

Legal Counsel Approval \_\_\_\_\_

R.L 07-089

Intro. No. 007-34

Perm. No. 007-35



IN  
**THE COUNCIL OF THE CITY OF BINGHAMTON**  
STATE OF NEW YORK

Dated: July 2, 2007

Sponsored by Councilmember(s): Collins, Papastrat, Cordisco, Weslar, Gerchman, Rennia,  
Kramer, Russo

Introduced by Committee(s) on: Public Works

**ORDINANCE**  
*entitled*

AN ORDINANCE AMENDING SECTION 265 OF THE  
BINGHAMTON CHARTER AND CODE TO PENALIZE  
REPEAT HOUSING AND PROPERTY MANAGEMENT  
VIOLATORS.

WHEREAS, the Code of the City of Binghamton provides for penalties for various housing maintenance violations, but does not consider the costs and expense incurred by the City for multiple inspections regarding the same violation or repeat offenders; and

WHEREAS, City Council believes that property owners who do not maintain their property should be responsible for these additional costs and expenses.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton is amended to add Chapter 265.18.E, *Inspection Fees for Multiple Inspections and Repeat Offenders*, as attached hereto.

Section 2. That this Ordinance shall take effect immediately.

**§265.18.E Inspection Fees for Multiple Inspections and Repeat Offenders.**

**(1) Multiple Inspections for one violation.**

- (a) There shall be no fee charged for an initial inspection to determine the existence of a housing maintenance code violation nor any fee for the first inspection to determine compliance with an order to correct a code violation.
- (b) In the event an appearance ticket is issued and a court date determined, there shall be no fee charged for the first inspection after arraignment.
- (c) For each subsequent inspection finding noncompliance a twenty-five dollar (\$25.00) inspection fee shall be charged.

**(2) Inspection Fees for Repeat Offenders.**

- (a) This section applies to any person receiving multiple orders to remedy or notices of violation within a twelve month period.
- (b) This ordinance includes but is not limited to violations of the following Binghamton City Code provisions:

§ 265-7. Responsibilities of owners.

- 1. The owner of a rental unit shall be responsible to keep every part of a dwelling and the lot on which it is situated in good repair, clean and free from vermin, rodents, dirt, filth, garbage and other materials dangerous to health.

§265-8 Responsibilities and protection of tenants.

- 1. Every occupant of a dwelling or a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit or premises which he or she occupies and controls.

§265-13 Minimum Exterior and Interior Requirements.

- 1. Snow and ice that accumulates on sidewalks that abut private property must be removed within 24 hours after the accumulation ceases
- 2. Yards, courts, vacant lots and grass medians shall be kept trimmed and mowed, with the height of grass and weeds being no more than 10 inches, and clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust and other particles from being blown about the neighborhood, such as by the planting of grass.
- 3. A junk vehicle may not be parked stored or left in the open, whether behind a fence or not, unless it is necessary for the operation of a licensed auto repair business, lawfully situated on the property where the vehicle is stored, as

permitted by applicable zoning regulations and state and/or local law, or lawfully situated on the property pursuant to a special permit issue.

§350-18 Litter on Private Property.

1. The owner or person in control of private property or any portion thereof shall at all times maintain the premises, or that portion controlled by him or her, free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped in such locations as fences and wall bases, borders, embankments and other lodging points.

(c) Any person receiving multiple orders to remedy or notices of violation within a twelve month period shall be subject to an inspection fee as set forth in the fee schedule below:

- i. First and Second order to remedy, notice of violation, or littering violation received: no charge
- ii. Third order to remedy, notice of violation, or littering violation received: \$25.00 inspection fee
- iii. Fourth or subsequent order to remedy, notice of violation, or littering violation: \$50.00 inspection fee

(d) In the event that an inspection does not reveal the existence of a violation, there shall be no fee charged for the inspection.

**(3) Notice and Collection of Penalties**

(a) The inspection fees prescribed above shall be billed directly to the tenant or owner, as the case may be, and a copy mailed to the owner and/or contact person/agent of the property. Inspection fees shall be increased by fifty (50) percent when not paid within thirty (30) days after initial billing, to cover administrative costs. This subsection shall not be considered the exclusive method of collecting inspection fees and shall not preclude collection by other lawful methods. If unpaid after thirty (30) days, the costs may be added to and collected in the same manner as real property taxes.

(b) Every notice of violation and order to correct housing code violations shall contain a clear and conspicuous explanation of the policy in this section requiring fees for inspections or a copy of this section.

(c) The Fire Marshall/Director of Code Enforcement, and code enforcement officers designated by the Director, may waive an inspection fee in case of error, mistake, injustice, or other good cause.