

**TOWN OF ITHACA**

**LOCAL LAW NO. \_\_\_ OF THE YEAR 2017**

**A LOCAL LAW ADDING A CHAPTER TITLED “OPERATING PERMITS FOR CERTAIN RESIDENTIAL RENTAL UNITS” TO THE TOWN OF ITHACA CODE**

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

**Section 1.** The Town of Ithaca Code is hereby amended by adding Chapter \_\_\_, titled “Operating Permits for Certain Residential Rental Units,” reading as follows:

“Chapter \_\_\_

**Operating Permits for Certain Residential Rental Units**

§ \_\_\_-1. Applicability.

This chapter applies to all residential rental dwelling units except:

- A. Residential dwelling units that are rented for terms of less than 30 consecutive days.
- B. Accessory dwelling units, as that term is defined in Town of Ithaca Code Chapter 270 (Zoning), §270-5. Accessory dwelling units are subject to operating permit requirements in Town Code §270-219.6.B(2).
- C. Units in multiple-family dwellings, as that term is defined in Town of Ithaca Code Chapter 270 (Zoning), §270-5. Multiple-family dwellings are subject to operating permit requirements in Town of Ithaca Code, Chapter 125 (Building Construction and Fire Prevention), §125-8.

§ \_\_\_-2. Operating permit required.

- A. Throughout the term of rental occupancy, all residential rental dwelling units (except those listed in § \_\_\_-1 above) shall require a valid operating permit issued pursuant to Town of Ithaca Code Chapter 125 (Building Construction and Fire Prevention), §125-8. Before the expiration or renewal of the operating permit, it shall be the responsibility of the owner of the rental unit(s) to schedule a housing inspection with the Town of Ithaca Code Enforcement Department in order to obtain a new or renewed permit.
- B. The Code Enforcement Department shall issue an operating permit upon verification by inspection that the items listed in paragraphs 1-13 below meet the requirements of the applicable New York State Uniform Fire Prevention and Building Code, and the items listed in paragraphs 14-16 below meet the requirements of the Town of Ithaca Code:

- (1) 911 address number properly posted (with each unit posted),

- (2) Exterior structure in good repair,
- (3) Entrances, access areas, parking spaces and similar areas in good repair,
- (4) Receptacles for proper storage of garbage,
- (5) Compliant pools and decks (if present),
- (6) Working smoke and carbon monoxide detectors,
- (7) Interior structure in good repair,
- (8) Fire separation (where required),
- (9) Electrical, plumbing and heating in good repair,
- (10) Appliances in good repair (if supplied by landlord),
- (11) Proper light and ventilation,
- (12) Proper room sizes,
- (13) Proper egress doors or windows,
- (14) Compliant off-street parking, per Town of Ithaca Code Chapter 270 (Zoning), §270-227,
- (15) Compliant number of occupants/families, per Town of Ithaca Code Chapter 270 (Zoning), §270-5's definition of "family" and occupancy requirements in the relevant zoning district, and
- (16) Exterior property areas are not in violation of Town of Ithaca Code Chapter 205 (Property Maintenance), §205-2.

C. A Code Enforcement Officer shall seek a search warrant from a court of competent jurisdiction whenever the owner, managing agent or occupant fails to allow inspections of any premises believed to be subject to this chapter and where there is a reasonable cause to believe that there is a violation of this chapter, Town of Ithaca Code Chapter 205 (Property Maintenance), Town of Ithaca Code Zoning chapter provisions related to parking or number of occupants/families, or the New York State Uniform Fire Prevention and Building Code.

D. Owners of residential rental dwelling units that are rented as of the effective date of this Chapter \_\_ must apply for operating permits for the rental units by November 1, 2018. Owners of residential rental dwelling units that are not rented as of the effective date of

this chapter but that are subsequently rented must apply for operating permits prior to rental occupancy.

- E. Failure of an owner of any residential rental dwelling unit that is required to have an operating permit to apply for an operating permit in a timely manner, to obtain an operating permit after inspection, or to maintain a valid operating permit after it is granted throughout the period of rental occupancy, shall be deemed a violation of this chapter, and a Code Enforcement Officer may order that such rental unit(s) be vacated within a specified time after notice of violation, unless the property is brought into compliance within a reasonable time frame as specified in the notice of violation. If a violation persists beyond the time frame specified in the notice of violation, and the property is ordered vacated, the property must be kept vacated until it is brought into compliance.
- F. Over-occupancy. Verified over-occupancy shall constitute a violation of the operating permit. After the issuance of an Order to Remedy, the property owner shall have 30 days to comply with applicable occupancy limits.

§ \_\_-3. Rental property information.

Before issuing an operating permit, the Code Enforcement Department shall secure, as part of the permit application, information related to the rental property as provided by Town of Ithaca Code Chapter 125 (Building Construction and Fire Prevention), §125-8.B.

§ \_\_-4. Penalties for offenses.

- A. Any person, association, firm, corporation or other entity found by a court to have violated any provision of this chapter or to have assisted in the violation of any provision of this chapter shall be guilty of a violation, punishable:
  - (1) By a fine of \$350 for conviction of a first offense.
  - (2) By a fine of \$700 for conviction of the second of two offenses, both of which were committed within a period of five years.
  - (3) By a fine of \$1000 or by imprisonment for a period of up to 15 days, or both, for conviction of the third of three offenses, each of which were committed within a period of five years.
- B. Each week's continued violation shall constitute a separate additional violation.

§ \_\_-5. Collection of personal information.

Pursuant to Public Officers Law Article 6 (also known as the Freedom of Information Law), §87(2)(b), personal information identifying tenants may be exempt from disclosure under the Freedom of Information Law on the grounds that such disclosure would constitute an

unwarranted invasion of personal privacy. The Town of Ithaca will not collect the identities of tenants as part of the operating permit application process. The identities of tenants may be collected in connection with specific enforcement actions, but the identities may be exempt from disclosure under the Freedom of Information Law.”

**Section 2.** In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

**Section 3.** This local law shall take effect on February 1, 2018.