

**AGENDA**  
**ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE**  
**TUESDAY, OCTOBER 20, 2020**  
**7:00 PM**

<https://zoom.us/j/94393041966?pwd=ZU5PSHQ2Nk9ERHZTRHdmaXAzL0dVUT09>

**Environmental Committee:** Karen White, Chair  
Robert O'Brien  
Renée Sutton  
Dan Unrath

**1. Community Choice Aggregation Pricing**

On April 2, 2020, City Council passed Resolution No. 2020-030 selecting Joule, in conjunction with Roctricity, LLC ("Roctricity"), to be the 3<sup>rd</sup> Party Administrator for the City of Canandaigua's Community Choice Aggregation (CCA) Program. Part of that work includes procurement, and on July 2, 2020, City Council passed Resolution #2020-046 giving Joule authorization to issue an RFP and obtain bids for 100% Renewable Energy on the City's behalf. On October 7<sup>th</sup>, after several attempts to procure compliant bids, the City of Canandaigua awarded the CCA supply contract to Source Power, for a 24-month fixed rate of \$0.04292 per kWh, with a start date of January 1, 2021. Sue Hughes-Smith and Ben Frevert from Roctricity will be in attendance to discuss the agreement, as well as the next steps for program roll-out and answer questions for Council.

**2. BSP Cell Tower Consultants**

City Council has been discussing and reviewing a proposed lease amendment to extend an existing lease agreement for a cell tower and related facilities located at the Water Resource Recovery Facility (also known as Waste Water Treatment Plant). Council directed Corporation Counsel to look into companies who manage these types of contracts for municipalities to assist. At the October 6<sup>th</sup> Finance Committee Meeting, Council directed Corporation Counsel to contact BSP to see if they were available to attend our next meeting; a representative from BSP will be in attendance to make a presentation and answer questions for Council.

**3. CSC Task Force Request for Funding in 2021 Budget**

In December of 2019, the City of Canandaigua was awarded a CFA grant to conduct a Government Operations GHG Inventory, a Community GHG Inventory, a Natural Resource Inventory, and Climate Vulnerability Assessment for the City. The data obtained from these completed studies will provide the Climate Smart Task Force with the tools to track progress, the information necessary to guide future Climate Smart Communities Actions, and strengthen our push to become the first Silver Certified Climate Smart Community in Upstate, New York. The total cost to complete all four of these studies is \$55,875; per Resolution #2019-055 and the grant application, the City is responsible for a 50% match of the total cost, or \$27,938. These studies were due to be completed in 2020, however the impact of COVID-19 on the City's finances made that impossible. Knowing that the fiscal effects of the pandemic will impact the budget process for several years to come, the CSC Task Force is requesting the funding match to complete these studies be included in the 2021 Budget. The Task Force would also like Council to include \$1,500 in the 2021 Budget so that the City can begin composting in municipal facilities. Thomas Lyon, Chair of the Climate Smart Canandaigua Task Force, will be at the meeting to make the request and answer questions for Council.

**4. Debrief with Kershaw Concessions**

At the September 15<sup>th</sup> Environmental Committee meeting, Councilmember Robert O'Brien requested a debrief of Kershaw operations this summer to see what impact, if any, COVID-19 had on park usage and concessions.

**Ordinance Committee:** Renée Sutton, Chair  
Robert O'Brien  
Karen White  
Erich Dittmar

**1. More Restrictive Local Standards- Building Code**

The New York State Department of State requested that each local government with local standards for construction and energy codes to review those standards and determine whether or not local standards are still more restrictive than the current version of the Uniform Fire Prevention and Building Code (Uniform Code). Corporation Counsel has conducted the review, in conjunction with the Code Enforcement Office, and recommends amending Chapter 748 "Housing Standards" to conform with Uniform Code.

**2. Shooting Bows Within City Limits**

Recently, Councilmember Dan Unrath was contacted by George Kaufman, a concerned resident, about a neighboring property putting up a deer mannequin for archery target progress. There is concern that shooting a bow within City limits is unsafe. The existing Firearms and Weapons Ordinance does not prohibit the discharge of bows within City limits. Mr. Kaufman requested that Council consider an ordinance to address this safety issue. Mr. Kaufman has been invited to the meeting to discuss his concerns, his request, and answer questions for Council.

**3. Expanding the Historic District**

At its December 5, 2019 meeting, City Council voted down Ordinance #2019-007 (2 for, 7 opposed) which would have amended Chapter 850 of the Municipal Code to "fill holes" in the City's Historic Districts. At the September 15<sup>th</sup> Ordinance Committee meeting, former Councilmember David Whitcomb asked City Council to revisit the topic and reconsider. He believes part of the Ordinance failed the first time was due to lack of education within the community about the benefits of expanding the district. Mr. Whitcomb offered to help with the resident education piece, and stated he planned to spend the next 30 days talking to residents this could impact. Mr. Whitcomb promised to return to the next Ordinance Committee meeting with more information, and will be on the call to discuss his progress and answer questions for Council.

***Next Meeting: TBD***



# Gateway Community Power

## HINTS FOR USING ZOOM

- Please use speaker view to see the program full screen
- Your microphone and camera will be off during the presentation
- If you would like to ask a question, please use the chat feature



# City of Canandaigua

## Clean Energy Choices



Let's create change together





# CANANDAIGUA TO LAUNCH CCA

- City of Canandaigua launching 100% renewable CCA program on January 1, 2021





# Gateway Community Power

[www.gatewaycommunitypower.com](http://www.gatewaycommunitypower.com)



# OVERVIEW

- What is Community Choice Aggregation?
- What are the benefits of CCA?
- Contract details
- Will CCA affect me?
- What will my bill look like?
- Next steps



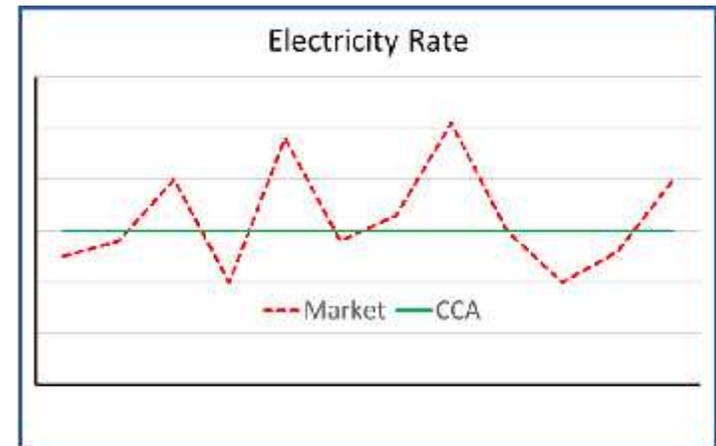
# WHAT IS COMMUNITY CHOICE AGGREGATION (CCA)?

- Energy purchase program authorized by the Public Service Commission (PSC) in April 2016
- Allows municipalities to aggregate energy demand and negotiate bulk purchase
- Shift the selection of the default supplier from the state (the utility) to your local municipality
- All energy customers are eligible to participate, but some are automatically in the program (opt-out) and some must opt-in based on their service classification



# WHAT ARE THE BENEFITS OF CCA?

- Leverage bulk-buying strategy through aggregation
- Project savings for residents and small businesses
- Eliminate price volatility through long-term fixed rate
- Enable local selection of default supplier
- Accelerate transition to renewable energy



# CONTRACT DETAILS

**Winning bidder:** Source Power

**Contract term:** 24 months

**100% renewable price:** \$0.04292 / kWh



# WILL CCA AFFECT ME?

- Generally, customers enrolled on an opt-out basis
- Except for:
  - Customers already contracted with a third-party supplier
  - Customers that are billed based on demand (those that use large amounts of electricity)
  - Customers that have a freeze or block on their account
  - Home Energy Assistance Program (HEAP) recipients
- Customers will be automatically enrolled unless they take action before the program begins



# WILL MY ELECTRIC BILL LOOK DIFFERENT?

- Yes, you will no longer see supply services detailed in the main part of the bill where charges from RG&E appear
- Your supply will show at the end of the bill associated with the name of the selected supplier



# BILL WITHOUT CCA

- Delivery vs. Supply
- Supplier is the utility
- Supply charge detail shown

RG&E		Account Number:					
		Statement Date: January 28, 2020					
Service Address: RG&E DETAILED ACCOUNT ACTIVITY			Page 3 of 5				
 <b>Electricity Service - PSC19 SC1 - Residential</b> <b>Electricity Rate - RGI Supply Service</b>		Service from: 12/24/19 - 01/21/20					
Meter Number	Current Meter Read Date	Current Meter Read Reading	Previous Meter Read Date	Previous Meter Read Reading	Reading Difference	Billed Usage	Billing Period
	01/21/20	9068 A	12/24/19	9501 A	377	377 kwh	35 days
Type of read: A - Actual, E - Estimate, C - Customer, R - Remote and N - No read							
<b>Electricity Delivery Charges</b>							
Customer charge							21.38
Delivery charge		355 kwh	@	0.04219			14.98
Transition charge - Dec		74 kwh	@	0.00509			0.04
Transition charge - Jan		281 kwh	@	0.001039			0.29
Revenue decoupling mech		355 kwh	@	-0.00415			-0.15
SBC charge - Dec		74 kwh	@	0.00716			0.50
SBC charge - Jan		281 kwh	@	0.00414			1.80
<b>Subtotal Electricity Delivery</b>							<b>\$39.84</b>
<b>Electricity Supply Charges</b>							
Variable supply charge		355 kwh	@	0.03660727			13.00
Merchant function charge - Dec		74 kwh	@	0.002704			0.20
Merchant function charge - Jan		281 kwh	@	0.002844			0.80
<b>Subtotal Electricity Supply</b>							<b>\$14.00</b>
<b>Electricity Taxes and Surcharges</b>							
Taxes on delivery charges			@	5.2632%			2.04
Taxes on supply charges			@	3.0920%			0.43
<b>Subtotal Electricity Taxes and Surcharges</b>							<b>\$2.47</b>



# BILL WITH CCA

- First, in the account summary...

## **Consolidated Account Summary**

Previous invoice	\$102.95
Payments received as of 10/29/19	<u>-102.95</u>
Balance forward	0.00
RG&E energy charges	81.23
Source Power Chgs	50.47
<hr/>	
This amount will be deducted from your bank account on 11/22/19.	\$144.73



# BILL WITH CCA

- Next, in the detailed charges from the utility...

Supply detail no longer shown with other utility charges details



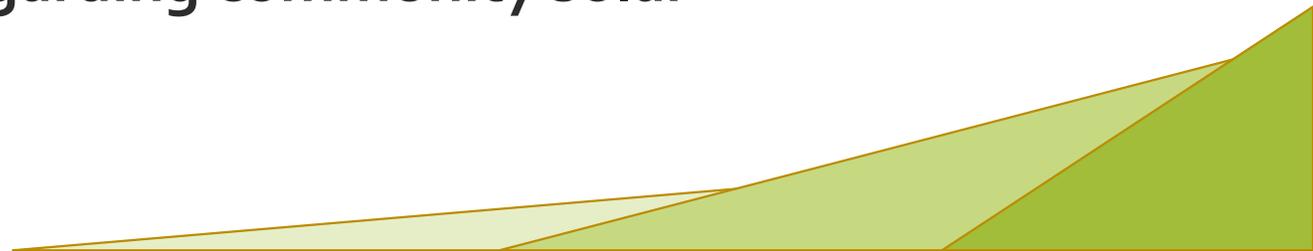
<b>Electricity Delivery Charges</b>					
Customer charge					21.38
Delivery charge	1176	kwh	@	0.04219	49.62
Transition charge	1176	kwh	@	0.001019	1.20
Revenue decoupling mech	1176	kwh	@	-0.000415	-0.49
SBC charge	1176	kwh	@	0.006716	7.90
<b>Subtotal Electricity Delivery</b>					<b>\$79.61</b>
<b>Electricity Taxes and Surcharges</b>					
Taxes on delivery charges			@	2.0408%	1.62
<b>Subtotal Electricity Taxes and Surcharges</b>					<b>\$1.62</b>
<b>Total Electricity Cost</b>					<b>\$81.23</b>
<b>Total Energy Charges</b>					<b>\$81.23</b>





# NEXT STEPS

- Program information letter from municipality
  - Opportunity to opt out of program
- New supplier identified on bill – starting February 1st
  - Source Power
- More outreach regarding community solar





# Gateway Community Power

[www.gatewaycommunitypower.com](http://www.gatewaycommunitypower.com)



# QUESTIONS



**Gateway Community Power**



**Roctricity.com**

You can also reach us at  
585-244-0244  
[info@roctricity.com](mailto:info@roctricity.com)



**ORDINANCE #2020\_\_**

**AN ORDINANCE AMENDING  
CHAPTER 748 OF THE MUNICIPAL CODE ENTITLED  
“HOUSING STANDARDS”  
TO CONFORM TO STATE UNIFORM CODE STANDARDS**

**WHEREAS**, City Council for the City of Canandaigua (the “City”) adopted Ordinance 83-1 on January 13, 1983 which established housing standards in the City;

**WHEREAS**, said Ordinance was approved by the New York State Fire Prevention and Code Council in 1983 as being a “more restrictive local standard”, and was codified in Chapter 748 of the City Code, as amended; and

**WHEREAS**, the New York Department of State periodically issues notices regarding recent amendments to the New York State Uniform Fire Prevention and Building Code (which includes the New York State Property Maintenance Code) (the “Uniform Code”) and the New York State Energy Conservation Construction Code (the “State Energy Code”) and requests that municipalities that have previously approved more restrictive local standards review such standards and report to the Department of State whether such local standards remain more restrictive than the Uniform Code or State Energy Code, as amended; and

**WHEREAS**, City staff have determined that the Uniform Code and the State Energy Code, as amended, as they relate to City housing standards, adequately provide the same standards and protections to the City and City residents and that there is no longer a need to retain more restrictive local standards in Chapter 748; and

**WHEREAS**, the City staff therefore recommend that Chapter 748 be amended to reference the standards established by the Uniform Code and the State Energy Code, as amended, and remove local standards that are already covered by the Uniform Code and the State Energy Code, as amended, as they relate to housing standards; and

**WHEREAS**, the City staff recommend that the City retain the provisions of Chapter 748 as they relate to enforcement of the Uniform Code and the State Energy Code as amended, as they relate to housing standards.

**THEREFORE, BE IT ENACTED** by the City Council of the City of Canandaigua, that:

**Sec. 1** Chapter 748 is hereby amended, as follows (*new language shown in italics, omitted language shown with strikethrough*):

CHAPTER 748  
Housing Standards

## Article I. General Provisions

### § 748-1. Findings and determinations.

A. It is hereby found and declared that there exist in the City structures used for human habitation which are, or may become in the future, substandard with respect to structure, equipment or maintenance, and that such conditions, as well as inadequate provisions for light and air, insufficient protections against fire hazards, lack of proper heating, unsanitary conditions and overcrowding, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens of the City. It is further found and declared that, in the absence of corrective measures, such structures and areas in which they are located will experience a deterioration of property values, a curtailment of investment and tax revenue and an impairment of community economic values. The establishment and maintenance of minimum housing standards is essential to the prevention of blight and decay and to the safeguarding of public health, safety and welfare.

B. The purpose of this chapter is to provide basic and uniform standards, in terms of performance objectives implemented by specific requirements, governing the condition, occupancy and maintenance of residential premises, and to establish reasonable safeguards for the health, safety and welfare of the occupants thereof. This chapter is hereby declared to be remedial and essential to the public interest.

### § 748-2. Scope.

This chapter shall apply to residential premises, as follows:

- A. Lots, plots, or parcels of land, on which residential buildings, buildings of mixed occupancy or accessory structures are located.
- B. Residential buildings, including one- and two-family dwellings and multiple dwellings, except as specifically excluded in § 748-3.
- C. Residential occupancies in buildings of mixed occupancy.
- D. Accessory structures, accessory to residential occupancies.

### § 748-3. Exclusions.

This chapter shall not apply to mobile homes and mobile home courts, or to transient-type occupancies and uses including, but not limited to, nursing and convalescent homes, hotels, motels, tourist camps, travel trailers, and trailer parks, and other forms of temporary housing.

### § 748-4. Applicability.

Where a provision of this chapter 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 regulations adopted pursuant thereto, or other local law, ordinance, code, or regulations, the provision or requirement which establishes the higher standard shall govern and prevail.

§ 748-5. *Applicability of the New York State Uniform Fire Prevention and Building Code.*  
~~Reference to statutes and other laws.~~

*The use of residential premises as provided for in this Chapter, including installations, installations, alterations, and repairs to residential premises, and materials, assemblies, and equipment utilized in connection therewith, shall be reasonably safe to persons and property, and shall be in conformity with the New York State Uniform Fire Prevention and Building Code and its sub-parts, as amended, and incorporated by reference hereby (the "Uniform Code").* ~~applicable statutes of the State of New York, and orders, rules and regulations issued by authority thereof. Conformity of such work, materials, assemblies, or equipment with the applicable requirements of the New York State Uniform Fire Prevention and Building Code shall be prima facie evidence that the same is reasonably safe to person and property.~~

§ 748-6. Definitions.

~~As used in this chapter, the following terms shall have the meanings indicated:~~

#### ~~ACCESSORY STRUCTURE~~

~~A structure the use of which is incidental to that of the main or residential building and which is attached thereto or located on the same premises.~~

#### ~~ACCESSORY USE~~

~~A use, occupancy or tenancy customarily incidental to the principal use or occupancy of a residential building. Such accessory uses may include, among others, the following:~~

~~A. — Offices for the building management.~~

~~B. — Dining rooms, banquet rooms, public kitchens, and ballrooms.~~

~~C. — Recreation and play rooms.~~

~~D. — Laundries for the use of tenants and occupants, and in connection with the management and operation of a residential building.~~

~~E. — Maintenance and work shops, storage rooms for linen, bedding, furniture, supplies, and tenants' equipment and effects.~~

~~F. — Rooms, or space for the incidental sale or display of merchandise to occupants and tenants, such as newspaper, candy, and cigar stands.~~

~~G. — Garages within a residential building or on the premises thereof used primarily for the storage of passenger type motor vehicles.~~

~~APPROVED~~

~~Approved by the Code Enforcement Officer under the provisions of this chapter or the rules and regulations adopted pursuant thereto or approved by an authority designated by law or by this chapter.~~

#### **BASEMENT**

~~The portion of a building that is partly below grade, which has more than 1/2 its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining the building.~~

#### **BATHROOM**

~~The enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes.~~

#### **BUILDING**

~~A combination of any materials whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property. The word, building, shall be construed when used herein as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.~~

#### **CELLAR**

~~Lowermost portion of the building partly or totally underground having 1/2 or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.~~

#### **CODE ENFORCEMENT OFFICER**

~~The officer empowered to enforce this chapter, as appointed pursuant to § 9.17 of the Charter of the City of Canandaigua.~~

#### **DWELLING**

~~A building containing not more than two dwelling units occupied exclusively for residential uses. Residential uses shall include a private garage and customary home occupations conducted in the dwelling by the occupants such as the practice of a profession.~~

#### **DWELLING, ONE FAMILY**

~~A building containing not more than one dwelling unit occupied exclusively for residential purposes.~~

#### **DWELLING, TWO FAMILY**

~~A building containing not more than two dwelling units occupied exclusively for residential purposes.~~

## DWELLING UNIT

One or more rooms containing complete housekeeping facilities arranged for one family, including living and sleeping facilities, kitchen/kitchenette and one or more bathrooms.

## EXIT

A way of departure from the interior of a building or structure, leading to the exterior at street or grade, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes, and all other elements necessary for egress or escape.

## EXTERIOR PROPERTY AREAS

The open space on the premises and vacant open space on adjacent premises.

## FAMILY

One or more persons, whether or not related to each other by blood, marriage or adoption, all living together as a single, stable and bona fide housekeeping unit, so long as such persons together occupy and own, lease or rent the whole of a dwelling unit in a family like living arrangement as the functional and factual equivalent of a natural family, share income and expenses, and use all rooms and housekeeping facilities in common.

## GENERALLY ACCEPTED STANDARD

A specification, code, rule, guide, or procedure in the field of construction, or related thereto, recognized and accepted as authoritative.

## GRADE

Natural surface of the ground, or surface of ground after completion or any change in contour, abutting building or premises.

## GROSS FLOOR AREA

The total area of all habitable space.

## HABITABLE SPACE

The space occupied by one or more persons for living, sleeping, eating, or cooking; excluding kitchenettes, bathrooms, toilet rooms, laundries, pantries, dressing rooms, storage spaces, closets, foyers, hallways, utility rooms, heater rooms, boiler rooms and basement or cellar recreation rooms.

## INFESTATION

~~The presence, within or contiguous to a dwelling, dwelling unit, lodging house, lodging unit, or premises, of insects, birds, rodents, vermin, or other pests.~~

#### ~~KITCHEN~~

~~A space, 60 square feet or more in floor area with a minimum width of five feet, used for cooking or preparation of food and deemed habitable space.~~

#### ~~KITCHENETTE~~

~~A space, less than 60 square feet in floor area, used for cooking or preparation of food and not deemed habitable space.~~

#### ~~LODGING HOUSE~~

~~A multiple dwelling used primarily for the purpose of furnishing lodging, with or without meals, for compensation.~~

#### ~~LODGING UNIT~~

~~A room or group of rooms forming a single habitable unit, used for or intended to be used for lodging.~~

#### ~~MIXED OCCUPANCY~~

~~Occupancy of a building in part for residential use and in part for some other use not accessory thereto.~~

#### ~~MULTIPLE DWELLING~~

~~A. — Building containing three or more dwelling units.~~

~~B. — Building containing one or two dwelling units, either or both of which is/are occupied by one family and any number of lodgers residing with such families; or by more than two lodgers within a dwelling unit which is the primary residence of an owner/occupant.~~

~~C. — Building containing one or two dwelling units, either of which is occupied by more than two, but fewer than 10 unrelated individuals living as independent households.~~

~~D. — Building with sleeping rooms used or occupied by permanent or transient paying guests or tenants, or used or occupied as a club, dormitory, fraternity or sorority house, or for similar uses.~~

~~E. — Building used or occupied as a convalescent, adult care, proprietary, or nursing home, but not including private or public hospitals, or public institutions. (See § 748-3 for certain multiple dwellings not within the scope of this chapter.)~~

## ~~MULTIPLE RESIDENCE~~

See "multiple dwelling."

## ~~MUNICIPALITY~~

~~The City of Canandaigua, in the County of Ontario and State of New York.~~

## ~~NONHABITABLE SPACE~~

~~Space used as kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater, and boiler rooms, closets, foyers and hallways, and other spaces for service and maintenance of the building, and those spaces used for access and vertical travel between stories. (See definitions of "habitable space," "public space" and "exit.")~~

## ~~OCCUPANT~~

~~Any person who has charge, care or control of a multiple residence or rooming house in which dwelling units or rooming units are let or offered for occupancy.~~

## ~~OUTSIDE DESIGN TEMPERATURE~~

~~The temperature of -5° F.~~

## ~~OWNER~~

~~The owner or owners of the freehold of the premises or lesser estate therein, purchaser under land contract, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.~~

## ~~PLUMBING SYSTEM~~

~~The water supply system, the drainage system, the vent system, fixtures and traps, including their respective connections, devices, and appurtenances within the property lines of the premises.~~

## ~~POTABLE WATER~~

~~Water which is approved for drinking, culinary, and domestic purposes.~~

## ~~PREMISES~~

~~A lot, plot or parcel of land including the buildings or structures thereon.~~

## ~~PUBLIC SPACE~~

~~Space within a residential building for public use, such as lobbies, lounges, reception, ball, meeting, lecture, and recreation rooms, banquet and dining rooms and their kitchens, and swimming pools.~~

## ROOMING HOUSE

~~A building which is occupied or intended to be occupied by more than two unrelated individuals living as independent households. Any two or more of the following characteristics shall be presumptive evidence that a building is being used as a rooming house:~~

~~A. — Cooking facilities. Either~~

~~—— (1) — Residents may be provided with meals, the cost of which is included in the rent paid to the landlord; or~~

~~—— (2) — Microwave ovens or other cooking, food heating, and/or refrigeration units are found in individual bedrooms; or~~

~~—— (3) — Residents keep a personal supply of food in their individual bedrooms, or in separate, individual cupboards in the kitchen, rather than in a common pantry or shared kitchen cupboard(s), and/or food in a common refrigerator is labeled with the names of individual residents.~~

~~B. — Partitions or locked internal doors bar access between segregated portions of the building, including bedrooms, where bedroom doors are secured by locksets which are operated by keys which are specific to the occupant of that room.~~

~~C. — Individual residents have separate written or oral leases or rental agreements with the landlord for the use of portions of the building.~~

~~D. — There is more than one connecting line for cable TV services the building.~~

~~E. — Residents do not share a single mailbox or mail slot.~~

## ROOMING UNIT

~~Any room or group of rooms within a rooming house forming a single habitable unit used or intended to be used for living or sleeping but not for cooking or eating purposes.~~

## RUBBISH

~~All combustible and noncombustible waste, except garbage.~~

## SEWAGE

~~Liquid waste containing animal or vegetable matter in suspension or solution, including but not limited to waste from a flush toilet, bath, sink, in-sink garbage disposal, lavatory, dishwashing or laundry machine or the water-carried waste from any other fixture or equipment or machine, and may include industrial wastes and liquids containing chemicals.~~

A combination of any materials, whether fixed or portable, forming a construction, including buildings. The word "structure" shall be construed as though followed by the words "or part or parts thereof."

#### ~~SUPPLIED FACILITIES~~

~~Facilities paid for, furnished or provided by or under the control of the owner or operator.~~

#### ~~TOILET ROOM OR COMPARTMENT~~

~~Enclosed space containing one or more toilets which may also contain one or more lavatories, urinals, and other plumbing fixtures.~~

#### ~~VENTILATION~~

~~Supply and removal of air to and from any space by natural or mechanical means.~~

#### ~~VENTILATION, MECHANICAL~~

~~Ventilation by power-driven devices.~~

#### ~~VENTILATION, NATURAL~~

~~Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks with or without wind-driven devices.~~

### ~~Article II. Property Maintenance Requirements~~

#### ~~§ 748-7. General requirements.~~

~~Residential premises shall be maintained in conformity with the provisions of this chapter so as to assure the desirable residential character of the property.~~

#### ~~§ 748-8. Open areas.~~

~~A. — Surface and subsurface water shall be appropriately drained to protect buildings and structures, and to prevent development of stagnant ponds or the entrance of water into any basement or cellar. Gutters, culverts, catch basins, drain inlets, stormwater sewers, approved combined storm and sanitary sewers, or other satisfactory drainage systems shall be utilized where deemed necessary by the Code Enforcement Officer.~~

~~B. — Fences and other minor constructions shall be maintained in safe and substantial condition.~~

~~C. — Steps, walks, driveways, parking spaces, and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.~~

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

~~E. — Yards and courts shall be kept clean and free of the accumulation of debris, appliances and rubbish or other materials which can attract vermin or insects.~~

~~F. — Heavy undergrowths and accumulations of plant growth which are noxious or detrimental to health shall be eliminated.~~

~~§ 748-9. Buildings and structures.~~

~~A. — Floors, walls, ceilings, furnishings and fixtures of residential buildings shall be maintained in clean and sanitary condition and free from mildew.~~

~~B. — Accessory structures shall be maintained in good repair and so as to be free of conditions detrimental to safety or health.~~

~~C. — No paint shall be used which contains more than 1% of metallic lead, based on the total nonvolatile content of the paint, on the interior or any apartment or room in any dwelling to which this Code applies, or in any location accessible to children on the interior or exterior of any said dwelling. If existing lead paint constitutes a health hazard, it shall be removed or covered in such a manner so as to remove the health hazard in its entirety.~~

~~§ 748-10. Stairs, porches and railings.~~

~~The stairs, porches and railings affixed to the exterior of every structure used for human habitation shall be kept in good repair and structurally sound.~~

~~§ 748-11. Overhanging objects.~~

~~Every structure used for human habitation shall be free of loose overhanging objects.~~

~~§ 748-12. Infestation and screening.~~

~~A. — Grounds, buildings, and structures shall be maintained free of insect, vermin, bird and rodent harborage and infestation. Methods used for exterminating insects, vermin, birds and rodents shall conform with general accepted practice.~~

~~B. — Where the potential for rodent, bird or vermin infestation exists, windows and other openings shall be appropriately enclosed with wire mesh or other suitable materials.~~

~~§ 748-13. Garbage and rubbish.~~

~~A. — Grounds and exterior property area shall be kept free from organic and inorganic material that might become a health, accident or fire hazard.~~

~~B. — Adequate sanitary facilities and methods shall be used for the collection, storage, handling, and disposal of garbage and refuse.~~

~~C. — In multiple dwellings, it shall be prohibited to store or accumulate garbage or refuse in public halls and stairways.~~

~~§ 748-14. Doors and windows; security.~~

~~A. — Security of doors.~~

~~—— (1) — On all rental dwelling units, the owner of the property shall provide no less than one locking device on each door that serves as an entrance or exit for the rental unit. Such locking device shall be kept in good working order at all times and must be of the dead-bolt type meeting federal standards, or of equal security capability.~~

~~—— (2) — All entry, exit and basement doors, door casings, door jambs and hardware must be of sound construction free of holes and cracks and properly attached.~~

~~—— (3) — All outer doors that are not used for exit or entry to the dwelling units must conform with the standards listed in this section or be removed and the opening closed to conform with the existing wall.~~

~~—— (4) — All glass portions of doors shall be kept in good repair and shall be replaced when broken. Small, relatively smooth cracks are allowed if reasonably safe to persons and property.~~

~~B. Locks on windows.~~

~~—— (1) — On all rental dwelling units there shall be a sturdy locking device in proper working order on each window that is capable of being opened. All windows, locks, frames, and hardware must be of sound construction and in proper working order.~~

~~—— (2) — All glass portions of windows shall be kept in good repair and shall be replaced when broken. Small, relatively smooth cracks are allowed if reasonably safe to persons and property.~~

~~§ 748-15. Display of house numbers.~~

~~All dwelling units shall be identified by the display of house numbers on the building exterior, consistent with the requirement of Chapter 596, Street Naming and Property Numbering, of the Code of the City of Canandaigua.~~

~~Article III. Space Requirements~~

~~§ 748-16. General requirements.~~

Buildings occupied in whole or in part as defined in this chapter shall comply with the requirements hereinafter set forth concerning occupancy, size, light and ventilation in order to provide safe and healthful environment.

~~§ 748-17. Required space in dwelling units.~~

~~Every dwelling unit shall contain a minimum gross floor area of at least 100 square feet for the first occupant, at least 100 square feet for each of the next two occupants and at least 75 square feet of gross floor area for each occupant thereafter.~~

~~§ 748-18. Required space in sleeping rooms.~~

~~A. — In every dwelling unit of two or more habitable rooms, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least 100 square feet. Every room occupied for sleeping purposes by more than one occupant shall have a minimum gross floor area of 70 square feet per occupant thereof.~~

~~B. — In case of children under six years of age, the requirements shall be 35 square feet per child for two or more children. Every room used for sleeping purposes shall have a minimum width of seven feet.~~

~~§ 748-19. Required space in rooming units.~~

~~Rooms let to one or more persons shall contain a minimum gross floor area for sleeping purposes of 90 square feet for a single occupant, and every such room occupied by more than one occupant shall contain a minimum gross floor area of 70 square feet per occupant thereat.~~

~~§ 748-20. 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 (a kitchen serving and/or used by occupants of more than one dwelling unit) 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.~~

~~§ 748-21. Habitable space.~~

~~A. Size.~~

~~(1) — Habitable space shall have a minimum ceiling height of seven feet over 50% of the floor area; and the floor area where the ceiling height is less than four feet six inches shall not be considered in computing floor area.~~

~~———— (2) — 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.~~

~~———— (3) — 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 seven feet.~~

~~———— (4) — Every alcove less than 60 square feet in area, except a cooking space or foyer, shall be deemed to be a 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% 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.~~

~~B. — Basements. A basement shall be deemed habitable space only if it complies with all of the following requirements:~~

~~———— (1) — Windows are provided on more than one wall.~~

~~———— (2) — The depth of the basement space measured from the wall having the major window area does not exceed four times the clear height of the basement. If this dimension is exceeded, that portion of the basement beyond the permissible limit shall not be used as habitable space.~~

~~———— (3) — Air for combustion of fuel-burning equipment shall not be taken directly from habitable space.~~

~~———— (4) — All fuel-burning equipment shall be completely separated from habitable space by a partition having a minimum fire rating as specified by the Uniform Fire Prevention and Building Code or other applicable codes.~~

~~———— (5) — Walls of the basement shall be constructed to prevent condensation forming thereon under normal conditions.~~

~~C. Light and ventilation:~~

~~———— (1) — 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 six 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 8% of the floor area of the habitable space.~~

~~———— (2) — Habitable space shall be provided with artificial light.~~

~~———— (3) — 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 openable parts of skylights, providing total clear ventilation area equal to not less than 4% of the total floor area of each habitable space.~~

~~———— (4) — Habitable space may also be provided with mechanical ventilation in addition to natural ventilation.~~

~~D. Miscellaneous requirements.~~

~~———— (1) — Dwelling units shall be separated by walls from each other and by doors from other spaces outside the dwelling unit.~~

~~———— (2) — Sleeping rooms within dwelling units shall be separated from each other and from other spaces outside the sleeping rooms to provide privacy.~~

~~———— (3) — Lodging units shall be separated from each other and from other spaces outside the lodging units.~~

~~———— (4) — 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.~~

~~§ 748-22. Public space.~~

~~A. — Height. Public space shall have a minimum height of seven feet six inches, measured from finished floor to finished ceiling.~~

~~B. — Light and ventilation.~~

~~———— (1) Public spaces shall be provided with artificial light.~~

~~———— (2) 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:~~

~~———— (a) — 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.~~

~~———— (b) — 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.~~

~~———— (c) — Florescent 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 with a total of not less than 15 watts.~~

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

~~————— (3) Public spaces shall be provided with either natural ventilation, conforming to the requirements for habitable space, or with mechanical ventilation.~~

~~§ 748 23. Nonhabitable space.~~

~~A. Height. Nonhabitable space, except crawl spaces, cellars and storage areas in multiple dwellings shall have a minimum height of seven feet measured from floor to ceiling.~~

~~B. Toilet rooms and bathrooms.~~

~~————— (1) ——— Toilet rooms and bathrooms in one and two family dwellings shall have provisions for privacy.~~

~~————— (2) ——— Toilet rooms and bathrooms for dwelling units in multiple dwellings shall be located within the dwelling units and shall be accessible from any sleeping room without passing through any other sleeping room.~~

~~————— (3) ——— Unless located within dwelling units or directly connected with sleeping rooms, toilet rooms and bathrooms in multiple dwellings shall be provided each story containing habitable space, and shall be accessible thereto.~~

~~————— (4) ——— Toilet rooms for employees in multiple dwellings shall be in separate rooms for each sex where there are five or more employees, shall be readily accessible to such employees and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.~~

~~————— (5) ——— In one and two family dwellings, bathrooms and toilet rooms shall be provided with floors of waterproof material.~~

~~————— (6) ——— In multiple dwellings, floors of bathrooms, toilet rooms and similar spaces shall be waterproof; such waterproofing shall extend six inches or more above floors, except at doors, so that floors can be flushed or washed without leaking.~~

~~C. Light and ventilation.~~

~~————— (1) ——— Kitchenettes, bathrooms, and toilet rooms shall be provided with artificial light appropriate for the use of such rooms.~~

~~————— (2) ——— Laundry rooms, furnace rooms, and similar nonhabitable space shall be provided with artificial light appropriate for the intended use of such rooms.~~

~~————— (3) ——— Stairs shall be provided with artificial light to allow safe ascent and descent.~~

~~———— (4) — Kitchenettes, bathrooms, and toilet rooms shall be provided with ventilation in accordance with either of the following:~~

~~———— (a) — Natural ventilation as required by habitable space, except that such openable areas shall be not less than 1 1/2 square feet for bathrooms or toilet rooms and not less than three square feet for kitchenettes.~~

~~———— (b) — Mechanical ventilation exhausting not less than 25 cfm for bathrooms and toilet rooms and not less than 100 cfm for kitchenettes.~~

~~———— (5) Spaces in multiple dwellings which contain central heat producing, air conditioning and other equipment shall be ventilated to the outer air, and air from these spaces shall not be recirculated to other parts of the building.~~

~~———— (6) Where needed to eliminate accumulation of moisture which might cause destruction of materials, ventilation shall be provided in unheated attics, spaces below flat roofs, and crawl spaces. Location and net areas of ventilation openings shall be such as to minimize deterioration of structural members from condensation or other causes, in conformity with generally accepted standards.~~

~~§ 748-24. 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 of sufficient strength shall be provided on open portions of stairs, balconies, landings and stairwells, and shall be of design and construction to protect infants and children from risk of falling over or through such railings.~~

~~C. — Interior stairs of every structure used for human habitation shall be structurally sound and free from defects.~~

~~§ 748-25. Exits.~~

~~A. — Safe, continuous, and unobstructed exit shall be provided from the interior of the building to the exterior at street or grade level.~~

~~B. — Exits shall be arranged, constructed and proportioned, so that occupants may escape safely from the building in case of emergency.~~

~~C. — In one and two family dwellings in addition to a primary exit from the building, there shall be provided a secondary exit or, in lieu thereof, one or more exit openings for emergency use.~~

~~D. — In multiple dwellings approved exits shall be provided as specified in this chapter and other codes applicable to multiple dwellings.~~

## Article IV. Structural Requirements

### § 748-26. 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.

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

C. — Buildings shall be maintained so that protection is provided for all structural members which may become structurally unsound due to deterioration caused by action of freezing and thawing, dampness, corrosion, wetting and drying, and termites and other destructive insects, and other causes.

D. — Buildings built in soil which is water bearing at any season of the year shall be maintained so that ground and surface water will not penetrate into habitable spaces, and that water penetrating basements and cellars shall be controlled with appropriate mechanical or other means provided to remove such water promptly.

### § 748-27. Exterior protection.

A. — Foundation walls shall be maintained so as to be structurally sound and to prevent entrance of insects, pests and vermin. Such maintenance shall consist of shoring where necessary, subsoil drains at footings, grouting of masonry cracks, waterproofing of walls and joists and other suitable means.

B. — Exterior walls, wall components and chimneys shall be maintained so as to preserve the structure and to prevent deterioration to an extent which is hazardous to occupants or neighboring properties due to the elements and destructive insects, pests and vermin. Such maintenance shall consist of painting; siding; installation or repair of walls, eaves and soffits; copings and flashings; waterproofing of joints; waterproof coatings; installation or repair of termite shields; poison treatment of soil; or other suitable means.

C. — Roofing shall be maintained in watertight condition so as to prevent leakage into the building or structural deterioration. Such maintenance shall consist of repairs of roofing, flashings, waterproof coatings or other suitable means.

### § 748-28. 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 if necessary to prevent deterioration of structural members. Such provisions shall consist of maintenance of openings in foundation walls to provide adequate circulation of air in the crawl space, covering the ground in the crawl space with a moisture barrier, installation of drains outside the structure if the crawl space is below

~~surrounding grade, blocking openings in stud walls to prevent flow of air and moisture to walls, extermination and other suitable means.~~

~~B.—— Structural members shall be maintained so as to be structurally sound. Supporting structural member shall be considered to be structurally sound if such members are capable of bearing imposed loads safely and if there is no evidence of deterioration or unusual deflection. Such maintenance shall consist of shoring, reinforcement, or repair where necessary, extermination or other appropriate means.~~

~~C.—— Chimneys and flues shall be maintained so as to be structurally sound and free from defects to prevent leakage of gasses into the structure. Such maintenance shall consist of clearing flue stoppages, sealing open joints, repairing masonry where necessary and other suitable means.~~

~~D.—— Ceilings, walls and floors shall be maintained so that parts which become loose or defective do not constitute a hazard to occupants. Such maintenance shall consist of removing and replacing loose or defective sections.~~

~~E.—— Toilet room, bathroom, kitchen and laundry room floors shall be maintained so as to prevent leakage of water through the floor, under normal conditions of use and floor washing, and resultant deterioration or defects in structural members and ceilings below. Maintenance shall consist of repairs which effectively provide the moisture and waterproof qualities required for the particular floor.~~

#### Article V. Equipment Requirements

##### § 748-29. General requirements.

~~A.—— Plumbing, heating, electrical, ventilating, air conditioning, refrigerating, cooking, fire protection and radiation production equipment, elevators, dumbwaiters, escalators, and other mechanical additions, installations, or systems for the use of the building shall be installed, located, and maintained so that under normal conditions of use such equipment and systems will not be a danger to health or welfare, a danger because of structural defects, or a source of ignition, or a radiation hazard, and will not create excessive noise, or otherwise become a nuisance. Equipment and systems include, but are not limited to, apparatus, devices, fixtures, piping, pipe hangers, pipe covering, wiring, fittings, and materials used as part of, or in connection with such installations.~~

~~B.—— Equipment and systems subject to damage from freezing shall be adequately protected against freezing.~~

~~C.—— Moving parts of equipment which may be a potential hazard shall be guarded to protect against accidental contact.~~

##### § 748-30. Plumbing.

~~A.—— General requirements.~~

~~———— (1) — Plumbing systems shall be maintained in sanitary and serviceable condition and free of any leaks.~~

~~———— (2) — Plumbing systems shall be installed and maintained so as not to weaken structural members nor cause damage or deterioration to any part of the building through fixture usage.~~

~~B. — Water supply.~~

~~———— (1) — Potable water from an approved source shall be available at all times in residential buildings. The domestic water supply system of the building shall be connected to such approved source, and shall not be subject to contamination. When supplied from a public source, the potable water supply system shall not be connected to private or unsafe water supplies.~~

~~———— (2) — Water supply systems shall be installed and maintained so as to provide at all times a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily and without undue noise under all normal conditions of use.~~

~~———— (3) — Water supply systems shall be installed and maintained so that water used for purposes of cooling or heating shall not be reintroduced into the domestic water supply system nor be distributed through such equipment to plumbing fixtures.~~

~~———— (4) — Hot water supply systems shall be provided with safety devices arranged to relieve hazardous pressures and excessive temperatures.~~

~~C. — Sewage drainage system.~~

~~———— (1) — Plumbing fixtures shall be drained to a sewage drainage system and such system shall be connected to a public sewer or to an adequate and approved system of sewage disposal.~~

~~———— (2) — Where a public sewer is not available, a system shall be provided to receive and dispose of sewage without health hazard or nuisance.~~

~~———— (3) — Substances which will clog the pipes, produce explosive mixtures, destroy the pipes or their joints or interfere unduly with the sewage disposal process, shall not be discharged into the building drainage system unless it is provided with approved devices suitable for intercepting such substances.~~

~~———— (4) — Each fixture directly connected to the sewage drainage system shall be equipped with a water seal trap.~~

~~———— (5) — Adequate cleanouts shall be provided and maintained so that the pipes may be readily cleaned.~~

~~———— (6) — The drainage system and its attendant vent piping shall be maintained so as to provide adequate circulation of air in all pipes in order that siphonage, aspiration, or pressure will not cause a loss of trap seal under ordinary conditions in use.~~

~~———— (7) — Each vent terminal to the outer air shall be installed and maintained so as to minimize the possibilities of clogging, frost closure, the return of foul air to the building, or the creation of a nuisance to adjacent premises.~~

~~———— (8) — Drains provided for fixtures, devices, appliances, or apparatus containing food, water, sterile goods or similar materials, shall be equipped with air breaks, adequate to prevent contamination of such contents from any possible backup of sewage through the direct or indirect drainage piping.~~

~~D. — Storm drainage.~~

~~———— (1) — Except where expressly designed for retention, roofs and paved areas, including yards and courts, shall be drained to prevent ponding and standing of stagnant water. Storm drainage shall be conveyed to any adequate and approved system of stormwater disposal where available. Storm drains shall be discharged in such manner that water will not flow onto sidewalks.~~

~~———— (2) — Where drainage system may be subject to backwater, suitable provision shall be made to prevent its overflow into the building.~~

~~———— (3) — Leaders and gutters, if used, shall be constructed of noncombustible material, except that wood leaders and gutters may be used for buildings not more than three stories high. Leaders and gutters shall be maintained adequately to prevent leakage which may cause damage or deterioration to building materials.~~

~~E. — Plumbing facilities.~~

~~———— (1) — Buildings and portions thereof shall be provided with plumbing systems designed to dispose of the sewage from all fixtures and to furnish cold water to every water closet and urinal, and hot and cold water to every sink, lavatory, bathtub, and shower, required therein. In multiple dwellings, hot water shall be furnished at 130° F. to 140° F. temperature range.~~

~~———— (2) — There shall be provided within each dwelling unit, plumbing fixtures consisting of at least:~~

~~———— (a) — One kitchen sink.~~

~~———— (b) — One water closet.~~

~~———— (c) — One bathtub or shower.~~

~~———— (d) — One lavatory.~~

~~———— (3) — Where multiple dwellings contain sleeping accommodations arranged as individual rooms or suites, for each multiple of six sleeping rooms or fraction thereof, there shall be provided plumbing fixtures consisting of at least:~~

~~————— (a) — One water closet.~~

~~————— (b) — One bathtub or shower.~~

~~————— (c) — One lavatory.~~

~~————— (4) Where multiple dwellings contain sleeping accommodations arranged as a dormitory for each multiple of 15 persons or fraction thereof so accommodated there shall be provided and located adjacent thereto, plumbing fixtures consisting of at least:~~

~~————— (a) — One water closet.~~

~~————— (b) — One bathtub or shower.~~

~~————— (c) — One lavatory.~~

~~————— (5) Urinals may be substituted in men's toilet rooms for not more than 1/3 of the required number of water closets.~~

F. — Plumbing fixtures.

~~————— (1) — Plumbing fixtures shall be made of smooth nonabsorbent material.~~

~~————— (2) — Plumbing fixtures shall be so spaced as to be reasonably accessible for their intended use.~~

~~————— (3) — Plumbing fixtures shall be located in spaces that are accessible, lighted, and ventilated.~~

G. — Water supply tanks.

~~————— (1) — Water supply tanks shall be installed and maintained so as to be watertight, verminproof, rodentproof, resistant to corrosion, and capable of withstanding the working pressures under normal operation.~~

~~————— (2) — Supports for tanks shall be of noncombustible construction.~~

~~————— (3) — Tanks and their supports shall not be used to support equipment or structures other than for tank use, except where specially designed for such other use.~~

~~————— (4) — Means for emptying water supply tanks shall be provided and maintained in proper working condition.~~

~~————— (5) — Potable water supply tanks for domestic supply and standpipe or automatic sprinkler systems shall be installed and maintained to furnish water in sufficient quantity and pressure for such systems.~~

§ 748-31. Fuel gas.

A. ~~General requirements.~~

~~(1) Fuel gas piping systems shall be installed and maintained so as to remain gastight, safe, and operative under conditions of use.~~

~~(2) Fuel gas piping systems shall provide a supply of gas sufficient to meet the maximum expected demand of the installed gas-burning appliances connected thereto.~~

B. ~~Shutoff valves.~~

~~(1) Gas piping systems shall have at least one accessible means for shutting off all gas supply and such means shall be maintained in good operating condition.~~

~~(2) An easily accessible shutoff valve or cock shall be provided in piping in close proximity to, and ahead of, every outlet for gas appliance.~~

C. ~~Service equipment for gas supplied from utility mains. Gas services, gas meters and gas pressure regulators shall be located so that they are protected from damage.~~

D. ~~Gas refrigerators and ranges. Gas refrigerators and ranges shall be installed with clearance for ventilation, and shall be maintained in good operating condition.~~

E. ~~Liquefied petroleum gas.~~

~~(1) Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in buildings.~~

~~(2) Liquefied petroleum gas shall not be vaporized by devices utilizing open flame or open electrical coil.~~

~~(3) Where two or more containers are installed, connection shall be arranged so that containers can be replaced without shutting off the flow of gas to equipment.~~

~~(4) Containers shall be designed, stored and located so as not to be a hazard to the premises served, or to the surrounding property.~~

~~(5) Systems shall be provided with safety devices to relieve excessive pressures, and shall be arranged so that the discharge terminates at a safe location.~~

~~(6) Systems shall have at least one accessible means for shutting off the gas. Such means shall be located outside the building, and shall be maintained in good operating condition.~~

§ 748-32. Heating.

A. ~~General requirements.~~

~~———— (1) — Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms based on the winter design dry bulb temperature for the locality indicated in the Energy Conservation Construction Code of New York State. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. This provision is not applicable to owner-occupied one-family dwellings subject to the approval of the code enforcement official.~~

~~———— (2) — Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 31 to maintain a temperature of not less than 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms. This provision is not applicable when the outdoor temperature is below the winter outdoor design temperature for the locality, during which time maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity. The winter design dry bulb temperature for the locality shall be as indicated in the Energy Conservation Construction Code of New York State.~~

~~———— (3) — Room temperature measurement. The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.~~

~~B. — Smoke control. Fuel-burning heat producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust, particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person.~~

~~C. — Warm air heating. Ducts and other air handling equipment used for heating shall conform to the requirements of such equipment used for ventilating purposes.~~

~~D. — Fuel-burning water heaters. Fuel-burning water heaters shall not be located within any dwelling unit unless enclosed or shielded and provided with adequate air for combustion, adequate venting for removal of the products of combustion, and ventilation to prevent the accumulation of heat.~~

~~E. — Fuel supply connection. Fuel-burning equipment shall be permanently fastened and connected in place. Fuel supply connection to such equipment shall be made with pipe or tubing of solid metal.~~

~~F. — Installation and clearance.~~

~~———— (1) — Where heat producing equipment is installed on, or adjacent to, combustible materials, the location, insulation, clearance, and the control of the equipment shall be such that the temperature on the surface of the combustible materials will not exceed a safe temperature.~~

~~(2) — Where electric heating is used, such equipment shall be enclosed and protected to the fullest extent practicable so that any persons, especially children, shall be protected from burns from the heating elements, electric shock, and other hazards.~~

~~(3) — If hot water pipes, not used for heating purposes, are so located that they are accessible to any persons especially children, they shall be covered with an appropriate insulating material to provide protection from burns.~~

~~G. — Air supply.~~

~~—— (1) — Direct fired heat producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate both, for complete combustion at the rated gross output of the equipment, and for the ventilation of the enclosure to prevent the accumulation of heat.~~

~~—— (2) — Rooms containing fuel burning equipment shall have such air supply provided by means of one or more openings to the exterior, or by means of fixed openings to interior spaces which open to the exterior.~~

~~H. — Removal of products of combustion.~~

~~—— (1) — Equipment for burning solid or liquid fuel shall be connected to suitable chimneys or flues, and shall not be connected to gas vents. Unvented heaters burning liquid fuel shall be prohibited, except as specifically approved by and under the laws and regulations of the State of New York; in any event, no such unvented heater shall be used in any multiple dwelling.~~

~~—— (2) — Fuel burning space heaters located in sleeping rooms or rooms normally kept closed shall be connected to a suitable chimney flue or gas vent.~~

~~—— (3) — Gas fired equipment shall be connected to a suitable chimney, flue, or gas vent when the discharge of products of combustion into the space where the equipment is installed would be a hazard.~~

~~I. — Safety devices.~~

~~—— (1) — Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.~~

~~—— (2) — Controls for the safe operation of automatically operated heat producing equipment shall be provided to function as follows: When failure or interruption of flame or ignition occurs, the fuel supply shall be cut off. When a predetermined temperature or pressure is exceeded, the input of additional heat shall be prevented or reduced to a safe rate. When the water level in a steam boiler drops below the predetermined level, the fuel supply shall be cut off. When failure or interruption of pilot light or main burner of liquefied petroleum gas equipment occurs, the fuel supply to each pilot light and main burner shall be cut off.~~

J. ~~Heating of garages. Fuel burning equipment for garages servicing multiple dwellings shall be located in heater rooms, except that equipment burning gas or liquid fuel, located in the vehicle storage space, shall be permitted in stories at or above grade where elevated so as not to be exposed to possible accumulation of flammable gases.~~

§ 748-33. Chimneys, flues and gas vents.

A. ~~General requirements.~~

~~(1) Chimneys, flues, and gas vents shall be constructed according to generally accepted standards and their supports shall be installed and maintained so as to be structurally safe, durable, smoketight, noncombustible, and capable of withstanding the action of flue gases without softening, cracking, corroding, or spalling.~~

~~(2) Such facilities shall effectively convey the products of combustion to the outer air.~~

~~(3) Masonry chimneys, except approved prefabricated chimneys, shall have noncombustible foundations.~~

~~(4) Flue linings shall be capable of withstanding the action of flue gas without softening, cracking, corroding, or spalling at the temperature to which they will be subjected.~~

~~(5) Openings for smoke pipes or gas vent connections shall be provided with means for easy connection without restriction of flue.~~

~~(6) No flue shall have smoke pipe or gas vent connections in more than one story of a building.~~

~~(7) Solid fuel burning equipment and equipment burning any other fuel shall not be connected to the same flue.~~

~~(8) Solid fuel burning devices shall be connected to a chimney constructed to generally accepted standards and shall be equipped with adequate means for cleanout and kept free from dangerous creosote accumulation.~~

~~(9) Vents shall terminate above eaves and not lower than a point consistent with generally accepted standards for firesafety and ventilation.~~

B. ~~Firesafety. Chimneys, flues, and gas vents shall be installed and maintained so that under conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith, does not exceed a safe temperature.~~

C. ~~Spark arresters. A chimney or flue connected to an incinerator and a chimney or flue which may emit sparks, shall be provided with a spark arrester of noncombustible construction.~~

~~Spark arresters shall have sufficient total clear area to permit unrestricted passage of flue gases. Openings in spark arresters shall be of such size as to prevent passage of embers and to minimize clogging by soot.~~

~~§ 748-34. Incinerators.~~

~~A. General requirements.~~

~~———— (1) Incinerators shall be of adequate capacity for the intended use.~~

~~———— (2) Flue fed incinerators shall be equipped with means for burning auxiliary fuel in sufficient quantity to assure complete combustion of refuse.~~

~~———— (3) A flue serving an incinerator shall be provided with a substantially constructed spark arrester.~~

~~———— (4) Incinerators shall be connected to a suitable noncombustible chimney, smokestack, or flue.~~

~~———— (5) Connections to incinerators shall provide free passage of refuse without clogging.~~

~~B. Service openings.~~

~~———— (1) Service openings shall be readily accessible to the building occupants.~~

~~———— (2) Durable signs with plainly legible letters prohibiting disposal of highly flammable substances in incinerators shall be provided near service openings.~~

~~§ 748-35. Electrical requirements.~~

~~A. Every dwelling, dwelling unit, rooming house and rooming unit shall be provided with adequate electrical service.~~

~~B. Electrical requirements.~~

~~———— (1) Every habitable room shall have electric outlets and/or fixtures properly connected to a source of electric power.~~

~~———— (2) Every kitchen, bathroom, shower room, toilet room or compartment located in a structure used for human habitation shall have permanently installed artificial lighting fixtures.~~

~~———— (3) Electrical wiring and equipment shall be initially installed in conformity with generally accepted standards (National Electric Code) and maintained so as not to be a potential source of ignition of combustible material or a potential source of electrical hazard.~~

~~———— (4) Electrical wiring and equipment shall be firmly secured to the surface on which it is mounted.~~

~~———— (5) ——— Electrical wiring and equipment installed in damp or wet locations or exposed to explosive or flammable gases, or to excessive temperatures, shall be of a type approved for the purpose and location.~~

~~———— (6) ——— Electrical wiring and equipment shall be protected against excessive current by properly rated overcurrent devices.~~

~~———— (7) ——— Electrical wiring and equipment shall be grounded or otherwise protected by insulation, isolation, or guarding so as to minimize the danger of high voltages from lightning or other causes.~~

~~———— (8) ——— Electrical equipment which in ordinary operation produce arcs or sparks shall be enclosed, unless separated and isolated from all combustible material.~~

~~———— (9) ——— Service equipment and overcurrent protection devices shall be installed and maintained in a readily accessible location.~~

~~———— (10) ——— Electrical wiring and equipment installed for hall and stairway lighting shall be connected to and controlled by a three-way switch.~~

#### ~~C. ——— Artificial lighting.~~

~~———— (1) ——— Residential buildings and occupancies shall be wired for electricity, and lighting equipment shall be installed throughout to provide adequate illumination for the intended use of each space. Electric wiring system shall be connected to an adequate source of supply.~~

~~———— (2) ——— There shall be a switch or other means for controlling a light in each dwelling unit near the point of entrance to such unit.~~

#### ~~D. ——— Exit and directional signs.~~

~~———— (1) ——— Exits in multiple dwellings shall be provided with exit and directional signs, visible from the approach to the exits, except that such signs shall not be required in those portions of a building which contain dwelling units only, or in which exit from sleeping rooms is directly to the outside.~~

~~———— (2) ——— Directional signs shall be provided at locations from which the exit doorway is not readily discernible.~~

~~———— (3) ——— Such signs shall be worded in plainly legible block letters with the word EXIT for exit signs and the words TO EXIT with a suitable pointer or arrow indicating the direction of exit, for directional signs. Letters for signs shall be conspicuous, readily discernible, and at least six inches high, except that for internally illuminated signs the height of such letters shall be at least 4 1/2 inches.~~

#### ~~§ 748-36. Cooking and refrigeration.~~

A. General requirements.

~~———— (1) ——— Each dwelling unit shall be provided with appropriate cooking and refrigeration equipment.~~

~~———— (2) ——— Cooking and refrigeration equipment shall be maintained in good operating condition.~~

~~———— (3) ——— Gas-burning cooking equipment shall be permanently connected. Gas supply connection to such equipment shall be made with metal pipe or metal tubing.~~

~~———— (4) ——— Solid-fuel-burning cooking equipment shall be appropriately vented.~~

B. Communal cooking and dining facilities.

~~———— (1) ——— 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 four top burners; at least one electric or gas type refrigerator with adequate food storage capacity, but in no case less than eight cubic feet nominal size. Dining space and eating facilities where provided in the kitchen area shall comply with the requirements for communal dining rooms.~~

~~———— (2) ——— Communal dining rooms shall contain at least one dining chair and two lineal feet of dining space for each occupant permitted in a dining room at any particular time.~~

~~———— (3) ——— The preparation and eating of meals in rooming units is prohibited.~~

~~§ 748-37. Air conditioning and mechanical ventilation in one- and two-family dwellings.~~

~~A. ——— Exhaust air from a dwelling unit shall not be circulated to another dwelling unit.~~

~~B. ——— Ducts shall be securely fastened in place and appropriately firestopped.~~

~~§ 748-38. Fuel oil.~~

~~A. ——— General requirements. Fuel oil shall be received, stored, and conveyed by means of fixed liquidtight equipment.~~

~~B. ——— Storage tanks.~~

~~———— (1) ——— Tanks shall be provided with means for venting.~~

~~———— (2) ——— Tanks shall be installed and maintained so as not to be a hazard to the premises served or the surrounding property.~~

~~C. ——— Piping.~~

~~———— (1) ——— Automatically operated boilers and furnaces using fuel oil shall be provided with remote control to stop flow of oil during fire or other emergency.~~

~~———— (2) ——— Filling, emptying, and venting of tanks shall be by means of fixed piping. Pipes to underground tanks shall be pitched toward tanks. Terminals of fill and vent pipes shall be located outside buildings at a safe distance from building openings.~~

~~§ 748-39. Fire protection in multiple dwellings.~~

~~A. ——— Fire alarm systems. Required fire alarm systems shall be maintained in proper operating condition at all times.~~

~~B. ——— Sprinkler equipment.~~

~~———— (1) ——— Required sprinkler equipment shall be maintained in proper operating condition at all times. Storage of materials shall cause minimum interference to effective discharge of water.~~

~~———— (2) ——— Valves controlling water supply to sprinklers shall be secure in the open position.~~

~~———— (3) Sprinkler heads shall be maintained free of corrosion and paint.~~

~~C. ——— Standpipe systems.~~

~~———— (1) ——— Standpipe systems shall be maintained in proper operating condition at all times.~~

~~———— (2) ——— Gate valves at hose stations shall be maintained tight against leaks.~~

~~———— (3) ——— Hose shall be in proper position ready for operation, dry, and free of deterioration.~~

~~D. ——— Portable extinguishers.~~

~~———— (1) ——— Each oil burner for boiler, furnace or central hot water heater shall be provided with an approved hand fire extinguisher.~~

~~———— (2) ——— Portable extinguishers required for fire protection shall be in their designated location and in a condition which will permit efficient operation without delay.~~

~~§ 748-40. Elevators, dumbwaiters and escalators in or serving multiple dwellings.~~

~~A. ——— Elevators, dumbwaiters, and escalators shall be maintained so as to be free from physical and fire hazards.~~

~~B. ——— Elevator and power operated dumbwaiter cars shall be provided with durable signs in conspicuous locations on which the rated capacity shall be indicated.~~

~~C. ——— Elevator cars shall be provided with approved means for transmitting a signal outside the hoistway in case of emergency.~~

~~D. — Hoistways and pits shall be maintained free of refuse.~~

~~E. — Machine rooms shall be maintained free of oil and grease and shall not be used for storage of articles or materials unnecessary for the maintenance of the elevator or dumbwaiter. Flammable liquids shall not be kept in such rooms.~~

~~F. — No person shall at any time make any required safety device or electrical protective device inoperative, except where necessary during tests, inspections, or maintenance.~~

#### Article VI. Firesafety Requirements

##### ~~§ 748-41. Prohibited accumulations and storage.~~

~~It shall be prohibited:~~

~~A. — To accumulate or store on residential premises, except in approved locations, any highly flammable or explosive matter, such as paints, volatile oils, cleaning fluids, and similar materials, or any combustible refuse, liable to spontaneous combustion, such as waste paper, boxes, rags, or similar materials.~~

~~B. — To accumulate or store materials on fire escapes or stairs, in stairways or passageways, at doors or windows, or in any other locations where in the event of fire such materials may obstruct egress of occupants or interfere with fire fighting operations.~~

##### ~~§ 748-42. Prevention of fire spread.~~

~~A. — Walls and ceilings shall be maintained free from cracks and openings which would permit flame or excessive heat to enter the concealed space.~~

~~B. — In buildings of mixed occupancy, nonresidential space shall be separated from residential space by approved fire separations which will retard the spread of fire, all in accordance with the State Uniform Fire Prevention and Building Code.~~

~~C. — Garages in or attached to a residential building shall be separated from other spaces in the building by approved fire separations which will retard the spread of fire and prevent flammable or toxic vapors originating within the garage from being transmitted to other parts of the building, all in accordance with the State Uniform Fire Prevention and Building Code.~~

##### ~~§ 748-43. Interior finishes, trim and decorative materials.~~

~~Interior finish materials for acoustical correction, surface insulation and decorative treatment on the surfaces of walls and ceilings, and interior trim shall be of materials that will not, in burning, give off excessive amounts of smoke or objectionable gases. In multiple dwellings, wood paneling in halls, stairways and other public places shall be Class A rated for flame spread under the State Uniform Fire Prevention and Building Code.~~

~~§ 748-44. Fireplaces.~~

~~A. — Fireplaces and similar construction used, or intended to be used for burning solid fuel in open fire shall be connected to approved chimneys and shall be installed so that nearby or adjacent combustible material and structural members shall not be heated to unsafe temperatures.~~

~~B. — Hearths and linings or other parts of fireplaces exposed directly to flame shall be of materials that will not melt, disintegrate, spall, or shatter at high temperatures.~~

~~C. — Wood mantels and trim on fireplaces shall be placed and attached so that they cannot be heated to unsafe temperatures or ignited by sparks or embers from the fire.~~

~~§ 748-45. Smoke detectors.~~

~~A. — Definition.~~

~~SMOKE DETECTOR~~

~~A device which detects visible or invisible particles of combustion.~~

~~B. — In multiple dwellings, approved smoke detectors shall be installed and maintained in accordance with National Fire Protection Association Regulation 74.~~

~~C. — In one and two family dwellings, approved smoke detectors shall be installed and maintained in accordance with National Fire Protection Association Regulation 74, effective two years from the date of adoption of this chapter.~~

~~Article II VII. Rental Units~~

~~§ 748-646. Inspection of rental units.~~

~~All rental dwelling units shall be inspected by the Code Enforcement Officer. The Code Enforcement Officer shall determine a schedule for the performance of such inspection.~~

~~§ 748-747. Certificate of compliance.~~

~~The Code Enforcement Officer shall not issue a certificate of compliance to any rental unit as described in § 748-646 that is in violation of any applicable City and state code.~~

~~Article III VIII. Administration and Compliance~~

~~§ 748-848. Purpose.~~

~~The purpose of this article is to provide basic and uniform administration of, and compliance with, applicable minimum housing standards, and to establish the responsibilities of parties concerned therewith, and to establish procedures for administration of, and compliance with, such other ordinances as may be designated.~~

§ 748-949. Scope.

This article and the procedures set forth herein shall apply to administration of, and compliance with, applicable minimum housing standards and such other provisions of law or ordinance as may be designated.

§ 748-1050. Code Enforcement Officer.

- A. The Code Enforcement Officer shall administer and secure compliance with the applicable minimum housing standards.
- B. The Code Enforcement Officer shall have as his representatives such assistants and inspectors as may be necessary to carry out effectively the powers and duties of this office.
- C. All personnel shall be qualified and appointed as prescribed by law, and shall be furnished with appropriate official identification cards.
- D. All personnel shall be free from personal liability for acts done in good faith in the performance of their official duties.

§ 748-1154. Powers and duties.

- A. The Code Enforcement Officer shall be charged with the duty of administering the applicable minimum housing standards and other designated laws and ordinances and securing compliance therewith, and shall be empowered to adopt rules and regulations necessary for securing such compliance provided such rules and regulations shall not be in conflict with the applicable minimum housing standards or other designated laws or ordinances.
- B. The Code Enforcement Officer, his assistants and inspectors, shall be authorized to conduct surveys of housing in any area of the municipality to determine the condition of premises, extent of deterioration, lack of facilities, inadequate maintenance, unsafe and unsanitary conditions, extent of overcrowding, land use, and other relevant factors.
- C. It shall be the duty of the Code Enforcement Officer and he is hereby authorized:
  - (1) To cause periodic inspections to be made of premises within the scope of applicable minimum housing standards, including an inspection of all rental units not less than once every three years.
  - (2) To cause an investigation of all written complaints or other unsafe or unsanitary conditions.
  - (3) To order in writing the remedying of all conditions found to exist in or on any premises in violation of provisions of the minimum housing standards or of rules and regulations duly adopted and to state in the violation order a reasonable time limit for compliance therewith, and, where necessary to order the vacation of premises found unfit for human habitation.

(4) To request the chief legal officer of the municipality to take appropriate legal action in the name of the municipality upon failure of the responsible party to comply with such violation order within the time specified therein.

(5) To cause a search of the municipality's records of housing violations existing on any premises and to issue a certified statement thereof upon receipt of written request and payment of any fees required by local law or ordinance.

D. Where violations of the minimum housing standards or other designated laws or ordinances exist and pose an immediate hazard or danger to the health, safety, or welfare of building occupants or of the public, the Code Enforcement Officer may, without prior notice or hearing, issue an order citing the violation and directing such action by such municipal officer, department or board as is necessary to remove or abate the immediate hazard or danger. Notwithstanding any other provision of this Code, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

E. Where the Code Enforcement Officer deems it appropriate to achieve timely enforcement of any provisions of this chapter or any other law or ordinance to be enforced utilizing the procedures of this chapter, he is authorized to issue appearance tickets pursuant to Chapter 20, Code Enforcement; Appearance Tickets, of the Code of the City of Canandaigua.

#### § 748-1252. Inspection.

A. The Code Enforcement Officer or his agent shall be authorized and have the right, in the performance of his duties, to enter any premises in emergencies whenever he shall deem it necessary to protect the public interest.

B. Owners, agents, operators, and occupants shall be responsible for providing access to all parts of the premises within their control to authorized personnel acting in the performance of their duties. In the event of refusal or failure to provide such access as herein provided, a warrant may be issued by a judge or acting judge of the City Court of the City of Canandaigua upon application of the Code Enforcement Officer.

#### § 748-1353. Records.

The Code Enforcement Officer shall keep records of all complaints received, inspections made and violations found regarding premises regulated by the minimum housing standards and other designated laws or ordinances. Records shall be kept in a manner and form as prescribed by local law, ordinance, or regulation and shall be available for public inspection.

#### § 748-1454. Violation order.

A. Whenever the Code Enforcement Officer determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or any rule or regulation adopted pursuant thereto, *the Uniform Code*, or any other

law or ordinance designated, he shall serve an order requiring correction of such violation or alleged violation upon the person or persons responsible for such violation.

B. Such order shall be in writing and shall specify the provision violated and shall provide a reasonable time for compliance and shall be served upon the owner (as defined herein), agent, operator or occupant as the case may require.

C. Such order shall be deemed to be properly served upon such owner, agent, operator or occupant if a copy is served upon him personally or if a copy thereof is sent by regular mail, return receipt requested, to the last known address of such persons or if a copy is posted in a conspicuous place in or about the building affected by the order and if a copy is mailed by regular mail on the same day it is posted to the owner, agent, operator or occupant or by such other method authorized by the laws of the State of New York.

§ 748-1555. Final order.

Any violation order provided for in § 748-1454 shall automatically become a final order if an application for a variance or appeal is not filed with the appropriate agency, that being either the New York State Secretary of State or the City of Canandaigua Zoning Board of Appeals.

§ 748-1656. Reinspection.

A. At the end of the period specified in the violation order or any extension thereof, it shall be the duty of the Code Enforcement Officer to make or cause to be made a reinspection of the dwelling, dwelling unit, rooming house, rooming unit or premises, and if compliance has not been established, appropriate legal action as authorized shall be instituted.

B. Whenever the Code Enforcement Officer has notified a property owner in writing of any violation of the minimum housing standards or any other appropriate law, and within two years of that written notification a subsequent Notice of violation or order of violation is issued to the same property owner for a violation of the same code or standard then a repeat inspection fee may be assessed for each subsequent notice of violation or order of violation that is sent to the property owner by the Code Enforcement Officer by regular mail.

§ 748-1757. Extension of compliance time.

The Code Enforcement Officer may extend the compliance time specified in any order issued under the provisions of this chapter or other law or ordinance designated where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

§ 748-1858. Recording of orders.

Whenever an order has been issued for any infraction of this chapter or other law or ordinance designated, the Code Enforcement Officer may file a copy of such order in the office of the City Clerk/Treasurer.

§ 748-1959. Appeal or variance.

A. Variance or appeal from any part of this chapter that is deemed consistent to regulations mandated within the New York State Uniform Code and Energy Code shall be petitioned in accordance with the provisions of 19 NYCRR, titled "Variance Procedures," which is administered by the Secretary of State.

B. Variance or appeal from any part of this chapter that is deemed consistent to regulations mandated only by the City of Canandaigua's Municipal Code shall be petitioned to the City of Canandaigua's Zoning Board of Appeals. The City of Canandaigua shall not waive, modify or otherwise alter this chapter that is deemed consistent to regulations mandated by the Uniform Code and Energy Code.

§ 748-2060. Rules governing appeals or variances before Zoning Board of Appeals.

The following rules shall govern hearings by the Zoning Board of Appeals on these matters:

A. Grounds for appeal. The grounds for such variance or appeal shall include the following:

- (1) Undue economic hardship or burden.
- (2) Restriction from the achievement of a valid state or federal policy.
- (3) Physical or legal impossibility.
- (4) Impediment to the intended objective of the regulation.
- (5) Unnecessary, in light of viable alternatives which meet the intended objective of the more stringent ordinance, etc.

B. Time to appeal. The Zoning Board of Appeals shall accept appeal or variance petitions filed within 60 days of the final order issued by the Code Enforcement Officer.

C. Appeal procedure. The Zoning Board of Appeals shall conduct an open hearing in accordance with procedures set forth pursuant to provisions of the General City Law, prescribed statutes, its bylaws and procedures and provide for expeditious determination which shall be binding upon the petitioner and upon the municipal authorities involved within 60 days of the date of hearing.

D. Fees for appeal. Upon filing of petition of appeal, a payment of a standard fee for an application before the Zoning Board of Appeals shall be paid to the Code Enforcement Officer to defray the expenses of the public hearing and other expenses incidental thereto.

§ 748-2161. Review of decision of Zoning Board of Appeals.

- A. Right to review. Any person aggrieved by any decision of the Zoning Board of Appeals may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state.
- B. Time limit for instituting action. Such action shall be instituted within 30 days from the time any order or determination of the Zoning Board of Appeals becomes final.

§ 748-2262. Responsibilities of owners.

- A. Owners of premises shall be responsible for compliance with the minimum housing standards and other designated laws and ordinances and shall remain responsible therefor in addition to the fact that this article and other designated laws and ordinances may also place certain responsibilities on operators and occupants, and in addition to any agreements between owners and operators or occupants as to which party shall assume such responsibility.
- B. Owners of premises shall be responsible for proper maintenance, condition and operation of supplied facilities, and for furnishing adequate heat and hot water supply in multiple dwellings. Where individual metering of natural gas and electricity is provided, the owner shall not be responsible for the continuation of these services in any case where such service has been discontinued for nonpayment.
- C. In buildings of five or more units the name of the owner of the premises and the name of any person or firm designated by the owner as being an operator responsible for the care and maintenance of housing used for rental purposes shall be placed in a prominent location inside or outside the structure. Such information shall be placed on a card no smaller than three inches by five inches. The information card shall be protected from the weather and the information placed on it shall be legible at all times. In addition to the name or names required above, the address and telephone number to be used to obtain information or report problems with the premises shall be placed on the information card.

§ 748-2363. Responsibilities of owners or owner-designated operators.

Owners or owner-designated operators shall be responsible for compliance with the minimum housing standards in regard to the following:

- A. Limiting occupancy to the maximum permitted by the minimum housing standards.
- B. Maintenance of safe and sanitary conditions in all parts of the lodging house premises.
- C. Maintenance and operation of all required supplied facilities.

- D. Maintenance of all plumbing, cooking, and refrigeration fixtures and appliances within his control as well as other building equipment and facilities, in an operative, clean, and sanitary condition.
- E. Sanitary maintenance of walls, floors, and ceilings.
- F. Keeping exits clear and unencumbered.
- G. Provision of facilities for and disposal of building garbage and refuse in a clean and sanitary manner.
- H. Extermination of insects, rodents, or other pests on the premises.
- I. Hanging and removing required screens.

§ 748-2464. Responsibilities of occupants.

Occupants of all dwelling units shall be responsible for compliance with the minimum housing standards in regard to the following:

- A. Limiting occupancy to that part of the premises which he occupies or controls to the maximum permitted by the minimum housing standards.
  - (1) Maintenance of that part of the premises which he occupied or controls in a clean, sanitary and safe condition.
  - (2) Maintenance of all plumbing, cooking, and refrigeration fixtures and appliances, as well as other building equipment and storage facilities in that part of the premises which he occupies or controls, in a clean and sanitary condition, and providing reasonable care in the operation and use thereof.
  - (3) Keeping exits from his dwelling unit and fire escapes and stairs clear and unencumbered.
  - (4) Disposal of garbage and refuse into provided facilities in clean and sanitary manner.
  - (5) If a rental dwelling unit, not removing or damaging safety equipment.
  - (6) If a rental dwelling unit, not permitting grease or other flammable material to accumulate in or on ranges and drains, nor permitting any other condition to exist which is conducive to fire. Occupants shall be prohibited from accumulating or storing on residential premises, except in approved locations, any highly flammable or explosive matter such as paints, volatile oils, cleaning fluids and similar materials, or any combustible refuse liable to spontaneous combustion such as waste paper, boxes, rags or similar materials.

§ 748-2565. Nonliability; defense; bond.

A. No personnel officer, agent or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter.

B. Any suit brought against any officer, agent or employee of the City as a result of any required or permitted act in the discharge of his duties under this chapter, shall be defended by the Corporation Counsel until the final determination of the proceedings therein.

C. Officers making inspections shall be bonded at the expense of the City. No officer, who is not bonded, may be permitted or allowed to conduct inspections.

§ 748-2666. Duties of Corporation Counsel; nonexclusive remedies.

A. The Corporation Counsel shall, upon complaint of the head of the Code Enforcement Agency, institute appropriate action to restrain, prevent, enjoin, abate, correct or remove such violation and to take such other legal action as is necessary to carry out the terms and provisions of this chapter.

B. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by *the Uniform Code or other applicable* law, and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the other.

§ 748-2767. Judicial review.

Any person or persons jointly or severally aggrieved by any final order of the Zoning Board of Appeals may seek to have such order reviewed by the Supreme Court in the manner prescribed by Article 78 of the Civil Practice Laws and Rules and as otherwise provided for in the laws of the State of New York.

§ 748-2868. Transfer of ownership.

A. No owner of any dwelling, dwelling unit, rooming house, rooming unit, or premises upon whom any notice or order pursuant to this chapter has been served shall sell, transfer, grant, mortgage, lease or otherwise dispose thereof such property to another until compliance of the provisions of such notice or order has been secured or until such owner shall furnish to the purchaser, transferee, grantee, mortgagee or lessee, prior to such sale, transfer, grant, mortgage or lease, a true copy of such notice or order and at the same time give adequate notification to the head of the Code Enforcement Agency of his intent to sell, transfer, grant, mortgage or lease and supply the name and address of such person, persons or firm to whom the sale, transfer, grant, mortgage or lease is proposed. A purchaser, transferee, grantee, mortgagee or lessee who has been informed of the existence of any notice or order issued pursuant to this chapter shall be bound hereby. Violation of this chapter shall not affect the marketability of title of the violating premises.

B. No owner of any two-family dwelling, mixed-occupancy dwelling, multiple dwelling, or rooming house shall sell, transfer, grant, or otherwise dispose thereof, to another, unless a certificate of occupancy, pursuant to Article I, Administration and Enforcement, of Chapter 714, Construction Codes, Uniform, of the Code of the City of Canandaigua has been obtained from the Code Enforcement Officer. The Code Enforcement Officer shall waive the requirement of a certificate of occupancy when title is transferred 1) by a deed in lieu of foreclosure, or by a court appointed referee, 2) by a Trustee in bankruptcy, 3) by an assignment for benefit of creditors, 4) by the Ontario County Sheriff, pursuant to a judicial sale, 5) by the City Clerk/Treasurer as a result of a tax foreclosure, 6) between husband and wife, 7) to a person who had immediate previous legal ownership in whole or in part, pursuant to the formation, reorganization, or dissolution of a partnership, a corporation, or other form of joint ownership, 8) by a corporation to its shareholders, 9) or by a person who retains life use and/or interest in the property. A new certificate of occupancy shall not be required under this section when a property owner retains title to the property and records a new mortgage due to refinancing of the property. The owner requesting a certificate of occupancy shall give the Code Enforcement Officer sufficient notice to allow the inspection of the property to take place not less than 14 days, nor more than 45 days prior to the transfer of the property.

C. Before issuing a certificate of occupancy pursuant to this section, the Code Enforcement Officer shall secure a rental property information form, completed and signed by the property owner, which includes such information as: number of dwelling units, number of residents in each dwelling unit, number of sleeping rooms in each dwelling unit, number of families living in each dwelling unit, and such other similar information as may be reasonably necessary or useful to accomplish the objectives of this chapter.

#### Article IX. Designation of Unfit Dwelling Units

##### § 748-2969. Unfit dwelling units.

Any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit having any of the defects found in the Subdivisions herein may be designated by the Code Enforcement Officer as unfit for human habitation and may be so placarded:

A. The structure lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.

B. The structure is damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested in such a manner as to create a serious hazard to the health and safety of the occupants or the public.

C. The structure, because of the location, general conditions, state of the premises or number of occupants, is so unsanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public.

§ 748-3070. Notice of intent to vacate.

Whenever the Code Enforcement Officer determines that a dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit is unfit for human habitation as provided in § 748-2969 he shall include such findings within the violation order provided for in § 748-1454 of this chapter, and he shall also include a statement of his intent to vacate and placard the dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit if compliance with the provision of the order has not been secured.

§ 748-3171. Order to vacate.

Whenever an order with the notice of intent to vacate as provided in § 748-3070 of this chapter has not been complied with or where procedures under § 748-2060 this chapter have not been invoked, or if the Code Enforcement Officer, with the concurrence of either the Health Officer or Fire Chief determines that an immediate and serious threat to health and safety exists, the Code Enforcement Officer may order the dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit to be vacated. A copy of such order to vacate shall be served on the owner agent, operator and the occupant as provided in § 748-1454 of this chapter.

§ 748-3272. Vacation of unfit dwelling.

A. Any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit designated as unfit for human habitation pursuant to § 748-2969 and ordered vacated as provided in § 748-3171 shall be vacated within such reasonable time as the Code Enforcement Officer may specify in the order.

B. No such dwelling, dwelling unit, rooming house, rooming unit, lodging house or lodging unit shall again be used for human habitation and the placard removed until written approval is secured from the Code Enforcement Officer.

§ 748-3373. Removal of placard.

No person shall deface nor remove the placard from any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit which has been designated as unfit for human habitation, except as provided in § 748-3272.

§ 748-3474. Vacated dwelling made secure.

The owner, agent or operator of any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit which has been designated as unfit for human habitation and vacated shall make such dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit safe and secure in whatever manner the Code Enforcement Officer shall deem necessary. Any vacant building, open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a nuisance within the meaning of this provision.

§ 748-3575. Notice of intent to demolish.

Whenever the Code Enforcement Officer designates a building unit for human habitation as provided in this chapter and determines that the cost necessary to correct the violation is not reasonably related to the value of the building, he shall include within the violation order provided for in § 748-1454 of this chapter a statement of his intent to order the demolition of the structure. A copy of such notice shall be served on the owner, land contract vendor or vendee, occupant, lessee or mortgagee in the manner provided in § 748-1454 of this chapter. The owner may demolish such structure as provided in § 748-3777 of this chapter or correct the violation regardless of cost, provided that the requirements of the building code in effect at the time of attempted compliance are satisfied.

§ 748-3676. Order to demolish.

Whenever a violation order with intent to demolish notice as provided in § 748-3575 of this chapter has not been complied with, the Code Enforcement Officer may order the building demolished. Such order shall be served in the manner provided in § 748-1454 of this chapter and demolition shall be completed within the time specified by the Code Enforcement Officer.

§ 748-3777. Code Enforcement Officer to make repairs or demolish.

A. Whenever a notice or order to remove a violation, secure, vacate or demolish a building has not been complied with and when such failure to comply is deemed by the Code Enforcement Officer to constitute a nuisance, he may proceed to cause the structure to be demolished, repaired, altered, secured, vacated or take such other action as is necessary to abate the nuisance.

B. Whenever the Code Enforcement Officer determines that such nuisance exists, he shall record sufficient proof to support such determination, and the owner, land contract vendor or vendee, occupant, lessee or mortgagee shall be notified of such finding in the manner provided in § 748-1454 of this chapter. Abatement authorized by this section shall not commence until at least 10 days after service of such notice.

§ 748-3878. Recovery of expenses.

A. The expenses incurred pursuant to § 748-3777 of this chapter, together with a charge of 50% thereof in addition thereto as compensation to the City for administering, supervising and handling, shall be paid by the owner or occupant of the premises, or by the person who caused or maintained such nuisance or other matter.

B. The Code Enforcement Officer shall file among his records and with the City Clerk/Treasurer an affidavit stating, with fairness and accuracy, the items of expense and the date of execution of actions authorized by § 748-3777 of this chapter. The Code Enforcement Officer may institute a suit to recover such expenses; additionally, such charges shall become a lien on the property and shall be enforced and collected in the same manner as provided by law for the collection of real property taxes in the City of Canandaigua.

## Article X. Penalties for Offenses

### § 748-3979. Failure to comply with order.

Except as otherwise provided, every person who shall fail to comply with a violation order issued by the Code Enforcement Officer, under this chapter or pursuant to authority of any other law or ordinance authorizing the use of procedures of this chapter, within the time limit stated therein shall be guilty of an offense and upon conviction shall be punished by a fine of not less than \$25 and not more than \$250 or by imprisonment for not more than 15 days, or both. Each week or part thereof that a violation continues beyond the time limit stated in the violation order shall be a separate offense.

### § 748-4080. Proceeding commenced by appearance ticket.

In any proceeding commenced by appearance ticket pursuant to Chapter 20, Code Enforcement; Appearance Tickets, of the Code of the City of Canandaigua, every person who shall be found to have violated any Section of this chapter or of any other law or ordinance authorizing the use of procedures of this chapter, shall be guilty of an offense and upon conviction shall be punished as provided in § 748-3979.

### § 748-4181. Construal of "person. "

The term "person" as used in this chapter shall include the owner, occupant, mortgagee, or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building, premises or part of either.

### § 748-4282. Other civil remedies.

In addition to, and not in limitation of any other remedies provided herein, the City Manager may direct the Code Enforcement Officer to maintain an action or proceeding against any person in the name of the City in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter or any other law or ordinance authorizing the use of the procedures of this chapter, or any rule or regulation adopted pursuant thereto.

## Article XI. Inspection Fees

### § 748-4383. Fees.

The fee for inspections for compliance with the requirements of this chapter shall be set by resolution of the City Council.

### § 748-4484. Unpaid fees.

Bills for minimum housing standards inspection fees shall be sent to the owner of record, as reflected in the office of the Tax Assessor. The responsibility for payment of the bill shall rest with the owner of record. Failure to pay the fee shall result in imposition and foreclosure of a

lien on the property. Unpaid inspection fees shall become and be a lien upon the real property and shall be added to and become a part of the taxes next to be assessed and levied upon such property and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020

ATTEST:

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Nancy C. Abdallah  
City Clerk/Treasurer