

## **ORDINANCE #2, 2009**

### **CHAPTER 158, Housing Code ARTICLE VIII, Administration**

#### **AN ORDINANCE AMENDING CHAPTER 158 ENTITLED "HOUSING CODE" OF THE ONEONTA MUNICIPAL CODE**

**BE IT ORDAINED by the Common Council of the City of Oneonta as follows**

**Section 1: That § 158-66, Penalties for offenses and civil penalties for non-compliance with certain statutory requirements be amended as follows.**

- A. Failure to comply with a violation order, within the time limit stated therein, shall constitute an offense. A person convicted of an offense shall be punished by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed one year, or both. Failure to comply with a violation order, after such time limit, may constitute a separate offense for which the aforesaid penalties may be cumulatively imposed.
- B. The penalties heretofore prescribed shall not be imposed upon a person who, by operation of law, acquires premises containing violations for which a violation order has been issued for a period of six months after the date of such acquisition of the premises. Nevertheless, the penalties provided shall attach and apply, either upon the expiration date of such six-month period, or upon transfer of title to the premises before the expiration of such period, whichever first occurs.
- C. Failure to schedule and provide access for required housing inspections, to submit inspection reports, and to submit registration forms to the Code Enforcement Office, shall also be liable for and incur civil penalties.
- D. No civil penalty set forth herein shall be imposed prior to notification by certified mail in accordance with the schedule hereinafter set forth.
- E. Any person, firm, corporation, association, or partnership which fails to schedule and provide access for required housing inspections or submit required inspection reports or registration forms, upon Certified Mail notification from the City of Oneonta, for overdue inspections, inspection reports, or registration forms as required in accordance with this chapter, shall be charged with Civil Penalties as may be determined and established by a duly authorized Resolution made from time to time by the Common Council of the City of Oneonta.
- F. Such penalty shall be imposed on the property. The owner shall be notified of any finding prior to the imposition of a penalty and the process for appeal, in accordance with the schedule of notice and penalties, then in effect as determined by Resolution of the Common Council. Any civil penalty incurred shall continue to accrue in accordance with that schedule and if still unpaid at the end of the year, the same shall be relieved upon the real property taxes for the property upon which such civil penalty was imposed and the same shall become a lien against the premises.

- G. Any person wishing to dispute any finding upon which such civil penalty is imposed may appeal such determination to the Board of Public Service. Appeals must be submitted to the code enforcement office, and must be received by the code enforcement office within 10 days of the date of the bill for payment of the civil penalty. Appeals must be submitted in writing and must clearly state the basis for the appeal and why the factual determination of the code enforcement officer was either incorrect or without factual basis. Any appeal filed without written allegations of specific incorrect facts or incorrect procedures on the part of the city, its employees or agents, shall be dismissed without further hearing. A claim of ignorance of the provisions of the statute shall not constitute a basis for a valid appeal.

**Section 2. This ordinance shall take effect January 1, 2010.**