

Article 4: Certificates of Occupancy

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Section 400.00 Certificate of Occupancy

This law shall be enforced by the officer of the Village of Alfred designated by the Village Trustees of the Village of Alfred and shall be known as a housing Law enforcement Officer. Whenever the Housing Enforcement Officer inspects premises and finds them to be in compliance with the Village of Alfred Housing Law, he shall issue a certificate of occupancy on a form prescribed by the Village Trustees. The certificate of occupancy shall be valid for two years from the date of issuance unless sooner revoked. A certificate of occupancy may only be revoked by the officer charged with the enforcement of this law after and inspection of the premises, notice to the owner and occupant, and a reasonable opportunity to remedy any violation which does not represent an imminent danger to the health or welfare of the occupants of the premises. If the officer charged with the enforcement of this law upon inspection finds a condition which constitutes an imminent danger to the health or welfare of the occupants of the premises, he may revoke the certificate of occupancy forthwith. The certificate of occupancy shall be posted conspicuously on the premises. (Amended 12/00)

Section 400.01 Registration

1) Owners and lessors of rental housing, or their respective agents, shall within 30 days of making their buildings suitable for occupancy by tenants, file with the Code Enforcement Officer (C.E.O.) on registration forms provided by the C.E.O., the following information:

A. the names and addresses of owner(s) and lessor, and of their respective agents, upon whom violation orders may be served;

B. the street addresses of all properties subject to this code as will enable the C.E.O. to locate same;

C. such other appropriate information as may be required for inspection, including but not limited to the use of the premises, number of units, and number of rooms.

2) Nonresident owners of premises subject to this housing law who live beyond a fifteen (15) mile radius of the Village of Alfred, and who are not employed in the Village of Alfred, shall designate an agent with responsibility for the premises. Such agent shall reside in the Village of Alfred or within a fifteen (15) mile radius of the village.

Section 400.015 Application for Certificate of Occupancy

It shall be the responsibility of the owner of a property subject to inspection by the

Code Enforcement Officer to apply for renewal of the Certificate of Compliance for that property. Such application shall be made to the Code Enforcement Officer not less than sixty (60) nor more than ninety (90) days before expiration of the existing certificate.

Section 400.03 Who May Request Inspection

If, following a request directed to the Code Enforcement Officer (C.E.O.), the C.E.O. finds probable cause to believe a violation of this Local Law, the New York State Fire Protection and Building Code, or the Zoning Law of the Village of Alfred exists on premises subject to inspection by the C.E.O., the C.E.O. shall conduct an inspection to determine whether in fact such violation exists. If such violation exists, the C.E.O. may proceed to remedy or sanction such in accordance with the provisions of this or other applicable law. Such initial inspection following a request to inspect shall be free of charge. However, any subsequent inspections to determine whether violations have been remedied shall be charged in accordance with the fee schedule for this law against the offending party. Notwithstanding the above, nothing in this section shall preclude a regularly scheduled inspection, nor shall it preclude the C.E.O. from inspecting a property subject to this Local Law if the C.E.O. believes that a violation of the code may exist.

Section 401.00: Temporary Certificate of Occupancy

Whenever the Village of Alfred Housing Law Enforcement Officer inspects premises and finds them not to be in compliance with the Village of Alfred housing Law but finds further that such noncompliance does not represent an imminent danger to the health or welfare of the occupants of those premises and can be remedied within a reasonable time without vacating the premises, the Housing Law Enforcement Officer shall issue a temporary certificate of compliance on a form prescribed by the Village of Alfred Trustees. Such certificate shall not be issued for a period longer than is reasonably required to remedy any deficiencies in the premises, and in no event shall be issued for a period longer than one hundred twenty (120) days.

Section 402.00 Exemptions

A certificate of compliance shall not be required for premises which are occupied year round by their owner as a principal residence where the owner rents one or more rooms to tenants who share the same cooking facilities as the owner occupant. A certificate of compliance shall not be required for premises which are occupied by the owner year round as a principal residence and only rented by the owner to others during the owner's temporary absence, not to exceed fifteen months, from the Village of Alfred.

Section 403.00 Appeal Procedure

A person aggrieved by a decision of the Alfred Village Housing Law Enforcement Officer which is arbitrary, unreasonable, capricious, or a misinterpretation of the Alfred

Village Housing Law may appeal such decision. Such appeal shall be made to the member of the Alfred Village Board designated by the Mayor to hear such appeals. This appeal must be made in writing and filed with the Alfred Village Clerk not more than ten (10) days after the Housing Law Enforcement Officer's denial or termination of a certificate of compliance. The person designated to hear such appeal may meet with the appellant, may examine the premises in question, or may decide the appeal upon the papers submitted by the appellant and the Housing Law Enforcement Officer. The person designated to hear such appeal shall render a written decision of appeal within twenty (20) days.

Section 404.02 Smoke Detectors

Owners or lessors of rental housing or their agents will certify to the Code Enforcement Officer at the inception of tenancy and every six months thereafter that smoke and fire detection devices in the premises are in working order. Certification shall be in writing, signed by the owner, lessor, or agent. It is understood that it is the landlord's responsibility to provide tenants with detectors in good working order when tenants occupy the premises. After the inception of tenancy until the end of the rental term, it is understood that tenants are responsible for replacing batteries when necessary, while landlords have the responsibility to maintain the detector (other than the battery) in good order and repair. Failure by the owner to provide the certificate required by this section or to provide and maintain a working smoke detector or failure by the tenant to maintain batteries in an existing smoke detector, shall be considered a violation of this Local Law and shall subject the offender to any of the penalties provided in Section 500.00 of this Local Law.