

TOWN OF ITHACA

LOCAL LAW NO. ___ OF THE YEAR 2017

**A LOCAL LAW AMENDING THE TOWN OF ITHACA CODE, CHAPTER 125 TITLED
“BUILDING CONSTRUCTION AND FIRE PREVENTION”,
TO ADD REQUIREMENTS FOR OPERATING PERMITS AND INSPECTIONS
FOR CERTAIN RESIDENTIAL RENTAL UNITS AND ACCESSORY DWELLING UNITS,
AND TO ADD PERMIT REQUIREMENTS UPON TRANSFER OF TITLE**

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

Section 1. Chapter 125 (Building Construction and Fire Prevention) of the Town of Ithaca Code, §125-8 titled “Operating permits” is amended as follows:

A. By adding a new subsection A(11) reading as follows:

“(11) All residential rental dwelling units and accessory dwelling units that are required to have operating permits per Town of Ithaca Code Chapter __ (Operating Permits for Certain Residential Rental Units) or Town of Ithaca Code Chapter 270 (Zoning), §270-219.6.B(2). Notwithstanding any provision to the contrary in this §125-8, the occupancy of such units prior to an owner obtaining required operating permits shall be governed by the applicable provisions of Chapter __ (Operating Permits for Certain Residential Rental Units) and §270-219.6.B(2).”

B. By adding the following sentence to the end of subsection E:

“Notwithstanding the foregoing, an operating permit for all residential rental dwelling units and accessory dwelling units that are required to have operating permits per Town of Ithaca Code Chapter __ (Operating Permits for Certain Residential Rental Units) or §270-219.6.B(2) shall be valid for a period of five years from its date of issuance, unless earlier revoked or suspended.”

C. By adding a new Subsection H reading as follows:

“H. Transfer of title. An application for a new operating permit shall be required within sixty (60) days after the transfer of title to the premises. Provided the application for a new operating permit is timely, a property shall not be subject to an operating permit inspection if it has passed inspection within one year before the application date.”

Section 2. Chapter 125 (Building Construction and Fire Prevention) of the Town of Ithaca Code, §125-9 titled “Firesafety and property maintenance inspections” is amended by deleting Subsection B and replacing it with a new Subsection B reading as follows:

- “B. (1) The Code Enforcement Officer shall conduct firesafety and property maintenance inspections of all multiple dwellings and all nonresidential occupancies at least once every three years, except inspections shall occur at least once every year for all health care facilities where more than 10 people normally sleep nightly (including hospitals, nursing homes, infirmaries, and sanitariums), all child and adult day-care centers and facilities, as defined in Chapter 270, Zoning, of the Code of the Town of Ithaca, and all dormitory buildings, regardless of the number of sleeping accommodations.
- (2) The Code Enforcement Officer shall conduct firesafety and property maintenance inspections of all other residential rental dwelling units and accessory dwelling units that require an operating permit at least once every five years.
- (3) Such inspections may be made at any reasonable time. Upon completion of the inspection, if the Code Enforcement Officer is satisfied that the buildings so inspected are in compliance with the Uniform Code, Chapter 270, Zoning, and other laws of the Town of Ithaca relating to the safety of buildings, the Code Enforcement Officer shall issue an operating permit, where one is required by § 125-8, upon payment of the applicable fees for the inspection and the permit. Inspections for all residential rental dwelling units and accessory dwelling units that are required to have operating permits per Town of Ithaca Code Chapter __ (Operating Permits for Certain Residential Rental Units) or Town of Ithaca Code Chapter 270 (Zoning), §270-219.6.B(2) shall be conducted pursuant to the applicable procedures in Chapter __ or §270-219.6.B(2).”

Section 3. 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 4. This local law shall take effect immediately upon filing with the New York State Secretary of State.