

City of Ithaca, NY  
Thursday, November 29, 2018

## Chapter 178. Exterior Property Maintenance

[HISTORY: Adopted by the Common Council of the City of Ithaca 6-13-2001 by Ord. No. 2001-8.  
Amendments noted where applicable.]

### **GENERAL REFERENCES**

Garbage and refuse — See Ch. **196**.

Numbering of houses — See Ch. **206**.

Landmarks preservation — See Ch. **228**.

Rental housing — See Ch. **258**.

Snow, ice and other obstructions on sidewalks and ramps — See Ch. **285**, Art. III.

Trees and shrubs — See Ch. **306**.

Removal of vehicles — See Ch. **317**.

Garbage, trash and weeds — See Ch. **331**.

### **§ 178-1. Declaration of purpose.**

The purpose of this chapter is to provide a minimum standard for the maintenance of the exterior grounds and visible facades of all properties within the City. This chapter is intended to help provide stable and inviting neighborhoods and business and commercial districts and to promote public health and safety by prohibiting certain deficiencies in exterior property maintenance which create or contribute to unhealthy or hazardous conditions. This chapter is also intended to ensure that property owners or their delegated agents perform such repair and maintenance of properties as will prevent deficiencies that could become an attractive nuisance with regard to children, trespassers or household pets or that may attract insect or animal pests. The adoption and enforcement of this chapter is intended to serve as a deterrence to substandard exterior property maintenance and as a tool for protecting property investment, the tax base and the health, safety and welfare of all City residents.

### **§ 178-2. Definitions.**

For the purposes of this chapter, the following definitions shall apply:

#### **BULK ITEMS**

Large items and materials, including furniture (other than aluminum and plastic yard furniture), house furnishings and large appliances, such as refrigerators, stoves, washing machines and clothes dryers.

#### **COLLECTIBLE YARD WASTES**

Grass, leaves, brush, and other plant wastes and soil materials from gardens, lawns and yards, prepared for collection in conformance with City requirements.

#### **COMPOSTING MATERIALS**

Yard trimmings, vegetable wastes and other organic matter managed for the purpose of natural transformation into compost and stored in a container or compact pile that contains no sewage, sludge or septage; contains no inorganic materials, such as metal, plastic or glass; and is maintained in a manner to minimize odors and the attraction of insect and animal pests.

**DUMPSTER**

A bulk storage container for garbage, recyclable materials and other solid waste that can be hauled directly to the point of disposal or emptied into a compactor-type truck for disposal.

**EXTERIOR STRUCTURES**

Includes porch areas and the external walls of a building, as well as fences and retaining walls.

**GARBAGE**

- A. Discarded materials generated from the activities of a household, business, institution, or public or quasi-public facility, consisting of:
  - (1) Food wastes, including but not limited to kitchen and table scraps, decaying or spoiled vegetable, fruit and animal matter, and fallen fruit.
  - (2) Any other used or discarded waste materials such as paper, plastic, metal, rags, food wrappings and containers, sweepings, rubber, leather, cloth, clothing, waste materials from normal maintenance and repair activities, pasteboard, crockery, shells, dirt, ashes, wood, and glass.
- B. "Garbage" does not include properly prepared and stored recyclable materials or collectible yard wastes, properly stored and maintained composting materials, rubble, bulk items, industrial waste, hazardous materials, automobile or other motor vehicle tires, or any other material that the City or private waste hauler has specified will not be picked up curbside at a property as part of the regular collection.

**GRAFFITI**

Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property to the extent that the graffiti was not authorized in advance by the owner or occupant of the property.

**GROUND and EXTERIOR PROPERTY**

Any area of a building or lot, excluding porch areas, not enclosed within the walls of a building. These terms include any public rights-of-way which pass through or are adjacent to a property, including the sidewalk and any area between the sidewalk, if there is one, and the street pavement.

**HAZARDOUS MATERIALS**

Means, without regard to amount and/or concentration, petroleum, petroleum distillates or products, polychlorinated biphenyls (PCB's), asbestos, formaldehyde, radioactive materials, and any substances which are defined as (or otherwise included in the definition of) "hazardous substances," "hazardous materials," "hazardous wastes," "toxic substances," "toxic pollutants," "pollutants," or "contaminants" under any federal or New York State law, statute, rule, regulation, or code.

**INDUSTRIAL WASTE**

Any substance resulting from any process of industry or manufacturing, including but not limited to chemical waste, sludge from air or water treatment facilities, and incinerator residue.

**LITTER**

Improperly discarded material consisting of but not limited to paper and plastic bags, bottles, cans, bottle caps, containers, garbage, paper, newspaper, pieces of paper, paper and plastic cups, wrappers, articles of clothing, cigarette butts, toilet paper, or any other trash disposed on the grounds, bushes or trees of a property.

[Added 2-5-2003 by Ord. No. 2003-4]

**OUTDOOR WOOD-BURNING FURNACE**

An exterior device or structure, designed or intended, through the burning of wood, for the purpose of heating the principal structure, or any other structure on the premises.

[Added 6-4-2014 by Ord. No. 2014-05]

**PORCH AREA**

Includes any open and/or partially enclosed porches or decks, as well as any entranceways or exitways which are in the public view.

**PUBLIC VIEW**

Areas of any property that are visible by pedestrian or vehicular traffic in the public right-of-way or visible from the exterior ground level of adjoining properties or properties within 100 feet of the subject property.

**RECYCLABLE MATERIALS or RECYCLABLES**

Materials that are defined as "recyclable materials" or "recyclables" pursuant to Tompkins County laws, rules or regulations, have not become contaminated through household or other use, and are fit for recycling.

**REFUSE**

Garbage, recyclable materials and collectible yard wastes resulting from the normal day-to-day operation of a household, business, institution or a public or quasi-public facility. "Refuse" does not include properly stored and maintained composting materials, rubble, bulk items, industrial waste, hazardous materials, automobile or other motor vehicle tires, or any other material that the City or private waste hauler has specified will not be picked up curbside at a property as part of the regular collection.

**ROOF**

The outer cover and its supporting structures on top of a porch or building.

**RUBBLE**

Waste material typically resulting from construction, demolition and major renovation activities, including but not limited to waste cement, concrete, masonry, bricks, tiles, sheetrock, plaster, shingles, lumber, telephone poles, railroad ties, wooden pallets, doors and door frames, windows and window frames and any similar material.

**SNOWFALL**

A measurable accumulation of snow or ice, not including trace or flurry events resulting in no measurable ground accumulation of snow or ice.

[Added 2-6-2008 by Ord. No. 2008-1]

**SOLID WASTE**

Any materials or substances that are discarded or rejected as being spent, worthless, useless or in excess to the owners or users at the time of such discard or rejection, including but not limited to garbage, refuse, industrial waste, hazardous materials, tires, rubble, discarded motor vehicles, and discarded bulk items. Notwithstanding the foregoing, "solid waste" shall not include properly prepared and stored recyclables or collectible yard wastes, or properly stored and maintained composting materials. An object shall be presumed to be discarded or rejected solid waste when the object is stored, placed or left on the grounds or exterior of the property in the view of neighbors or passersby under circumstances which meet any of the following criteria:

- A. The object produces an offensive smell.
- B. The object is of a type designed for interior use or made of materials which are suitable only for interior use and the object is left outside and exposed to the weather.
- C. The object has reached a degree of dilapidation or disrepair that can reasonably be presumed to render the material unsuitable for or incapable of being used for its original intended purpose or some other reasonable purpose.
- D. The object is left, placed or stored in a manner which appears likely to cause injuries.

### § 178-3. Standards for grounds and exterior property.

It shall be the duty and responsibility of all owners of property in the City of Ithaca to ensure that:

- A. All grounds on the exterior of the premises and all porch areas are kept free from solid waste, and any litter that has been cast, blown, thrown, put, placed, or accidentally dropped on the grounds, bushes, or in trees, and allowed to remain on the grounds, bushes, or in trees for 24 hours, is removed.  
[Amended 2-5-2003 by Ord. No. 2003-4; 4-7-2004 by Ord. No. 2004-7; 6-1-2005 by Ord. No. 2005-10; 2-3-2016 by Ord. No. 2016-02]
- B. All garbage, when stored outside or when stored in a porch area, is completely contained in nonabsorbent, watertight, durable containers having a tight-fitting lid in place. Plastic bags are not considered durable containers. Strong, waterproof plastic bags may be used to place garbage at the curbside on the evening before scheduled collections or may be taken to an approved refuse disposal site. Garbage containers, whether they contain garbage or not, shall have a tight-fitting lid in place at all times. Tight-fitting lids shall be placed back on all garbage containers as soon as possible after garbage collection and, in any event, on the same day as collection. Any garbage remaining after scheduled pickup must be removed from curbside as soon as possible after garbage collection and, in any event, on the same day as collection. Garbage containers shall not be stored in front yards or any other yards that have frontage on a public street unless all yards on the property have frontage on public streets. Prohibited storage areas include the area between the sidewalk and curb. Composting materials, so long as they are maintained as defined by this section, shall not be considered garbage. It is presumed that the contents of any garbage bag or plastic bag or garbage can is garbage. For purposes of this subsection, "stored" shall mean located in a general vicinity for at least 24 hours.  
[Amended 4-7-2004 by Ord. No. 2004-7; 9-1-2004 by Ord. No. 2004-15; 6-1-2005 by Ord. No. 2005-10; 2-3-2016 by Ord. No. 2016-02]
- C. Solid waste, other than garbage stored in proper containers and in the locations described above, and other than recyclable materials stored in accordance with § 178-3K below, is not stored in the public view for a period in excess of 24 hours, except that construction and

demolition debris related to an ongoing construction project with a valid building permit may be stored in the public view for not more than 30 days. Reusable household discards may be placed at curbside on special scavenger days designated by the Department of Public Works, but unclaimed discards must be removed by the property owner by the deadline set by the Department. Residents may place reusable materials on the tree lawn for purposes of informal scavenging, not to be observable for more than two successive days.

[Amended 6-1-2005 by Ord. No. 2005-10; 2-3-2016 by Ord. No. 2016-02]

- D. No more than one unlicensed motor vehicle may be stored in the public view in a side or a rear yard, and such storage shall be in compliance with § **325-20**. If there is no side or rear yard, one unlicensed motor vehicle may be stored in the front yard in compliance with § **325-20**. However, this section shall not apply to a motor vehicle which constitutes solid waste as defined in § **178-2** above, nor shall it apply to licensed car dealers in nonresidential zoning districts. For purposes of this subsection, "stored" shall mean located in a general vicinity for at least 24 hours.

[Amended 2-3-2016 by Ord. No. 2016-02]

- E. Grass, weeds or other vegetation on grounds and exterior property are maintained so that the height of the vegetation does not exceed 10 inches for more than 24 hours, except for trees, bushes and other vegetation planted, maintained or kept for some ornamental or other useful purpose. Natural woodlands shall be considered an ornamental or useful purpose. Premises situated at street intersections or on curved streets shall be kept in such condition as to give a clear and unobstructed view of the intersection or curve.

[Amended 2-5-2003 by Ord. No. 2003-4; 2-3-2016 by Ord. No. 2016-02]

- F. The area along public rights-of-way adjacent to or on the property, including but not limited to the area between the front property line or sidewalk and the curb or street pavement, does not for at least 24 hours fail to be maintained in a reasonably clean and sanitary condition free of garbage and/or solid waste, with any grass, weeds and brush in said area cut or trimmed in compliance with § **178-3E** above. The planting of annuals and perennials in these sidewalk areas shall be allowed, but the planting of trees or shrubs in these areas shall not be permitted without the approval of the Superintendent of Public Works. Premises situated at street intersections or on curved streets shall be kept in such a condition as to give a clear and unobstructed view of the intersection or curve.

[Amended 2-3-2016 by Ord. No. 2016-02]

- G. Trees, shrubs or other vegetation are pruned such that they will not obstruct the passage of pedestrians on sidewalks. The maintenance of City trees, including trees between the sidewalk and curb, must be left to the Department of Public Works.

- H. Fences and walls are maintained in a safe and structurally sound condition.

- I. Steps, walks, driveways, parking spaces, and other similar paved areas in sidewalks, driveways, and tree lawns are maintained so as to afford safe passage under normal use and weather conditions.

[Amended 2-5-2003 by Ord. No. 2003-4]

- J. Sidewalks; snow and ice.

[Amended 12-7-2005 by Ord. No. 05-25; 2-6-2008 by Ord. No. 2008-1]

- (1) Sidewalks shall be free from snow and ice for the full paved width of such sidewalk, except within 24 hours after the beginning of a snowfall. Failure to comply shall be punished as provided in § **178-10A(2)**. Each day that a violation continues shall be considered a separate offense.

- (2) For properties that abut the intersection of two streets, the sidewalks shall include that portion of the sidewalk that runs to the curbline of any street and shall include any access ramps therein. (See § 285-5.)
  - (3) When snow and ice on any sidewalk within the time period specified in Subsection J(1) above is frozen so hard that it cannot be removed without injury to the sidewalk, it shall, within the time specified in Subsection J(1) above be strewn and kept strewn with ashes, sand, sawdust or other suitable material, so as to be no longer dangerous to life and limb. As soon as practical thereafter, the sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in Subsection J(1).
  - (4) Whenever any sidewalk is not kept free from snow and ice as defined in Subsection J(1), the Superintendent of Public Works or his or her designee may clear the sidewalk so that it is free from snow and ice and shall notify the City Chamberlain of the expense incurred by the amount of labor equipment and materials used. The minimum charge shall be \$50. The City Chamberlain shall promptly present to the owner of any parcel so cleared a bill for the removal of snow and ice, as certified by the Superintendent of Public Works. If not paid within 30 days, the cost thereof shall be assessed against the property, added to its tax and become a lien thereon, collectible in the same manner as delinquent City taxes. Appeals from this section shall only be permitted if written notice of appeal is received by the Ithaca City Clerk within 45 days after the mailing of the bill from the Chamberlain, and such appeals shall be taken to the Board of Public Works.
- K. Recycling containers and recyclable materials shall not be stored in front yards, or any other yards that have frontage on a public street, unless all yards on the property have frontage on public streets. If recyclable materials are stored in plastic bags, such bags must be made of clear plastic. Recyclable materials placed at curbside before a scheduled collection may not be in plastic bags. This prohibition against the use of plastic bags at curbside shall not apply to collectible yard wastes as long as the provisions of Code § 196-3C(1) are met.
- L. All provisions regarding dumpsters set forth in Code § 325-29.3 are met.

## § 178-4. Standards for exterior structures.

It shall be the duty and responsibility of all owners of property in the City of Ithaca to ensure that:

- A. Exterior structures are kept free of garbage, unless stored and completely contained in durable, nonabsorbent, watertight containers having a tight-fitting lid in place. Plastic bags are not considered durable containers. It is presumed that the contents of any garbage bag or plastic bag or garbage can is garbage.  
[Amended 4-7-2004 by Ord. No. 2004-7]
- B. All construction and demolition materials and debris, related to an ongoing construction project with a valid building permit, is located on exterior structures or in yards and in public view for no longer than 30 days. Materials that are not part of a valid construction project authorized by a building permit shall not be stored in public view and shall be deemed solid waste for the purposes of this chapter.  
[Amended 4-7-2004 by Ord. No. 2004-7]
- C. Any exterior structures that are defaced with graffiti do not remain so defaced for a period longer than 20 days, provided that, if the subject graffiti can reasonably be interpreted as being hateful or derogatory towards any person or any group of persons by virtue of their actual or perceived race, color, religion, age, disability, marital status, sexual orientation,

military status, or national origin, then the property owner may request that the City remove the graffiti at no expense to the property owner.

- D. No furniture shall be permitted on any roof that has not been specifically designed for occupancy and does not have guardrails meeting the State Building Code requirements at the time of construction. Roofs shall be kept free of solid waste.
- E. No outdoor wood-burning furnace shall be installed, constructed, maintained or operated on the exterior property of premises within the City.  
[Added 6-4-2014 by Ord. No. 2014-05]

## § 178-5. Responsibilities of agents delegated by property owners.

[Amended 4-7-2004 by Ord. No. 2004-7]

Property owners who do not reside in Tompkins County or one of its contiguous counties must file an agency agreement with the City Building Department designating an agent to be responsible for all of the responsibilities outlined in this chapter, and to accept service of process on behalf of the property owner. Property owners residing within Tompkins County or one of its contiguous counties may delegate the responsibilities outlined in this chapter to an agent so long as, at the time of any violation of this subsection, an agency agreement is on file in the City Building Department. The property owner and agent shall both be liable for violations of this chapter, and the City may bring an enforcement action against either the property owner or agent, or both. If a property owner who does not reside in Tompkins County or one of its contiguous counties fails to file an agency agreement with the Building Department within 60 days of the effective date of this chapter, or if the agent designated does not accept service or denies agency, then the City Clerk shall be deemed to be the owner's agent for the limited purpose of accepting service of process on behalf of the owner and service by mail shall be deemed complete upon mailing by first class mail in the name of the owner to the address of the property. All agency agreements shall be in the form specified by the City Building Department and shall contain at a minimum the following information: the identity of the owner and the agent, the owner's and agent's addresses and current phone numbers, the property or properties the agent is accepting responsibility for, the beginning and ending date of the agreement, and the signatures of both the property owner and agent, along with each party's date of birth. The agent must be a resident of or maintain business in Tompkins County. Post office boxes will not be accepted as addresses for agents. The owner shall be responsible for informing the Building Department, in writing, of changes to the owner's and agent's addresses and telephone numbers that occur after the owner files the agency agreement with the Building Department. The property owner may not designate a residential tenant as the agent pursuant to this section, except where such designation is contained in an employment agreement between the property owner and the tenant. The employment agreement shall not be contained in the lease agreement between the property owner and the tenant, and the tenant's acceptance of designation as the agent shall not be a condition of the lease agreement.

## § 178-6. New construction.

For new construction of multiple dwellings, commercial buildings, and office buildings, facilities for the storage and collection of solid waste and recyclable materials shall be subject to and meet the requirements of Code § 276-7A(12).

## § 178-7. Notification when City intends to correct violation; snow or ice and graffiti removal; hearings for contested notices or billings; failure of property owner to comply.

[Amended 2-6-2008 by Ord. No. 2008-1; 6-5-2013 by Ord. No. 2013-15<sup>[1]</sup>]

- A. Except as otherwise specified in this subsection, in any case in which the City intends to correct a violation of this chapter and then bill the property owner for the correction of the violation, the Director of Planning and Development or his/her designee shall notify the owner of the property and, where relevant, the registered agent who has assumed responsibility as outlined in § 178-5 of this Code, in writing, of any violation of this chapter.
- B. In the case of a violation of § 178-3J (i.e., failure to clear snow or ice from a sidewalk), notice of such violation or of the City's intention to remedy the violation shall not be required prior to the clearing of such snow or ice by direction of the Superintendent of Public Works, as provided for in § 178-3J(4); in that case, the bill for such clearing from the City Chamberlain as provided for in said subsection shall constitute notice of the violation and shall also state that the property owner may contest the billing by making a written request for a hearing before the Board of Public Works in the manner provided for below.
- C. Any other notice required by this section shall be served in person or by mail to the address appearing on the City tax roll, requiring such person, within a time specified in such notice but in no event less than five days from the service or mailing thereof, to comply with this chapter and to cause the grass, brush or solid waste to be cut back or removed or, if graffiti, to have the same removed so as to comply with this chapter. In the event that graffiti removal is ordered during the winter months, then, upon receipt of a written request from the property owner or agent within the time specified in the notice for removal, the Director of Planning and Development or designee may, in his or her discretion extend the compliance period. Such notice shall also state that the property owner may contest the finding of the Director of Planning and Development or designee by making a written request to have a hearing on the matter held at the next regularly scheduled meeting of the Board of Public Works.
- D. Any request for such a hearing must be mailed and postmarked or personally delivered to the Director of Planning and Development or designee within the five-day compliance period (or, in the case where the City has billed the property owner for removal of snow or ice from a sidewalk, within five days of the mailing of such bill), and any such written request for a hearing shall automatically stay further enforcement concerning the alleged violation pending such hearing. The decision of the Board of Public Works, by majority vote, shall be binding, subject to any further judicial review available to either the City or the property owner.
- E. Upon the failure of a property owner to comply with the requirements of § 178-3J of this chapter, or with the notice of violation of any other provision of this chapter (or, alternatively, to request a hearing as aforesaid within the time limit stated in such notice, or upon a Board of Public Works' determination, after such a hearing, that a violation exists), the Director of Planning and Development or designee shall refer the matter, by memorandum, to the Superintendent of Public Works, who shall cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises, including a charge of 50% for supervision and administration. The minimum charge to the property owner for such work shall be \$50. Bills rendered for such services shall be handled in the manner prescribed by § 178-3J of the Code.

[1] *Editor's Note: This ordinance provided for an effective date of 1-1-2014.*

## § 178-8. Board of Zoning Appeals exemptions.

In cases where the Board of Zoning Appeals finds that a property is of such size or of such topographical characteristics as to make compliance with this chapter impractical or a financial hardship to the owner, the Board may grant an exemption (or a partial exemption to the extent dictated by the special circumstances) from the requirement. Similarly, if the Board finds that there exists a situation involving desirable plant species or animal habitats deemed worthy of preserving, it may grant an exception from the requirements.

## § 178-9. Liability for area between sidewalk and curb.

[Amended 2-5-2003 by Ord. No. 2003-4]

Property owners shall be liable for any injury or damage resulting from or caused by reason of omission, failure or negligence to maintain the area between the sidewalk and the curb of the street in the manner described in § 178-3F and to maintain steps, walks, driveways, parking spaces, and other similar paved areas in sidewalks, driveways, and tree lawns in the manner described in § 178-3I.

## § 178-10. Enforcement.

[Amended 12-7-2005 by Ord. No. 05-21; 10-3-2012 by Ord. No. 2012-09]

### A. Civil penalties.

- (1) Any property owner and/or agent who violates any provision of this chapter or of § 325-29.3, except those provisions specified in Subsection A(2) below, shall be liable for a civil penalty of \$25 for the first violation at a property within a six-month period, \$50 for a second violation at the same property within a six-month period, and \$100 for a third or subsequent violation at the same property within a six-month period. For any fine not paid within six months of the date of the offense, there shall be a late penalty in the amount of 20% of the fine added to the amount due, such late penalty waivable for good cause shown.

[Amended 2-3-2016 by Ord. No. 2016-02]

- (2) Any property owner and/or agent who violates § 178-3(B), solely insofar as to fail to have a tight-fitting lid in place on garbage containers, shall be liable for a civil penalty of \$10 for each such violation. Any property owner and/or agent who violates § 178-3(G), (I) or (J), regarding obstruction and/or safety of walkways, shall be liable for a civil penalty of \$40 for the first violation at a property within a twelve-month period, \$60 for a second violation at the same property within a twelve-month period, and \$100 for a third or subsequent violation at the same property within a twelve-month period.

[Amended 2-3-2016 by Ord. No. 2016-02]

- (3) Each violation of this chapter or of § 325-29.3, and each day during which a violation continues, shall be deemed to be a separate violation.
- (4) The City Attorney or his or her designee may commence an action or special proceeding against the violator in a court of competent jurisdiction to collect these penalties,

together with costs, disbursements and recoverable attorneys' fees, and/or to compel compliance with or restrain by injunction any such violation.

- (5) When the City Attorney obtains a judgment in an action or proceeding under this section either against the property owner or agent, or both, in addition to the appropriate methods for enforcement of judgments established in the Civil Practice Law and Rules, such judgment for penalties may constitute a lien, be a lien on the subject property and on the rents therefrom, or may be collected in the manner of any other civil judgment.
  - (6) In the event a defendant property owner does not answer a ticket within six months of the court date specified on the summons, the court having jurisdiction shall enter a default plea of guilty on behalf of the defendant property owner and render a default civil judgment of the fine specified in this section. Upon motion by the defendant property owner with good cause for the default shown and a meritorious defense asserted, the court shall vacate the default plea of guilty. Mailing the summons to an address other than the one specified in the Building Department file shall also be grounds to vacate the default plea of guilty.
- B. Appearance tickets and appeals. Notwithstanding any contrary Code provision, appearance tickets may be issued by the Director of Planning and Development and/or his/her designee(s) charging violations of this chapter or of § 325-29.3 whenever there is probable cause to believe that said violations have occurred. Any rights to administrative appeals to any board or commission of the City of Ithaca mentioned elsewhere in this Code shall not apply as a condition precedent to issuing an appearance ticket charging a violation of this chapter or of § 325-29.3. Any right to an administrative appeal from a decision or determination of the Director of Planning and Development or other City official with regard to the above Code chapter and section shall apply only in cases in which the City intends to correct the violation and seek to charge the property owner or agent for the costs of correction

[Amended 6-5-2013 by Ord. No. 2013-15<sup>[1]</sup>]

[1] *Editor's Note: This ordinance provided for an effective date of 1-1-2014.*

City of Ithaca, NY  
Thursday, November 29, 2018

## Chapter 285. Streets and Sidewalks

### Article I. Brick and Masonry Paving Materials

#### § 285-2. Duties of Board of Public Works.

The Board of Public Works shall:

- A. Establish stockpiling methods which conform to the following:
  - (1) All reasonable salvageable brick and masonry materials should be carefully removed from the site and transported to a reasonably secure storage area.
  - (2) All such paving materials are to be cleaned and piled in an orderly and retrievable manner, preferably on pallets, in an economically feasible fashion, the methods of cleaning and stockpiling to be investigated by the Board of Public Works.
  - (3) Usable paving materials shall be piled according to size and recorded to ensure that an adequate accounting of these valuable resources is made.
- B. Cross-train Department of Public works personnel to repair/maintain such streets and appurtenances in order to keep the bricklaying skill within the Department.
- C. Require that all utility and other openings are repaired in kind with identical paving materials and replacement techniques.
- D. Prepare model specifications and contract documents that reflect current technologies in brick paving.

### Article II. Snow, Ice and Other Obstructions on Sidewalks and Ramps

#### § 285-3. Duty of owner to keep clear.

It shall be the duty and responsibility of all persons owning property on a public street to keep the sidewalks surrounding such property substantially clear of snow, ice and other obstructions, including but not limited to free-flowing water from drains, ditches and/or downspouts located on such property. The sidewalks shall be cleared of such obstructions within 24 hours of when the obstruction initially occurs. For properties that abut the intersection of two streets, the sidewalks which must be kept substantially clear of snow, ice and other obstructions shall include that portion of the sidewalk which runs to the curbline of any street and shall include access ramps located therein.

## § 285-4. Performance of work by city; costs.

Upon the failure of the owner of such property to clear any such sidewalk or access ramp within 24 hours of when the obstruction initially occurs, the sidewalks and/or access ramps may be cleared by employees or agents of the city at the expense of the property owner. In such event, the property owner will be charged the actual out-of-pocket cost to the city of such work plus an additional 50% for overhead and administration charges. Such charge shall be paid to the city within 30 days from the date the bill is sent to the owner. Bills remaining unpaid after such thirty-day period shall accrue a late penalty of 12% per annum from the date of the bill or \$3 per month, whichever amount is greater.

## § 285-5. Penalties for offenses.

Any owner of property who shall fail to keep sidewalks and access ramps clear of snow, ice or other obstructions as above provided shall be subject to punishment as provided in Chapter 1, General Provisions, Article I, Penalties.