

RESOLUTION #92-10
PL #108-10

By Alderman McLaughlin Seconded by Alderman Steffen

**AMENDMENT TO THE CODE OF BUILDING REGULATIONS AND FIRE PREVENTION,
CHAPTER 6 ARTICLE II, DIVISION 3, TO AMEND SECTIONS 6-80 THROUGH 6-85,
CERTIFICATE OF OCCUPANCY, CERTIFICATE OF COMPLIANCE AND TEMPORARY
CERTIFICATE**

WHEREAS, the Building Regulations and Fire Prevention Ordinance is hereby amended;
Sections 6-80 through 6-85, which sections will read as follows:

**DIVISION 3. CERTIFICATE OF OCCUPANCY, CERTIFICATE OF
COMPLIANCE AND TEMPORARY CERTIFICATE.**

Sec. 6-80. Landlord Registration

(a) The owner of a property constituting a rental property shall register the same with the Code Enforcement Office within ninety (90) days of the effective date of this Section. The registration form shall be known as a "Landlord Registration" and shall be signed and affirmed by the property owner of record, and, if applicable, the managing agent.

(1) Any acquisition of property constituting a rental property shall require the new owner to register the same with the Code Enforcement office within 15 days of the date of grant or transfer by filing a Landlord Registration and shall be signed and affirmed by the property owner of record, and, if applicable, the managing agent.

(2) The Code Enforcement office shall supply a form for use as the Landlord Registration which shall be completed and filed by the property owner and shall include Property Description: a description of the premises, including:

a. Property description - address, number of units, number of floors, total number of bedrooms, the term for which the units are rented or leased, whether the units are currently occupied, the name listed on the property deed, and any other identifying information requested by Code Enforcement;

b. Owner Information: the owner's name, physical address, mailing address, and primary and secondary voice telephone numbers;

c. Designation of Managing Agent: if a managing agent is required pursuant to this division then the owner shall provide the name, business address, business telephone number, and fax number of the managing agent;

d. Insurance Information: the name, address, and business telephone number of the insurance provider, along with proof of current insurance coverage for both liability and fire;

e. Certificate of Occupancy: the Certificate of Occupancy number and issue date.

(3) It shall be unlawful for any owner to offer any unit for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this section as required herein within the time prescribed for such registration. Failure to receive actual notice of the registration deadline shall not be a defense for failure to register rental property.

a. Failure to maintain the Landlord Registration in compliance with this section shall cause any Certificate of Occupancy issued relative to the subject property to be deemed void.

(b) The Landlord Registration shall be signed and sworn to under penalty of perjury by the property owner; if such owner is a corporation, an officer thereof shall sign for the corporation; if such owner is a partnership, a partner thereof shall sign for the partnership. If a managing agent is designated, the owner's signature shall be acknowledgement of the authority of the managing agent to receive notices related to the property in the owners' place and stead, and receipt of such by the managing agent shall be deemed actual notice to the property owner.

(c) Any Landlord Registration statement or designation of a managing agent shall be deemed prima facie proof of the statement contained therein, in any criminal or civil prosecution instituted by the City or by any proper prosecutorial agency against the owner or managing agent of the subject rental property.

(d) Managing Agent

(1) Any property owner may designate a Managing Agent for any property subject to the Landlord Registration, in which case the Managing Agent must also sign and affirm the Landlord Registration form as filed with the Code Enforcement office.

(2) A property owner must designate a Managing Agent for any property subject to the Landlord Registration, if

a. The property owner is not a natural person, or

b. The property owner does not reside within 20 miles of the City of Olean, or

c. The property owner does not reside in New York State.

(d. 2) A Managing Agent must be

(1) A natural person,

(2) Over the age of 18, and

(3) Actually reside within 20 miles of the City of Olean, or have a regular place of business within the City of Olean.

(e) The owner shall, at all times, keep this information updated and shall amend the Landlord Registration to reflect any change in the required information within 15 days of such change. Failure to comply with the updating requirements shall be a violation by the owner and such failure shall cause the Certificate of Occupancy to be deemed void.

(f) Failure to provide full and complete information, or provision of inaccurate or false information, in the Landlord Registration shall be deemed non-compliance and shall be a violation of the Landlord Registration requirements, unless the same shall be corrected and completed within the filing period, such failure shall cause the Certificate of Occupancy to be deemed void.

(g) Any designation of a managing agent shall cease to be effective upon the death or judicially declared incompetency of the managing agent and shall require an updated Landlord Registration be filed as in § 6-80.

(h) Designation of a managing agent in no way relieves the property owner of liability under the Code for any violations related to the property. The property owner, at all times, remains solely responsible for compliance with all Code requirements related to the property.

(i) If a managing agent is designated, the Landlord Registration shall also be signed by the managing agent and such signature shall be acknowledgement of accepting responsibility to receive notices related to the property on behalf of the owner.

Secs. 6-81--6-84. Reserved.

Sec. 6-85. Violations and penalties.

(a) Enforcement.

(1) Any violation of this division is an offense punishable by a fine not to exceed the sum of \$250. Each week that a violation continues shall constitute a separate offense.

(2) The Code Enforcement Office is authorized to make inspections of property, to respond to complaints, to issue notice(s) of violation(s) and to issue appearance tickets, where necessary to enforce the provisions of this division.

(b) Complaints of violations.

(1) Any person may file a complaint with the Code Enforcement Office that a violation of this division may have taken place or is allegedly taking place. All complaints shall be in writing and shall specify the property on which the alleged violation has occurred.

(2) The Code Enforcement Office shall record and investigate any such written complaint.

(3) The Code Enforcement Office shall also investigate any alleged violation that it has reason to believe has occurred or is occurring.

(c) Inspection. Whenever a complaint has been filed, or whenever it shall appear that the provisions of this division are being violated, the Code Enforcement Office shall investigate the complaint. Except in cases where the alleged violation is in plain view and/or where no entry is necessary, or except in cases where an imminent peril exists, the Code Enforcement Office shall obtain approval from an owner, lessee, agent, tenant or other person with authority to make an inspection of the property.

IT IS RESOLVED, that this resolution shall take effect January 1, 2011.

approved 12-14-10