

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Watkins Glen
~~Town~~
Village
Local Law No. 5 of the year 19 89

A local law entitled Village of Watkins Glen Housing Code
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Watkins Glen as follows:
~~Town~~
Village

(If additional space is needed, please attach sheets of the same size as this and number each)

VILLAGE OF WATKINS GLEN HOUSING CODE
Article 1: General Provisions

Section 100.00 Purpose

The purpose of this law is to provide basic and uniform standards governing the condition, occupancy and maintenance of residential, rental premises, and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof. It is intended to supplement the New York State Uniform Fire Prevention and Building Code.

Section 101.00 Effective Date

This law shall take effect after its adoption by the Board of Trustees of the Village of Watkins Glen and its publication and filing as required by the laws and regulations of the State of New York.

Section 102.00 Scope

This law shall apply to residential rental premises within the Village of Watkins Glen, as follows:

- a. Lots, plots or parcels of land on which residential building, building of mixed occupancy or accessory structures are located;
- b. Residential buildings, including one- and two-family dwellings and multiple dwellings;
- c. Residential occupancies in buildings of mixed occupancy; and
- d. Accessory structures, accessory to residential occupancies.

Section 103.00 Application

- a. This law shall apply only to residential rental premises and not to owner-occupied single family dwellings.
- b. The provisions of this law shall supersede local laws, ordinances, codes, or regulations to the extent that such laws, ordinances, codes or regulations are inconsistent with the provisions of this law; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than these provided in this law, and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.

c. Where a provision of this law is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

Section 104.00 Partial Invalidity

If a term, part, provision, section, subdivision or paragraph of this law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

VILLAGE OF WATKINS GLEN HOUSING CODE
Article 2: Space Requirements

Section 200.00 General Requirements

a. Buildings occupied in whole or in part as defined in this law 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 residential buildings.

Section 201.00 Maximum Occupancy

a. In dwelling units, the maximum number of occupants shall be limited to the number determined on the basis of the floor areas of habitable rooms, other than kitchens, as follows:

One occupant per room having floor area of at least 80 but less than 120 square feet,
two occupants per room having floor area of at least 120 but less than 180 square feet,
and three occupants per room having floor area of 180 or more square feet.

b. In lodging units, the maximum number of occupants shall be limited to the number determined on the same basis as for dwelling units.

Section 202.00 Prohibited Uses

a. It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space, or public space.

b. It shall be prohibited, in lodging houses, to use for dining purposes any communal kitchen containing less than 100 square feet of floor area, or any nonhabitable space or public space other than dining space.

c. It shall be prohibited to prepare or eat meals in lodging units.

d. It shall be prohibited to use any cellar space as habitable space.

Section 203.00 Habitable space - size

a. A dwelling unit shall contain at least one habitable room having a minimum of 150 square feet of floor area and a minimum horizontal dimension of 10 feet.

b. Kitchens shall have a minimum of 60 square feet of floor area, and other habitable spaces shall contain not less than 80 square feet of floor area and shall have a minimum horizontal dimension of 7 feet.

c. Every alcove less than 60 square feet, 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 80 per cent of the wall area of such partition, measured on the alcove side, but not less than 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 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.

Section 204.00 Basements

Basements shall not be deemed habitable space where required windows are located only on one wall and the depth of the basement space exceeds four times its clear height.

Section 205.00 Light and Ventilation

a. Habitable space shall be provided with natural light through one or more windows, skylights, transparent or translucent panels, or any combinations thereof, that face directly on legal open spaces at least 6 inches above the adjoining finished grade, or are above a roof. The amount of light shall be equivalent to that transmitted through clear glass equal in area to 10 per cent of the floor area of the habitable space.

b. Habitable space shall be provided with artificial light.

c. Habitable space shall be provided with natural ventilation through openable 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 5 per cent of the total floor area of each habitable space.

d. Habitable space may also be provided with mechanical ventilation, in addition to natural ventilation.

Section 206.00 Miscellaneous Requirements

a. Dwelling units shall be separated from each other and from other spaces outside the dwelling units.

b. Sleeping rooms within dwelling units shall be separated from each other and from other spaces outside the sleeping rooms to provide privacy.

c. Lodging units shall be separated from each other and from other/outside the lodging units.
spaces

d. A communal kitchen or dining room in a lodging house shall be accessible to the occupants sharing such kitchen or dining room without going through a dwelling unit or lodging unit of another occupant.

Section 207.00 Height

Public space shall have a minimum height of 7 feet 6 inches measured from finished floor to finished ceiling.

Section 208.00 Light and Ventilation

a. Public spaces shall be provided with artificial light.

b. In public stairs, stairways and passageways artificial light shall be electric lighting available at all times so as to afford safe passage for occupants and users. Such lighting shall conform to the following:

1. A sufficient number of fixtures shall be provided so that the distance between fixtures is not more than 30 feet and so that no wall is more than 15 feet distant from a fixture.

2. Incandescent lighting shall be based on not less than 1/4 watt per square foot of floor area, except that each fixture shall have a lamp or lamps with a total of not less than 25 watts.

3. Fluorescent lighting shall be based on not less than 1/10 watt per square foot of

floor area, except that each fixture shall have a lamp or lamps of a total of not less than 15 watts.

4. Where under these formulas the calculated wattage does not correspond to that of a standard lamp, the next larger size shall be used.

c. Public spaces shall be provided with either natural ventilation, conforming to the requirements for habitable space, or with mechanical ventilation.

d. Kitchenettes, bathrooms, and toilet rooms shall be provided with ventilation in accordance with either of the following:

Natural ventilation as required for habitable space, except that such operable areas shall be not less than 1-1/2 square feet for bathrooms or toilet rooms and not less than 3 square feet for kitchenettes; or
Mechanical ventilation exhausting not less than 25 cfm for bathrooms and toilet rooms and not less than 100 cfm for kitchenettes.

Section 209.00 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 and stairwells.

Section 210.00 Cooking and Refrigeration

a. Each dwelling shall be provided with appropriate cooking and refrigeration equipment.

b. Cooking and refrigeration equipment shall be maintained in good operating condition.

c. Gas-Burning cooking equipment shall be permanently fastened and connected in place. Gas supply connection to such equipment shall be made with pipe or tubing of solid metal.

d. Solid fuel-burning cooking equipment shall be appropriately vented.

Section 211.00 Communal Cooking and Dining Facilities

Communal kitchens and dining rooms shall comply with the following requirements:

Communal kitchens shall contain at least one kitchen sink; at least one kitchen gas or electric stove equipped with an oven and not less than 4 top burners; at least one electric or gas type refrigerator with adequate food storage capacity, but in no case less than 8 cubic feet nominal size. Dining space and eating facilities where provided in the kitchen area shall comply with the requirements for communal dining rooms.

Communal dining rooms shall contain at least one dining chair and 2 linear feet of dining space for each occupant permitted in a dining room at any particular time.

Section 212.00 Open Areas

Yards and courts shall be kept clean and free of physical hazards.

Section 213.00 Buildings and Structures

a. Floors, walls, ceilings, furnishings and fixtures of residential buildings shall be maintained in clean and sanitary condition.

b. Accessory structures shall be maintained so as to be free of conditions detrimental to safety or health.

Section 214.00 Infestation and Screening

a. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

b. From May 1st to October 1st, entrances to residential buildings shall be provided with self-closing type devices or screens, and windows and other openings used for ventilation shall be appropriately screened.

Section 215.00 Garbage and Refuse

It shall be prohibited to store or accumulate garbage or refuse in public halls and stairways.

Section 216.00 Smoke Alarms

Each dwelling unit shall contain at least one hard-wired smoke alarm. At least one battery operated smoke alarm shall be supplied for each dwelling unit as a back-up.

VILLAGE OF WATKINS GLEN HOUSING CODE Article 3: Structural Requirements

Section 300.00 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. Buildings shall be maintained so that loads are transmitted to the ground without undue differential settlement, unsafe deformation or movement of the building or of any structural part.

b. 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 other things, action of freezing and thawing, dampness, corrosion, wetting and drying and termites and other destructive insects. Basements and cellars shall be maintained so as to prevent penetration of ground or surface waters.

Section 301.00 Exterior Protection

a. Foundation walls shall be reasonably maintained so as to be structurally sound to prevent entrance of water, moisture and vermin.

b. Exterior walls and doors and windows shall be maintained so as to prevent deterioration due to the elements and destructive insects. Such maintenance shall include painting, repairs of walls or siding, use of sealants and insecticides as necessary.

c. Roofing shall be maintained in watertight condition to prevent leakage into the building.

Section 302.00 Interior Protection

a. Crawl spaces shall be maintained free of moisture and the flow of air from such spaces into walls above shall be effectively barred so as to prevent deterioration of structural members. Structural members shall be maintained so as to be structurally sound.

b. Chimneys and flues shall be maintained so as to be structurally sound and to prevent leakage of smoke or gases into the structure.

c. Ceilings and walls shall be maintained so that parts which become loose or defective do not constitute a hazard to occupants.

VILLAGE OF WATKINS GLEN HOUSING CODE

Article 4: Dangerous or Unsafe Buildings or Structures

Section 400.00 Imminent Danger

A building or structure which is an imminent danger to life and safety as a result of any violation or violations of the terms of this law shall be made safe and secure or demolished and removed by the owner thereof.

Section 401.00 Vacate

The occupants of any such building or structure shall vacate the premises forthwith. No person shall use or occupy such building or structure unless and until it is deemed safe and secure by the officer or agency of the Village of Watkins Glen charged with the enforcement of this law.

Section 402.00 No Entry to Premises

Except for the owner, no person shall enter premises which have been ordered vacated unless authorized to perform inspections, repairs, or demolish and remove such building or structure.

VILLAGE OF WATKINS GLEN HOUSING CODE

Article 5: Enforcement and Penalties

Section 500.00 Enforcement

This law shall be enforced by the officer or agency of the Village of Watkins Glen charged with the enforcement of the New York State Uniform Fire Prevention and Building Code and shall be enforced pursuant to the local law governing enforcement of that code.

Section 501.00 Penalties

Every person or agency who shall fail to comply with a violation order issued by the officer of the Village of Watkins Glen charged with enforcement of this law within the time limit stated thereon shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) per week for each week that the violation continues. Each week that a violation continues shall be considered a separate violation.

Section 502.00 Fees for Inspections

The fees for inspections conducted to insure compliance with this law shall be set by the Board of Trustees of the Village of Watkins Glen. This fee schedule shall be published as a rule or regulation to the local law providing for the administration and enforcement of the New York State Fire Prevention and Building Code in compliance with Section 5 of that law. All fees are to be paid by the owner of the premises to be inspected.

Section 503.00 Certificates of Compliance

To rent any property or part of it, as a residence, the owner must obtain a Certificate of Compliance issued by the Village of Watkins Glen or by the officer or agency of the Village of Watkins Glen charged with enforcement of this law. Application for a Certificate of Compliance shall include a list of the proposed number of tenants and a diagram showing the floor plan of any part of the property proposed to be rented. All premises subject to this code shall be subject to inspection at any time as determined by the Village Board of Trustees and/or officer or agency charged with enforcement of this law. Any owner renting property is responsible for obtaining a Certificate of Compliance.

All fees for inspection and issuance of the Certificate of Compliance are to be paid by the owner of the subject property.

The owner of any rental properties within the Village of Watkins Glen shall file a list of all such properties, including the number of tenants and dwelling units in each dwelling unit, annually on or before March 1 of each year. A failure to file as specified herein shall subject the owner, upon conviction, to a fine of \$50.00.

This local law shall become effective 90 days following filing with the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 19 89 of the ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of Watkins Glen was duly passed by the Board of Trustees (Name of Legislative Body) on September 6, 19 89 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19 of County City Town Village of was duly passed by the (Name of Legislative Body) on 19 and was approved not disapproved repassed after disapproval by the Elective Chief Executive Officer * and was deemed duly adopted on 19, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of County City Town Village of was duly passed by the (Name of Legislative Body) on 19 and was approved not disapproved repassed after disapproval by the Elective Chief Executive Officer * on 19. Such local law was submitted to the people by reason of a mandatory referendium, and received the affirmative vote of a majority of the qualified electors voting permissive general thereon at the special election held on 19, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of County City Town Village of was duly passed by the (Name of Legislative Body) on 19 and was approved not disapproved repassed after disapproval by the Elective Chief Executive Officer * on 19. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 19, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

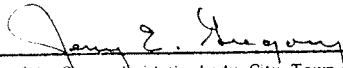
~~I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19..... became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner recited in paragraph 1 above.


Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: September 6, 1989

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ...SCHUYLER.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
..... Village Attorney
Title

Date: September 6, 1989

~~County~~
~~XXXX~~ of Watkins Glen
~~XXXX~~
Village