse Building Code or any violation which includes imprisonment as a penalty.

The bureau of administrative adjudication shall not have the power to sentence a person to a term of imprisonment upon being found guilty of a municipal code violation, nor may an administrative law judge order the arrest or detention of any person, nor may an administrative law judge deprive any person of a right to counsel.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-187. Director.

- (a) The head of the bureau shall be the director who shall be the chief administrative law judge of the bureau and shall have all the powers of an administrative law judge pursuant to Section 381 of the New York State General Municipal Law. The director shall be appointed by the Mayor of the city of Syracuse for a term of five (5) years with the advice and consent of the common council. The director shall be removable only for neglect of duty or misfeasance in office after notice and an opportunity for a hearing. Once appointed and confirmed, the director shall serve until his or her term expires and until his or her successor has been appointed and confirmed. The director shall devote his or her entire work time to the duties of the office.
- (b) The director shall be an attorney in good standing, admitted to practice for at least five (5) years in the state of New York and shall be knowledgeable on the subject of administrative law and procedures.
- (c) The director shall be a resident of the city of Syracuse for the entirety of his or her term.
- (d) The director shall have the power to promulgate rules consistent with this article for the practice and procedure of the bureau, the conduct of adjudications and the dismissal or settlement of proceedings.
- (e) The director shall develop and implement a program of evaluation to aid in the performance of his or her duties, and to assist in the making of promotions, demotions or removals. This program of evaluation shall

focus on three (3) areas of performance: competence, productivity and demeanor. It shall include consideration of: industry and promptness in adhering to schedules, making rulings and rendering decisions; tolerance, courtesy, patience, attentiveness, and self-control in dealing with litigants, witnesses and representatives, and in presiding over adjudicatory proceedings; skills and knowledge of the subject of administrative law and procedures and new developments therein; analytical talents and writing abilities; settlement skills; quantity, nature and quality of case load disposition; impartiality and conscientiousness. The director shall develop standards and procedures for this program, which shall include taking comments from selected litigants and representatives who have appeared before an administrative judge. The methods used by an administrative judge but not the results arrived at by the administrative law judge in any case may be used in evaluating an administrative judge. Before implementing any action based upon the finding of the evaluation program, the director shall discuss the findings and proposed action with the administrative law judge; provided however that the director's authority pursuant to this subdivision is subject to the provisions of the civil service law and any applicable collective bargaining agreement.

- (f) To the extent permitted by law, the director shall publish and make available to the public all significant decisions rendered by administrative law judges and all decisions rendered by the administrative appeals panels. The director may charge a reasonable fee for a copy of such determination or decision. Whenever any law of confidentiality prevents the publication of the identity of any of the parties, an edited version of the decision shall be prepared which shall not disclose the identities of the protected parties.
- (g) The director shall collect, compile, and publish statistics and other data with respect to the operations and duties of the bureau and submit annually to the mayor, the common council, and the public a report on such operations including but not limited to, the number of hearings initiated, the number of decisions rendered, the number of partial or total reversals by the appeals panel, the number of proceedings pending, and on any recommendations of the bureau of statutory or regulatory amendments. The report should also be posted on the bureau of administrative adjudication's page on the city of Syracuse website.
- (h) The director shall study the subject of administrative adjudication in all its aspects, and develop programs including alternate dispute resolution and including preliminary or prehearing conferences or mediation which would promote the goals of fairness, uniformity and cost-effectiveness.
- (i) The director shall adopt, promulgate, amend and rescind rules and regulations to carry out the provisions of this article and the policies of the bureau in connection therewith. Such rules and regulations shall substantially comply with Article 3 of the State Administrative Procedure Act, shall supersede any inconsistent agency rules, and shall include, but not be limited to, uniform standards and procedures, rules of practice, standards for determining when an expedited hearing will be conducted, standards for uncontested proceedings, standards for the assignment of administrative law judges and their removal from cases, and for the maintenance of records.
- (j) The director shall secure, compile and maintain all reports of administrative law judges issued pursuant to this article, and such reference materials and supporting information as may be appropriate and to establish appropriate management information systems.
- (k) The director shall develop and maintain a program for the continuing training and education of administrative law judges and ancillary personnel.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-188. Administrative law judges.

- (a) The director shall appoint up to seven (7) administrative law judges who shall be attorneys in good standing, admitted to practice in the state of New York for at least three years and shall have such other qualifications as may be prescribed by the director. The director may prescribe qualifications for administrative law judges

which may vary based on the type or kind of adjudicatory hearing to which such administrative law judge may be assigned.

- (b) All administrative law judges appointed by the director to serve in the bureau of administrative adjudication are required to live in the city of Syracuse throughout their term.
- (c) The director may pursuant to rule establish such special units within the bureau as are appropriate to the matters before the bureau for adjudication.
- (d) An administrative law judge shall not participate in any proceeding to which he or she is a party, in which he or she has been attorney, counsel or representative, if he or she is related by consanguinity or affinity to any party to the controversy within the sixth degree or where such participation is otherwise prohibited by law. Administrative law judges shall ensure that all hearings are conducted in a fair and impartial manner.
- (e) Except as otherwise provided by law, in the conduct of adjudication, an administrative law judge may:
 - (1) Hold conferences for the settlement or simplification of the issues, provided that the settlement and dismissal of proceedings shall be in accordance with the rules of the director;
 - (2) Administer oaths and affirmations, examine witnesses, rule upon offers of proof, receive evidence, and oversee, regulate, order and enforce such discovery as is appropriate under the circumstances;
 - (3) Upon motion of any party including an agency, or upon the administrative law judge's own motion with consent of the respondent, subpoena the attendance of witnesses and the production of books, records, or other information;
 - (4) Regulate the course of the hearing in accordance with the rules of the bureau or other applicable law;
 - (5) Rule on procedural requests or similar matters;
 - (6) Make final findings of fact and final decisions, determinations or orders;
 - (7) Where the bureau is authorized to render a final decision, determination or order imposing civil penalties, impose such civil penalties. No such civil penalty shall exceed the maximum provided under law for the violation; and
 - (8) Take any other action authorized by law.
- (f) Unless inconsistent with this article, all hearings shall substantially comply with the requirements of Article 3 of the State Administrative Procedure Act.
- (g) An administrative law judge shall render all findings of fact, decisions, determinations and orders in an expeditious manner.
- (h) Unless otherwise authorized by law and except as provided in subdivision (i) of this section, an administrative law judge shall not communicate in connection with any issue that relates in any way to the merits of a proceeding pending before the administrative law judge with any person except upon notice and opportunity for all parties to participate.
- (i) An administrative law judge may consult on questions of law and ministerial matters with his or her supervisor, other administrative law judges, and support staff of the bureau, provided that such supervisors, administrative law judges or support staff have not been engaged in functions in connection with the adjudicatory proceeding under consideration or a factually related proceeding.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-189. Powers and duties of the bureau.

The bureau of administrative adjudication shall have the following functions, powers and duties:

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- (a) To accept pleas and to hear and determine charges of code and statutory violations that impact the quality of life of the residents of the city of Syracuse or constitute a threat or danger to the public health, safety or welfare.
 - (b) To provide for penalties other than imprisonment for code or statutory violations in accordance with the city of Syracuse Property Conservation Code; provided, however, that monetary penalties shall not exceed the maximum amount allowed by Syracuse City Court or any other court that would have jurisdiction over the matter.
 - (c) To adopt rules and regulations, not inconsistent with any applicable provision of law, to carry out the purposes of Article 14-BB of the General Municipal Law, including but not limited to rules and regulations prescribing the internal procedures and organization of the bureau, the manner and time of entering pleas, the conduct of hearings and the amount and manner of payment of fines.
 - (d) To issue subpoenas to compel the attendance of persons to give testimony at hearings and to compel the production of relevant records, books, papers and other materials.
 - (e) To enter judgments of the bureau.
 - (f) To answer within a reasonable period of time all relevant and reasonable inquiries made by either a person charged with a municipal code or statutory violation or his or her attorney concerning the notice of violation ticket served on that person. The bureau must also furnish the person charged, upon his or her request, a copy of the original notice of violation ticket. Failure to comply with the provisions of this subsection within thirty (30) days of such request, forwarded to the bureau by certified or registered mail, return receipt requested, shall result in an automatic dismissal of all charges relating to that particular notice of violation upon the request of the respondent.
 - (g) To have at least one administrative appeals panel consisting of three administrative law judges that will hear appeals from a determination made by any administrative law judge.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-190. Commencement of proceedings; default judgments.

- (a) The bureau shall conduct the proceedings authorized by Local Law No. 9-2017 in accordance with Section 384 of the New York State General Municipal Law and with the rules promulgated by the director.
- (b) Such proceedings shall be commenced by the service of a notice of violation ticket. The notice of violation ticket or copy thereof when filled in and served shall constitute notice of the violation charged, and if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. The notice of violation ticket when sworn to or affirmed shall constitute the testimony of the signator and, when filed with the bureau shall be admitted into evidence as such testimony at any hearing on the violation charged. If the respondent disputes the facts stated in the notice of violation, the administrative law judge, where appropriate may reject the signator's facts, accept facts the respondent offers, or direct the signator's appearance. Every such notice of violation ticket shall state whether the facts set forth therein are known personally to the signator and if the facts are not so known the notice of violation ticket shall specifically identify the source of knowledge of such facts. If the respondent disputes the facts stated in the notice of violation ticket, the administrative law judge, where appropriate may reject the signator's facts, accept facts the respondent offers, or direct the signator's appearance.
- (c) Content of the notice of violation.
 - (1) The form and wording of the notice of violation ticket shall be prescribed by the director. The notice of violation ticket shall contain information advising the person charged of the manner and the time in which such person may either admit or deny the violation charged in the notice. Such notice of

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- violation ticket shall also contain a warning to advise the person charged that failure to plead in the manner and time stated in the notice may result in a default decision and order being entered against such person. The original or a copy of the notice of violation ticket shall be filed and retained by the bureau and shall be deemed a record kept in the ordinary course of business.
- (2) Every notice of violation ticket shall identify the provision of law charged and shall set forth the factual basis for the violation. Where a notice of violation ticket does not contain this information, it shall be dismissed at the request of the respondent or the administrative law judge may dismiss the notice of violation upon his or her own motion.
- (d) Service of the notice of violation ticket. A notice of violation ticket shall be served personally upon the owner of the property or served upon "a person of suitable age and discretion" at the owner's actual place of business, dwelling place or usual place of abode and then mailed to the owner's "last known residence." If service of the notice of violation ticket cannot be made after a showing of due diligence then the notice can be affixed to the door of one of the above named places and a copy of the notice of violation shall be mailed to the owner's last known residence except that:
- (1) Service of the notice of violation ticket may be made by delivering such notice to a person employed by the person charged: (a) To work on the premises the occupancy of which caused such violation; (b) At the premises at which the person charged actually conducts the business the operation of which gave rise to the violation; (c) At the site of the work with respect to which the violation occurred; or (d) at the place where the violation occurred.
- (2) Service of a notice of violation ticket may be made by certified mail, return receipt requested.
- (3) Service of a notice of violation ticket may be made by first class mail.
- (4) Service of the notice of violation ticket upon a corporation shall be made by serving the secretary of state or by serving an officer of the corporation or any other agent authorized by appointment or by law to receive service or pursuant to subsection (d)(1) of this section, pursuant to the provisions of New York State Business Corporation Law and the New York State Limited Liability Company Law.
- (e) Failure to plead. Where a respondent has failed to plead within the time allowed by controlling law or, if there is no such controlling law, by the rules of the bureau, or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty up to the maximum amount prescribed under law for the violation charged. A default decision and order may be opened within one year of its entry upon written application showing excusable default and a defense to the charge; a default decision and order may thereafter be opened in the discretion of the director only upon written application showing excusable default, a defense to the charge, and good cause for the delay.
- (f) Final order of the bureau.
- (1) Any final order of the bureau imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment rendered by the bureau against the respondent which may be entered in the city court or other equivalent court of the municipality, or any other place provided for the entry of civil judgments within the state, and may be enforced against the respondent and his, her or its property without court proceedings in the same manner as the enforcement of money judgments entered in civil actions; provided however that no such judgment shall be entered which exceeds the jurisdiction of such city court or other court that would have jurisdiction over the matter.
- (2) Notwithstanding the foregoing provision, before a judgment based upon a default may be so entered the bureau must have notified the respondent by first class mail in such form as the director may require; (a) of the default decision and order and the penalty imposed; (b) that a judgment may be

entered in the city court or other equivalent court of the municipality or any other place provided for the entry of civil judgments within the state of New York; and (c) that entry of such judgment may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of the bureau within thirty (30) days of the mailing of such notice.

- (3) The bureau shall not enter any final decision or order unless the notice of violation ticket shall have been served in the same manner as is prescribed for service of process by Article 3 of the New York Civil Practice Law and Rules or Article 3 of the New York State Business Corporation Law or Article 3 of the New York State Limited Liability Company Law, except that: (a) service of a notice of violation ticket may be made by delivering such notice to a person employed by the respondent (1) to work on the premises the occupancy of which caused such violation, or (2) at the premises at which the respondent actually conducts the business the operation of which gave rise to the violation, or (3) at the site of the work with respect to which the violation occurred, or (4) at the place at which the violation occurred; (b) service of a notice of violation ticket may be made by certified mail, return receipt requested.
- (4) Where any final decision or order may not be entered and enforced as a judgment because the amount of civil penalty exceeds the jurisdictional amount of city court or other equivalent court of the municipality, with respect to actions and proceedings for the recovery of money, such decision or order may be enforced by the commencement of an action or proceeding for the recovery of such civil penalties in a court of competent jurisdiction by the municipality.
- (g) Proof of service. Proof of service shall be filed with the bureau and, where service is made by certified mail pursuant to subsection (f)(2) of this section, shall include the return receipt evidencing receipt of notice served by mail. Service shall be complete ten (10) days after such filing.
- (h) Dismissal for lack of proper service. Where service of the notice of violation ticket is not made in a manner authorized by law for the violation charged, it shall be dismissed at the request of the respondent or the administrative law judge may dismiss the notice of violation upon his or her own motion.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-191. Penalties.

The following penalties shall apply for notice of violation tickets issued by the bureau pursuant to its authority under this article shall be as follows:

- (a) Tickets issued for violations in the category of general property maintenance shall be subject to the following penalties schedule:

	Initial Penalty	Penalty Upon Default
First ticket	\$150.00	\$300.00
Second ticket	\$300.00	\$600.00
Third and subsequent tickets	\$600.00	\$1,200.00

- (b) Tickets issued for violations in the category of constituting a blighting influence shall be subject to the following penalties schedule:

	Initial Penalty	Penalty Upon Default
First ticket	\$75.00	\$150.00
Second ticket	\$150.00	\$300.00
Third and subsequent tickets	\$300.00	\$600.00

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- (c) Tickets issued for violations in the category of failing to comply with periodic inspections required for a property shall be subject to the following penalties schedule:

	Initial Penalty	Penalty Upon Default
First ticket	\$50.00	\$100.00
Second ticket	\$100.00	\$200.00
Third and subsequent tickets	\$200.00	\$400.00

- (d) Tickets issued for violations in the category of failing to comply with the applicable zoning rules and regulations for a property shall be subject to the following penalties schedule:

	Initial Penalty	Penalty Upon Default
First ticket	\$300.00	\$600.00
Second ticket	\$600.00	\$1,200.00

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-192. Methods of pleading; payment of penalties.

- (a) A plea shall be entered within thirty (30) days from the date service of notice of violation ticket is complete. A plea may be entered in person at the bureau's office, by the owner or an authorized representative, or by ordinary mail sent to the bureau's office. The bureau shall not reject any plea entered by mail if the postmarked date on the envelope is within thirty (30) days from the date service of the notice of violation was complete. Failure of the respondent to answer within thirty (30) days will subject the respondent to additional penalties.
- (b) Pleas by mail shall be made in the following manner:
- (1) Entering the desired plea on the back of the notice of violation ticket.
 - (2) Entering the name and address in the space provided on the plea form.
 - (3) Signing the plea form.
 - (4) Mailing the notice of violation ticket with the plea form completed to the mailing address stated on the notice of violation ticket.
- (c) A plea of guilty shall be accompanied by a check or money order (no cash shall be accepted) for the payment in full of the scheduled fine.
- (d) The respondent pleading "not guilty" or "guilty with an explanation" may request a hearing. This shall be done at the time of pleading by completing the reverse side of the notice of violation ticket according to the instructions thereon or by completing the "request for hearing" form provided by the clerk at the bureau.
- (e) If a plea of "not guilty" or "guilty with an explanation" is made in person, an immediate hearing may be conducted upon the request of the respondent if it is convenient to the bureau.
- (f) Upon receipt of the notice of violation ticket with a plea of "not guilty" or "guilty with an explanation" the bureau shall advise the respondent, in person or by first class mail, of the date, time and place of the hearing. The bureau reserves the right to set the date, time and place of the hearing.
- (g) Where a respondent has failed to plead within the time allowed by the rules of the bureau or has failed to appear on the designated hearing date or subsequent date following an adjournment or fails to comply with the determination of the administrative law judge, such failure to plead or appear or comply shall be deemed

for all purposes to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty up to the maximum amount prescribed under rules and regulations of the bureau for the violation charged.

- (h) Any final order of the bureau imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment rendered by the bureau against the respondent which may be entered in Syracuse City Court or any other place provided for the entry of civil judgments within the state, and may be enforced against the respondent and his, her or its property without court proceedings in the same manner as the enforcement of money judgments entered in civil actions; provided however, that no such judgment shall be entered which exceeds the jurisdiction of such city court or other court that would have jurisdiction over the matter.
- (i) A default decision and order may be opened within one year of its entry upon written application by respondent showing excusable default and a defense to the charge. A default decision and order may thereafter be opened in the discretion of the director only upon written application showing excusable default, a defense to the charge and good cause for the delay.
- (j) Before a judgment based upon a default may be so entered, the bureau must have notified the respondent by first-class mail in such form as the director may require of the default decision and order and the penalty imposed, that a judgment may be entered in the Syracuse city court or any other place provided for the entry of civil judgments within the State of New York, that entry of such judgment may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of the bureau within thirty (30) days of the mailing of such notice.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-193. Schedule of fines and penalties.

- (a) The schedule of fines and penalties shall be as provided for as civil penalties in the Property Conservation Code of the city of Syracuse for actions brought to the bureau. No person may be sentenced by an administrative law judge to a term of imprisonment upon being found guilty of any charge.
- (b) Additional penalties. Thirty (30) days after service of the notice of violation ticket is complete, the original penalty will double, provided that such increase in the penalty amount will never cause the penalty to exceed the maximum amount provided for such violation in the Property Conservation Code of the city of Syracuse.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-194. Hearings.

- (a) All hearings shall be held in the city of Syracuse at such place as the director shall designate from time to time. Hearings shall be held at least twice per month.
- (b) All hearings shall be held from 9:00 a.m. to 5:00 p.m., except on Saturdays, Sundays and legal holidays, or at such other time as designated by the director.
- (c) Every hearing for the adjudication of a charge of a violation shall be held before a deputy administrative law judge or the director. The respondent may be represented by legal counsel. No charges may be sustained except upon proof by substantial evidence. All testimony shall be given under oath or affirmation.
- (d) All hearings must be held in accordance with the New York State Administrative Procedure Act.

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- (e) A record shall be made of every hearing either by stenographic recordings or by mechanical or electronic methods as the director shall determine. A transcript of such record shall be supplied to the respondent upon application and upon the payment of a fee. The director may, in his or her discretion or at the request of the respondent, on a showing of good cause and need thereof, subpoena the attendance of witnesses, including the issuing officer, and the production of relevant books, records or other information.
 - (f) In the case of a refusal to obey a subpoena, the bureau may make application to a court of competent jurisdiction for an order requiring such appearance, testimony, or production of evidence.
 - (g) The bureau may, with or without the respondent's request or consent, consolidate for hearing or appeal one or more charges pending against such respondent. An adjournment may be requested by the respondent (up to twenty-four (24) hours) prior to the hearing, but not more than two (2) adjournments shall be granted except under extraordinary circumstances which the director shall determine.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-195. Decisions and judgments.

- (a) The director shall make final findings of fact and a final determination or order. All findings of fact, decisions, determinations and orders shall be written and rendered in an expeditious manner.
- (b) A final determination or order of the board imposing a civil penalty shall constitute a judgment and a record showing payment or nonpayment of penalties. A copy of such judgment record or transcript thereof may be filed in the office of the city court clerk and/or the Onondaga County Clerk's Office or in such other county wherein the respondent resides or is employed.
- (c) Where any final decision or order may not be entered or enforced as a judgment because the amount of civil penalty exceeds the jurisdictional amount of the city court or equivalent court of the municipality, with respect to actions and proceedings for the recovery of money, such decision or order may be enforced by the commencement of an action or proceeding for the recovery of such civil penalties in a court of competent jurisdiction by the municipality.
- (d) Any unpaid judgment related to a violation on property in the city of Syracuse shall become a lien on said property.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-196. Appeals.

- (a) There shall be one or more administrative appeals panels within the bureau. Each panel shall consist of three (3) administrative law judges. In no event shall the administrative law judge from whom such appeal of a decision, determination or order is taken be included in the panel determining such appeal. Administrative law judges serving on the administrative appeals panel shall not regularly conduct administrative hearings, but shall serve primarily as administrative appeals panel members.
- (b) A respondent may appeal, on the facts and/or the law, a final decision, final determination or final order. An agency aggrieved by a final decision, final determination, or final order may appeal on the law, but only after the notice to the respondent and a finding by the appeals panel that the issue upon which the agency seeks to appeal is significant and affects the agency's legitimate enforcement functions.
- (c) Upon rendering a decision, making a final determination or issuing a final order, the administrative law judge shall provide the non-agency party with a form notice of appeal and shall explain to such party on the record the (1) method of filing the notice of appeal and the applicable time limits; (2) the requirements of subdivision (e) of this section concerning the payment of penalties and posting of bonds pending appeal,

including the right to request exemption therefrom; and (3) that no further court challenge is permitted by law unless an administrative appeal is taken.

- (d) Notice of appeal shall be filed with the appeals panel within thirty (30) days of the entry of such decision, determination or order. If no such notice of appeal is filed within such thirty (30) day period, such decision, determination or order shall finally and irrevocably determine all issues in the proceeding before the administrative law judge.
- (e) For good cause shown, the administrative appeals panel may permit the filing of a notice of appeal after the thirty-day period.
- (f) The appeals panel shall have the power to review the record and the findings of the administrative law judge and may reverse, modify or remand any such decision, determination or order appealed therefrom.
- (g) Except as otherwise provided in this section, no appeal of a decision, determination or order of an administrative law judge imposing civil penalties shall be decided unless such civil penalties are paid or a cash or recognized surety bond shall have been posted in the full amount of such civil penalties. No such payment or posting of such bond shall be required where the respondent is the holder of a current license or permit for the operation of a business issued by an agency or officer of the city. Upon a showing of undue hardship or where justice may require, the administrative law judge who decided the case or the appellate panel to which the appeal is assigned may order that the appeal shall be decided without requiring such payment or posting of such bond.
- (h) The director of the bureau shall promulgate rules governing the practice and procedure of appeals to the administrative appeals panel pursuant to Section 386 of the New York State General Municipal Law.
- (i) The determination of the appeals panel shall be rendered within ninety (90) days after the submission of all relevant papers to the panel, or if oral argument is permitted, within ninety (90) days after such oral argument.
- (j) The determination of the appeals panel shall be the final determination of the bureau for the purposes of judicial review pursuant to Article 78 of the New York State Civil Practice Law and Rules.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-197. Annual budget.

The annual budget of the bureau of administrative adjudication shall be prepared and presented in accordance with Article VI of the Syracuse City Charter, 1960, as amended.

(Gen. Ord. No. 22-2018, 5-7-18)

Sec. 27-198. Severability.

The invalidity of any provision or provisions of this article shall not affect the validity of the remaining provisions thereof, but such remaining provisions shall continue in full force and effect.

(Gen. Ord. No. 22-2018, 5-7-18)