

PROPOSED

PROPERTY AND BUILDING NUISANCE REFORM LAW

ARTICLE I: General Provisions

§ 1. Findings and purpose.

The City of Cortland City Board finds that the public nuisance exist in the City of Cortland in the operation of certain commercial establishments and the use or alteration of residential and commercial property, in flagrant violation of the building code, zoning regulations, health laws, multiple dwelling law, penal laws regulating obscenity, prostitution and related conduct, gambling, controlled substances and dangerous drugs, and possession of stolen property and licensing laws. All of these interfere with the interest of the public in property values, public health, safety and welfare and the quality of life and community environment. The Board further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the people of the City of Cortland and of the businesses thereof and visitors thereto. It is the purpose of the Board to create one standardized procedure for securing legal and equitable remedies relating to the subject matter encompassed by this chapter, without prejudice to the use of procedures available under existing and subsequently enacted laws, and to strengthen existing laws on the subject.

§ 2. Definitions.

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

- A. **ADVERSE IMPACT:** Includes, but is not limited to, the following: any search warrants served on the property where controlled substances and/or weapons were seized; investigative purchases of controlled substances on or near the property by law enforcement agencies or their agents; arrests for violations of controlled substance laws and/or possession of weapons; loitering for the purpose of engaging in illegal activity; an increase in the volume of traffic associated with property; complaints made to law enforcement officials of illegal activity associated with the property; and finding of illegal weapons, as defined in § 265.00 of the Penal Law, or controlled substances, as defined in Article 220 and 221 of the Penal Law, on or near property by law enforcement officials and their agents.
- B. **BUILDING:** A structure where space is covered or enclosed for the use, shelter, storage or protection of persons, animals, chattel or property of any kind and which is permanently affixed to the land.
- C. **BUILDING, ACCESSORY:** A building subordinate to the principal building on the lot and used for purposes which are clearly related but incidental to that of said principal building.
- D. **BUILDING, OFFICE:** A building or portion thereof utilized to accommodate the activities of a business.
- E. **BUSINESS:** An activity, occupation, employment or enterprise which requires time, attention, labor and material and wherein merchandise is exhibited or sold or services offered.

- K. TESTIMONY: Oral, written or other documented evidence tending to show or prove the truth of the matter asserted.
- L. VIOLATION: Conduct, or evidence of conduct, prohibited under this chapter. A violation does not require criminal prosecution and conviction but only a preponderance of evidence that the prohibited conduct is occurring or has occurred. Evidence of prohibited conduct may include, but is not limited to, police reports, investigative reports, execution of search warrants, results of police surveillance, arrest and/or conviction of local and state and federal laws, activities associated with trafficking of controlled substances on or near the property and/or increased volume of traffic associated with the property.
- M. YARD: An open area on a lot which is open to the sky that is unoccupied by a land use or activity except as may otherwise be provided in Chapter 205, Zoning.

§3. Evidence and presumptions.

- A. Evidence. In any action under this section, evidence of the common fame and general reputation of the building, structure or place, of the inhabitants or occupants thereof, or of those resorting thereto, shall be competent evidence to prove the existence of a property or building nuisance.
- B. Scienter. If evidence of the general reputation of the building, structure or place, or of the inhabitants or occupants thereof, is sufficient to establish the existence of the nuisance, it shall be prima facie evidence of knowledge thereof and part of the owners, lessors, lessees and all those in possession of or having charge of, as agent or otherwise, or having any interest in any form in the property, real or personal, used in conducting or maintaining property or building nuisance.
- C. Presumptions.
 - (1) Any building, accessory building, business office, lot or yard wherein within the period of two years prior to the commencement of a proceeding under this chapter there have occurred two or more convictions, as defined in § 2 on the part of the lessees, owners, operators or occupants of the provisions of this chapter, as defined in § 2 of this article, shall be prima facie evidence that a public nuisance exists at said location.
 - (2) Any building, accessory building, business office, lot or yard wherein within the two-year period prior to the commencement of a proceeding under this chapter there have occurred four or more violations on the part of the lessees, owners, operators or occupants of the provisions of this chapter, as defined in § 2 of this article, shall be prima facie evidence that a public nuisance exists at said location.
 - (3) Any building, accessory building, business office, lot or yard wherein within the period of two years prior to the commencement of an action under this chapter there has been presented a preponderance of evidence of repeated criminal activity which has an adverse impact, as defined in § 2 of this article,

who possesses some part of or an interest in the property. Proof of service shall be filled within two days thereafter with a clerk of the court designated in the summons. Service shall be complete upon such filing.

- E. Service of notice and petition on other defendants. A defendant(s) other than the building, structure or place wherein a public nuisance is being conducted, maintained or permitted shall be served with the petition as provided in the Civil Practice Law and Rules.
- F. Notice of pendency. With respect to any proceeding commenced or to be commenced pursuant to this chapter, the City Attorney may file a notice of pendency pursuant to the provisions of Article 65 of the Civil practice Law and Rules.
- G. Presumption of ownership. The owner of the real estate affected by the action shall be presumed to be the person in whose name the real estate is recorded in the office of the City of Cortland Assessor and/or the office of the clerk of the County of Cortland.
- H. Presumption of employment or agency. Whenever there is testimony that a person was the manager, operator, supervisor or in any other way in charge of the premises at the time a public nuisance was being conducted, maintained or permitted, such evidence shall be presumptive that he or she was an agent or employee of the owner or lessee of the building, structure or place considered to be a nuisance.
- I. Penalty. If, upon the trial of an action under this chapter, or upon a motion for summary judgment in a proceeding under this chapter, a finding is made that the defendant(s) has conducted, maintained or permitted a nuisance defined in this chapter, a penalty may be awarded in an amount not to exceed \$1,000 for each day it is found that the defendant conducted, maintained or permitted the public nuisance after notice to abate was given by the City. In addition, the defendant(s) shall be liable for the costs of the City in bringing the proceeding, including reasonable attorneys' fees and other litigation expenses. Upon recovery such penalty shall be paid into the general fund of the City of Cortland.
- J. Enforcement. A judgment pursuant to this chapter shall be enforced by the local law enforcement with jurisdiction and the office of the City Attorney.

§ 5. Judgment awarding permanent injunction.

- A. A judgment awarding a permanent injunction, pursuant to this chapter, may direct the Sheriff to seize and remove from the building, structure or place any and all material, equipment and instrumentalities used in the creation and maintenance of the public nuisance and shall direct the sale by the Sheriff of such property in the manner provided for the sale of personal property under execution pursuant to the provisions of the Civil Practice Law and Rules. The net proceeds of any such sale, after deduction of the lawful expenses involved, shall be paid into the general fund of the City.
- B. A judgment awarding a permanent injunction pursuant to this chapter may authorize agents of the City to forthwith remove and correct construction and structural alterations in violation of the applicable building and other codes. Any and all costs

§ 6. Preliminary injunction.

A. Generally.

- (1) Pending an action for a permanent injunction as provided for in this chapter, the court may grant a preliminary injunction enjoining a public nuisance within the scope of this chapter and the person or persons conducting, maintaining or permitting the public nuisance from further conducting, maintaining or permitting the public nuisance. An order granting the preliminary injunction shall direct a trial of the issues at the earliest possible time. Where preliminary injunction has been granted, the court shall render a decision with respect to a permanent injunction at its earliest convenience after the conclusion of the trial. A temporary closing order may be granted pending a hearing for a preliminary injunction where it appears by clear and convincing evidence that a nuisance within the scope of this chapter is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires the granting of a temporary closing order. A temporary restraining order may be granted pending a hearing for a preliminary injunction where it appears by clear and convincing evidence that a nuisance within the scope of this chapter is being conducted, maintained or permitted.
- (2) Enforcement of preliminary injunction. A preliminary injunction shall be enforced by the City Attorney and the local law enforcement with jurisdiction.
- (3) Preliminary injunctions; inventory; closing of premises; posting of order and notices; offenses. If the court grants a preliminary injunction, the provisions of this article shall be applicable.

B. Motion papers for preliminary injunction. The City Attorney shall show, by affidavit and such other evidence as may be submitted, that there is a cause of action for a permanent injunction abating a nuisance within the scope of this chapter.

C. Temporary closing order.

- (1) If, on a motion for a preliminary injunction pursuant to this section, the City Attorney shall show, by clear and convincing evidence, that a nuisance within the scope of this chapter is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary closing order, a temporary order closing such part of the building, structure or place wherein the nuisance is being conducted, maintained or permitted may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary closing order, the court shall direct the holding of a hearing for a preliminary injunction shall be rendered by the court at the earliest possible time.
- (2) Service of temporary closing order. Unless the court orders otherwise, a temporary closing order, together with the papers upon which it was based and a notice of hearing for the preliminary injunction, shall be personally served in the same manner as a summons as provided in the Civil Practice Law and Rules.

- H. Posting of temporary closing orders and temporary restraining orders.
- (1) Upon service of a temporary restraining order, the officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the public nuisance is being conducted, maintained or permitted. In addition, where a temporary restraining order has been granted, the officers shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that shall state that certain described activity is prohibited by court order and that removal of property is prohibited by court order.
 - (2) If the temporary restraining order directs that the premises are to be closed by court order, the notice shall contain the legend "Closed by Court Order" in block lettering of sufficient size to be observed by anyone intending or likely to enter the premises, the date of the order, the court from which issued and the name of the office or agency posting the notice.
 - (3) Mutilation or removal of such a posted order or such a posted notice, while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than \$1,000 or by imprisonment not exceeding 90 days, or by both, provided that such order or notice contains therein a notice of such penalty.
 - (4) The local law enforcement with jurisdiction shall, upon the request of the City Attorney, or upon the direction of the Supervisor, assist in the enforcement of this subsection.
- I. Intentional disobedience of or resistance to temporary restraining order and permanent injunction. Intentional disobedience of, or resistance to, a temporary restraining order, in addition to any other punishment prescribed by law, shall be punishable on conviction by a fine of not more than \$1,000 or by imprisonment not exceeding six months, or by both.
- J. Temporary restraining order or preliminary injunction bond required. A temporary restraining order or preliminary injunction shall not issue under this chapter except upon the giving of a bond or security by the applicant, in the amount of \$1,000, for the payment of such costs and damages as may be incurred or suffered by any party who is found to be wrongfully restrained or enjoined. A bond or security shall not be required of the State of New York, municipal corporations or political subdivisions of the State of New York.

§ 7. Temporary restraining order; defendant's remedies.

- A. A temporary restraining order shall be vacated upon notice of the City Attorney if the defendant shows by affidavit and such other proof as may be submitted that the public nuisance within the scope of this chapter has been abated. An order vacating a temporary closing order or a temporary restraining order shall include a provision authorizing agencies of the City to inspect the building, structure or place which is the subject of an action pursuant to this chapter periodically, without notice, during the pendency of the action, for the purpose of ascertaining whether or not the public

§ 9. Temporary receiver.

- A. Appointment, duration and removal. In any action wherein the petition alleges that the nuisance is being conducted or maintained in the residential portions of any home, residence or sleeping place of one or more human beings, the court may, upon motion on notice by the plaintiff, appoint a temporary receiver to manage and operate the property during the pendency of any action, in lieu of a temporary closing order. A temporary receivership shall not continue after final judgment unless otherwise directed by the court. Upon the motion of any party, including the temporary receiver, or on its own initiative the appointing court may remove a temporary receiver at any time.
- B. Powers and duties. The temporary receiver shall have such powers and duties as the court shall direct, including but not limited to collecting and holding all rents due from all tenants, leasing or renting portions of the building or structure, making or authorizing other persons to make necessary repairs or to maintain the property, hiring security or other personnel necessary for the safe and proper operation of a dwelling, prosecuting or defending suits flowing from his or her management of the property and retaining counsel therefor, and expending funds from the collected rents in furtherance of the foregoing powers.
- C. Oath. A temporary receiver, before entering upon his or her duties, shall be sworn or shall affirm faithfully and fairly to discharge the trust committed to such receiver. The oath or affirmation may be waived upon consent of all parties.
- D. Undertaking. A temporary receiver shall give an undertaking in an amount to be fixed by the court making the appointment that such receiver will faithfully discharge his or her duties.
- E. Accounts. A temporary receiver shall keep written accounts itemizing receipts and expenditures and describing the property and naming the depository of receivership funds, which shall be open to inspection by any person having an apparent interest in the property. Upon motion of the temporary receiver, or of any person having an apparent interest in the property, the court may require the keeping of particular records, or direct or limit inspection, or require presentation of a temporary receiver's accounts. Notice of motion for the presentation of a temporary receiver's accounts shall be served upon the sureties on the temporary receiver's undertaking as well as upon each party.
- F. Receiver's fees. The owner(s) of, or party(ies) responsible for, the subject property shall be responsible for any fees of the receiver, and the City shall be entitled to recover from them such receiver's fees.

§ 10. Nonexclusivity.

This chapter shall not be construed to exclude any other remedy provided by law for the protection of the health, safety and welfare of the people of the City of Cortland.

To Replace Chapter 102 subsection 102-8-A2

The premises are a public nuisance as defined by
Section _____ of the city of Cortland Code, being
the same definition and section as provided for in
Local Law # ____ of 201____ passed _____,
201 ____.

Chapter 102. RENTAL HOUSING

[HISTORY: Adopted by the Common Council of the City of Cortland 6-16-2009 by L.L. No. 1-2009. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 100.

Dangerous buildings — See Ch. 104.

Fair housing — See Ch. 131.

Property maintenance — See Ch. 220.

Zoning — See Ch. 300.

Article I. General Provisions

§ 102-1. Short title.

This chapter will be known as the "Cortland Rental Housing Law," and will be referred to as such in this chapter.

§ 102-2. Findings and statement of purpose.

The Common Council (Council) has determined that there exist in the City of Cortland issues arising from the rental of dwelling units that may be substandard or in violation of the New York State Uniform Fire Prevention and Building Code, the New York State Multiple Residence Law, or other state codes or local codes; dwelling units that are inadequate in size, overcrowded and dangerous, that tend to promote or encourage deterioration of the housing stock of the City, create blight, excessive vehicular traffic and parking problems and that tend to overburden municipal services. The Council finds that the City has transient residents, many of whom occupy rental housing within the City and whose members have generated a disproportionate number of complaints of public nuisances, including but not limited to noise, property damage, and property neglect; that the current Code of the City of Cortland lacks sufficient incentives for owners to regulate the conduct of their tenants; and that the City Code lacks sufficient safeguards on the population densities of rental housing. The Council further finds that current City Code provisions must be enforced to halt the proliferation of such conditions and that the public health, safety, welfare, good order and governance of the City will be enhanced by enactment of the regulations set forth in this chapter, which regulations are remedial in nature and effect.

§ 102-3. Effect on other laws.

This chapter supplements and/or incorporates the requirements contained in the New York State Uniform Fire Prevention and Building Code, the New York State Multiple Residence Law and the Zoning Law of the City of Cortland. In the event of a conflict between the aforementioned codes and this chapter, the most restrictive requirements shall prevail to the extent permitted under applicable law. This chapter is intended to supplement rather than supersede existing New York State law and the other chapters of the City Code.

E. Where a nonresidential business or activity or a state-licensed or state-approved use occupies a portion of a building and the building contains premises which would otherwise be subject to this chapter, this chapter shall be and remain applicable to the residential and common or public areas of such building and premises.

§ 102-5. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings and shall be so construed wherever they appear in this chapter.

APPROPRIATE AUTHORITY

The Code Enforcement Office.

BED-AND-BREAKFAST or TOURIST HOME

A single-family dwelling occupied and used by the owner of such dwelling as his/her principal residence, and within such dwelling unit there are not more than four accessory guest rooms whose occupants' stay shall not exceed seven days and for which a morning meal only is provided.

BEDROOM

Any room or space used or intended to be used for sleeping purposes.

CIVIL PENALTY

A penalty levied by the Code Enforcement Officer against an existing permittee in accordance with this chapter.

CODE ENFORCEMENT OFFICE

The division within the City charged with the duty to inspect dwelling units, rooming houses, rooming units, premises and structures for compliance with this chapter, and may also mean, as the context indicates, a member of that division.

CODE ENFORCEMENT OFFICER

The person designated by the Mayor or Common Council to issue permits pursuant to the New York State General City Law, the administrator of the Code Enforcement Office or his/her designee. Nothing herein shall be deemed to require the Mayor or Common Council to delegate permitting authority to the Code Enforcement Officer. The designated officer shall be the authorized representative for the enforcement of this chapter and for the administration of the division.

CODE OFFICIAL

Also referenced as the Code Enforcement Officer, the person appointed by the Mayor or Common Council pursuant to the New York State General City Law to issue permits; and the person charged with the administration and enforcement of this chapter, or any duly authorized representative thereof.

RECORD TITLEHOLDER

Any person holding title of record by deed, contract of sale, or judicial determination.

REGISTERED COMPLAINT

Any oral or written communication or personal observation upon which the Code Enforcement Officer has probable cause to believe that additional investigation is required to verify compliance with this chapter.

RENTAL AGREEMENT

A written or oral agreement embodying and fixing the terms and conditions for the transfer of possession and the use and occupancy of premises, whether or not for a definite period of time.

RENTAL BUILDINGS AND STRUCTURES

A. Dwelling units, rooming houses, rooming units, two-family dwellings, or multiple dwellings which are occupied by one or more persons, none of whom is a record titleholder; or

B. Dwelling units, rooming houses, rooming units, two-family dwellings, or multiple dwellings which are used for residential purposes under the terms of a rental agreement.

ROOMING/BOARDING HOUSE

Dwelling providing lodging and meals for monetary compensation for three or more nontransient guests. No private kitchen facilities shall be provided to guests.

ROOMING UNIT

Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

TENANT

A person, corporation, partnership or group, not the legal owner of record, occupying a dwelling unit or portion thereof as a unit.

TWO-FAMILY DWELLING

A building of two dwelling units, separated by common walls and/or floors. It may or may not have a direct entrance from the outside to each dwelling unit.

Article II. Administration and Enforcement

§ 102-6. Inspections; issuance of notices.

A. For purposes of the Rental Permit Law, the Code Enforcement Office shall cause inspections to be made at intervals as follows:

B. It shall be the responsibility of the owner to install working single-station smoke detectors and carbon monoxide detectors within their respective dwelling units, and it shall be the responsibility of the tenant to ensure that the smoke detectors and carbon monoxide detectors remain in working order throughout the lease term. In the event that a smoke detector or carbon monoxide detector becomes inoperable, the tenant shall inform the owner, and the owner shall immediately replace the inoperable smoke detector or carbon monoxide detector.

§ 102-8. Grounds for revocation or nonrenewal of permit.

A. The following findings, upon substantial evidence and which shall be made in accordance with Sections 102-13 of this Chapter, shall be grounds for revocation or nonrenewal of a rental permit for the particular rental building or structure at issue:

(1) The owner is a habitual violator as described in § 102-29;

(2) ~~The premises are a public nuisance property as described in the City of Cortland Code and any amendments or revisions made thereto; or~~

(3) Three or more violations of this chapter have occurred either at a particular rental building or structure within a twelve-month period, and the owner failed to correct such violations within the time period given by notice and/or has been required to appear before a court of competent jurisdiction for such failure(s), and the owner was found by the Code Enforcement Office, court, or Zoning Board of Appeals, where applicable, to have failed to correct the violations without good cause; or

(4) The owner, owner's agent, or anyone providing information on owner's behalf hereunder, provided materially false, misleading, or inaccurate information on any form submitted pursuant to this Chapter.

(5) Unpaid fees imposed by the provisions of this Chapter.

B. Before a rental permit may be revoked or issuance or renewal denied, except in cases of emergencies, a notice of the violation(s) shall be sent pursuant to Section 102-13, and the permittee or aggrieved person shall be entitled to a hearing before the Zoning Board of Appeals, which shall have appellate jurisdiction with regard to findings of fact upon which the Code Enforcement Officer has issued his or her decision. Written notice of the hearing shall be mailed to the permittee or served upon the aggrieved person no less than seven days in advance and shall apprise the recipient of the proceedings and potential consequences and the aggrieved person's right to be heard. At the hearing, the aggrieved person shall be entitled to be again apprised of the claims against him or her, must be given an opportunity to be heard in explanation or rebuttal, and shall have the right to confront witnesses. Determinations of the Zoning Board must be based upon substantial evidence and must incorporate the factual findings in the record as the bases for their determination. Prior convictions of offenses under this chapter from a court of competent jurisdiction shall be conclusive evidence of the violation(s) upon which such conviction was based. The Zoning Board, for good cause shown, may stay the enforcement of any revocation for such period as it deems appropriate. Persons seeking relief from applicable provisions of the New York State Uniform Fire Prevention and

other information required pursuant to this chapter in order to obtain a rental permit hereunder, to the maximum extent possible, to the Code Enforcement Officer who will then issue a temporary rental permit which said permit shall be effective until such point as an inspection can be completed by the Code Enforcement Officer, or the owner submits a notarized self-certification form pursuant to Section 102-11(C), and a permanent rental permit issued.

- B. Occupancy limitations shall be governed by the rules and regulations contained in Chapter 300 of the Code of the City of Cortland, known as the City of Cortland Zoning Code, and any amendments made thereto.

§ 102-11. Fees; duration of permits; issuance of permits.

- A. Rental inspection fees and reinspection fees will be charged in the amount set forth in the schedule of fees adopted by the City of Cortland Common Council by resolution.
- B. Rental permits will be issued for a thirty-six-month period and shall be valid for such period unless invalidated or revoked as provided in this chapter.
- C. Permits shall be issued upon completion of all of the following:
- (1) Provision of all the information required in the registration form pursuant to Section 102-9; and
 - (2) Verification of compliance with this chapter through one of the following methods:
 - a. Completion and submission of a self-certification form by the owner, certifying under oath and subject to perjury that said rental building or structure, and all dwelling units contained therein, are in compliance with all applicable City and State Codes, Statutes, Laws Ordinances and regulations, pursuant to Section 10s2-12(B); or
 - b. Performance of an inspection, at the written request of the owner, by the Code Enforcement Office to determine compliance with this chapter pursuant to Section 102-12(A), with all such inspections to be performed pursuant to Section 102-15; and
 - (3) All requirements of this chapter have been met.
- D. Newly constructed or renovated rental structures will be required to pay a registration fee in the amount set forth in the schedule of fees adopted by the Common Council by resolution when the rental permit is issued. This registration fee must be paid prior to the issuance of a certificate of occupancy.

§ 102-12. Procedure for inspections and self-certification.

- A. If the owner desires an inspection to verify compliance with this Chapter as set forth in Section 102-11(C)(2)(b) above, the following shall apply:

G. Be mailed via first-class, registered or certified mail to the permittee or served upon any other person in accordance with the applicable provisions of the Criminal Procedure Law.

II. State the time to file an appeal, the amount of the appeal fee, the right to call witnesses and the right to be represented by counsel.

§ 102-14. Complaint by tenants; retaliatory actions.

A. Unless there are significant health or safety issues, if the property has a valid rental permit, a tenant must first complain to the owner or agent of the property. Forms for that purpose may be obtained from the Code Enforcement Office; however, there is no obligation for a tenant to use such forms.

B. If the complaint is not addressed within seven calendar days, the tenant may schedule an inspection appointment with the Code Enforcement Officer, who shall give reasonable advance notice to the owner's agent. If violations are found, an inspection fee in accordance with § 102-11 shall be charged.

C. No person shall institute or maintain an action for eviction because the occupant has reported a violation of this chapter or a related provision of the City Code to the Code Enforcement Officer or other City employee.

D. No person shall cause any service, facility, equipment or utility required under this chapter to be removed, shut off or discontinued in retaliation for a complaint.

§ 102-15. Application for search or administrative warrant authorized.

A. The Code Enforcement Officer shall have the right to inspect the Common Areas of a two-family dwelling or multiple dwelling upon either: (1) the consent of a person in lawful possession of either the dwelling or a dwelling unit therein and who has permission to access the area in question pursuant to his or her lease, (2) the consent of the owner of the dwelling, or (3) upon the procurement of an administrative search warrant from a court of competent jurisdiction to enable such inspection.

B. The Code Enforcement Officer shall have the right to inspect a dwelling unit in any rental building or structure upon either (1) the consent of the person in lawful possession of that dwelling unit sought to be inspected and the consent of the owner, or (2) upon the procurement of an administrative search warrant from a court of competent jurisdiction to enable such inspection.

C. The Code Enforcement Officer is authorized, on sworn affidavit stating the factual basis thereof, to make application to the City of Cortland Court or to such other court as may be deemed appropriate for the issuance of an administrative search warrant. The application for a search or administrative warrant shall, in all respects, comply with applicable laws of the State of New York and the United States.

§ 102-16. Contents of rental permit.

- C. Each buyer of an interest in rental property shall give notice in writing to the Code Enforcement Officer within ten business days after closing. The notice shall identify the address of the affected property, the name and address of all parties named in the contract, and the interests in the property conveyed or received by each party. The buyer shall also provide a copy of the deed, showing the date, book, and page within ten days of recording.
- D. Any unpaid fines shall run with the land and become a lien against real property and shall be enforceable against the subsequent owner of the property.

§ 102-19. Notice to tenants.

All written rental agreements for rental buildings or structures within the City of Cortland must contain the following language in 10-point or larger type: "Please take notice that you and the landlord each have certain rights and responsibilities under The City of Cortland Rental Housing Law, a copy of which is available in the City Hall, 25 Court Street, Cortland, New York 13045."

§ 102-20. Transition rules.

- A. None of the rules in this § 102-20 shall be extended beyond the transition period except by resolution of the Common Council.
- B. Owners of rental buildings or structures existing on the date of adoption of this chapter or existing hereafter must register within one year from the effective date of this chapter in accordance with Article III. Upon receipt of a completed registration form, the Code Enforcement Officer will review the form and if, on this basis, the premises appear to be substantially in compliance with the requirements of this chapter, shall issue a temporary rental permit.
- C. The temporary rental permit shall be effective until the first of the following has occurred:
 - (1) One year shall have elapsed from the date of issuance of the temporary rental permit;
 - (2) The Code Enforcement Officer has inspected the rental building or structure and has issued a rental permit as a result of such inspection, or the owner submits a notarized self-certification form pursuant to Section 102-11(C);
 - (3) The Code Enforcement Officer has inspected the premises and has served upon the owner a written denial, setting forth the bases therefor; or
 - (4) The City of Cortland has revoked the temporary rental permit for cause pursuant to § 102-8.
- D. No holder of a temporary rental permit shall be liable for failure to register in accordance with § 102-9 until one year from the effective date of this chapter.
- E. No owner shall be liable for renting premises in violation of this chapter under the terms of a written lease that was in effect at the date of enactment, provided that the lease and the

§ 102-23. Assessment of costs.

All inspection fees, reinspection fees, demolition costs, administrative costs and legal costs incurred by the Code Enforcement Office or City of Cortland in the enforcement of this chapter may be collected by an assessment or levy placed against the real estate, to be collected as a property tax or by judgment entered against the owner personally or against the real estate.

§ 102-24. Offenses; penalties.

- A. Any person who is found by a court of competent jurisdiction to have violated this chapter shall be guilty of an offense pursuant to the New York State Uniform Fire Prevention and Building Code and any amendments or changes thereto, and shall be subject to the maximum penalties authorized therein. Any such person who violates a section of this chapter after having previously been found guilty of violating the same section of this chapter at the same location shall be guilty of a repeat offense.
- B. Relief under this section shall be in addition to the remedies set forth in §§ 102-22 and 102-23.
- C. Each and every day in which an offense occurs, after notice has been provided, shall be deemed a separate offense.

Article V. Appeals

§ 102-25. Zoning Board of Appeals; filing of notice.

Appeals by an aggrieved person of any determination or action of a Code Enforcement Officer may be taken to the City of Cortland Zoning Board of Appeals pursuant to Article 5-A of the General City Law of New York State. A notice of appeal shall be filed with the Code Enforcement Officer within 15 days of the date of service of the notice of violation.

§ 102-26. Variances.

- A. Any owner of rental property in the City of Cortland may apply to the Zoning Board of Appeals for a variance, on a temporary or permanent basis, from the requirements of this chapter. Such variance shall be granted upon a showing by the owner by clear and convincing evidence as follows:
- (1) That this chapter creates a unique hardship to the applicant that is different than other owners of rental property in the City of Cortland who are similarly situated; and
 - (2) That the granting of a variance will not undermine the purpose and intent of this chapter; and
 - (3) That the granting of a variance will not adversely affect the health, safety and welfare of neighboring property owners; and

§ 102-28. Emergency actions.

- A. Whenever a Code Enforcement Officer has probable cause to believe that a condition exists in or around a rental building or structure which constitutes an immediate and severe threat to the health, safety or welfare of the occupants or to the public, the officer may take any necessary action, including the temporary suspension of a rental permit. The Code Enforcement Officer shall serve upon the owner a written order incorporating the factual finding upon which the emergency action is based, without a prior hearing, such suspension to be effective on the date specified in the order.
- B. Whenever a Code Enforcement Officer has probable cause to believe that a condition exists in or around a rental building or structure which threatens the health, safety or welfare of the occupants or the public, the officer may issue an order describing the condition and requiring that specified action be taken. If the owner does not comply with the order within the time specified, the officer may authorize the taking of the action specified in the order. Any costs incurred may be assessed against the property or collected as a personal judgment pursuant to valid legal action.
- C. A copy of the order shall be sent to an agent or owner, and occupant(s), at their last known addresses. The method by which such notice shall be given shall be that method which provides notice within the shortest practicable period of time.

§ 102-29. Habitual violators.

- A. A permittee who fails to correct a violation within the time period given by notice, or an owner who has been required to appear before a court of competent jurisdiction for such failure, three times for the same rental building or structure or on three separate properties during a twelve-month period may be deemed a habitual violator if found by the Code Enforcement Officer, court, or Zoning Board of Appeals, where applicable, to have failed to correct the violations without good cause. Upon finding that a permittee is a habitual violator, an agent or representative of such owner shall be deemed a habitual violator as to those properties.
- B. A finding that an owner is a habitual violator shall be a basis for a court of competent jurisdiction to find probable cause for the issuance of an administrative search warrant for all properties owned or managed by a habitual violator. The fee for this unified inspection will be charged at regular inspection rates as set forth in § 102-11. The owner may be placed on an accelerated inspection schedule by the court, thereby reducing certification periods, if the result of the unified inspection justifies such action. The fees as set forth in § 102-11 shall be charged for such inspections.

§ 102-30. Levies upon real property.

To the fullest extent authorized under the New York State General City Law and the New York State Real Property Tax Law, the Common Council shall have the authority to issue levies against the owner's real property for fines and/or fees due under this chapter.



City of Cortland
City Hall
25 Court Street, Cortland, NY 13045
Mayor Brian Tobin
Telephone – (607) 758-8374 Fax – (607) 756-4644
Mayor@cortland.org www.cortland.org

PROCLAMATION

EXTRA MILE DAY MOVEMENT

Whereas; Cortland New York is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

Whereas; Cortland New York is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

Whereas; Cortland New York is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

NOW THEREFORE, I, Brian Tobin, Mayor of the City of Cortland do hereby proclaim November 1, 2014 to be Extra Mile Day. I encourage each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of October, in the year of our Lord, two thousand fourteen, and of the Cortland New York.

Brian Tobin, Mayor of Cortland, New York



City of Cortland
City Hall – Mayor’s Office
Brian Tobin
Mayor
25 Court Street, Cortland, New York 13045
Website: www.cortland.org

Phone: 607-758-8374

Fax: 607-756-4644

MEMORANDUM OF AGREEMENT

By and Between the City of Cortland
And the Cortland Downtown Partnership

THIS AGREEMENT, made and entered this day of October ____, 2014, by and between the **City of Cortland, NEW YORK**, a municipal corporation under the law of the State of New York (herein sometimes called “City”), and Cortland Downtown Business Association (herein sometimes called “Partnership”).

WITNESSETH:

WHEREAS, as the City of Cortland (“City”) and the Cortland Downtown Partnership (“Partnership”) recognize that each has a vested civic and financial interest in the vitality of the downtown core;

WHEREAS, the City owns street level infrastructure assets in the downtown core intended and designed to enhance the aesthetics of the downtown core;

WHEREAS, since its formation, the Partnership has voluntarily taken upon itself to expand resources to maintain certain City owned assets in the downtown core for the benefit of both the City and Partnership.

NOW, THEREFORE, upon the mutual agreements of the parties, Contingent upon the adoption of the City’s 2015 General Fund Budget with an allocation in the Mayor’s Department of \$20,000 to the Partnership, that the Partnership shall expend such funds in 2015 in pursuit of the following activities:

1. \$15,000 shall be expended at the direction of the partnership, Board of Director and pursuant to a competitive bid process towards maintenance and care of the City owned flower beds located on Main Street between Clinton Ave to the North and Port Watson Street to the South. The scope of activities shall include but not be limited to the following:
 - turning soil
 - mulching
 - Removing liter
 - trimming shrubs
 - Planting
 - weeding
 - Watering



2. \$5,000 shall be allocated to an Improvement Fund maintained by the Partnership and expended pursuant to the direction of the Partnership's design committee for the following activities:

- Benches
- Signage
- tree lights
- sidewalk/brick pavers

Brian Tobin, Mayor for City of Cortland

Date _____

Adam Megivern, Downtown Business Association

Date _____



NEW YORK STATE DEPARTMENT OF TRANSPORTATION

HOW PROPERTY IS ACQUIRED IN NEW YORK STATE

The acquisition of property required for a public improvement occurs only after an extensive, coordinated process that includes careful planning, engineering and design. This leads to a determination of property that is needed to construct a public improvement. You may have attended one or more of the public hearings as part of the overall process.

When it is necessary for the Department to acquire private property, a detailed map is prepared to illustrate the extent of right of way needed from each property. Concurrently, a title search is conducted to determine the ownership interests in the property along with any liens and encumbrances. Title to the property is transferred to the State when the map is filed with the County Clerk's Office in the county in which the property is located. ***Before any transfer of title takes place, the law requires the State make an offer in writing for Just Compensation, which is based on the amount of the State's highest approved appraisal.***

An appraisal is prepared either by Department or Consultant Appraisers, each of whom have had extensive experience in the valuation of real estate as well as having received special training in valuing property affected by eminent domain proceedings. You will be offered the opportunity to accompany the appraiser during the inspection of your property. In completing the appraisal, the Appraiser will analyze market conditions and prices at which properties similar to yours are sold. With your offer, you will receive a summary statement explaining the Just Compensation established and the basis for the valuation. If we are unable to arrive at an agreement in full settlement of your claim, you will have the option to collect an advance payment of the Just Compensation offered and continue negotiations. Agreeing to accept an advance payment affords you the time and opportunity to present additional information for consideration which you may feel has a bearing on the appraised value. Ultimately, you have the right to file a claim with the State Court of Claims if a full settlement cannot be reached. The Department representative assigned to your claim will explain the options for agreements and methods of payment at the time the offer is extended.

Occasionally, a claimant may refuse or fail to accept the State's offer, and the Map is still filed. In that case, if federal money is in any phase of the project, the amount offered will be deposited in a variable rate interest bearing account. Depositing the amount of the State's offer is considered to be the legal equivalent of payment to you and allows the State's Contractor to enter upon your property for construction even though you have not signed an agreement. To withdraw the amount deposited, a claimant must either sign an Agreement or formally request of the Court of Claims a distribution of the funds held in the interest bearing account. If there is no federal money in any phase of the project, the amount offered will not be deposited, but will accrue interest from the date the map is filed in accordance with State Law. In this situation, the filing of the map will allow the State's Contractor to enter upon your property for construction even though you have not signed an agreement.

Our acquisition process is not a routine real estate transaction, nor one which most people will experience. We expect you will have concerns and questions and we want to reassure you that our trained, professional staff will make themselves available to discuss the variety of issues that arise and assist you *throughout*.

The Office of Right of Way at the Department of Transportation

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
OFFICE OF RIGHT OF WAY

**AGREEMENT FOR ADVANCE PAYMENT
Inclusive of Interest and Pro-Rata Taxes**

PIN **302811223** PROC **13886** PAYEE ID#
PROJECT **SH 8522, South Cortland-Homer**
MAP(S) **176; 178** PARCEL(S) **203; 205**
COUNTY **Cortland** TOWN/CITY **Cortlandville** VILLAGE

THIS AGREEMENT, made this _____ day of _____, _____, between

**The City of Cortland
25 Court Street
Cortland, NY 13045**

hereinafter referred to as "Claimant," and the **COMMISSIONER OF TRANSPORTATION FOR THE PEOPLE OF THE STATE OF NEW YORK**, hereinafter referred to as "the State," pursuant to statute,

WITNESSETH:

WHEREAS, pursuant to the aforementioned statute, the State is appropriating or has appropriated, for the purpose of the above-identified project, certain property shown and described on the above-designated map(s), and

WHEREAS, the Claimant represents that Claimant is or was at the time of said appropriation the owner of the property affected by said appropriation or of some right, title, or interest therein, and

WHEREAS, the value of the property appropriated and legal damages caused by said appropriation, as set forth in paragraph numbered 1 below, cannot be agreed upon, and

WHEREAS, the State is willing to pay an amount equal to the amount determined by the Commissioner of Transportation to be the value of all claims for the property appropriated and legal damages caused by said appropriation, as so set forth in paragraph numbered 1 below, on the terms and conditions hereinafter stated,

NOW, THEREFORE, it is understood and agreed by and between the parties as follows:

1. The State will pay to the Claimant the sum of **Five Hundred and 00/100 Dollars (\$500.00)**, the amount hereby determined by the Commissioner of Transportation to be the value of all claims for the property appropriated and legal damages caused by such appropriation, including all damages incurred by virtue and during the pendency of said appropriation proceedings, and including all damages to the remainder of said affected property, if any, of which the appropriated area formed a part, whether caused by said appropriation or by the use of said appropriated property, excepting the aggregate value, if any, of claims hereinafter specifically excluded.
2. It is understood and agreed that the compensation herein fixed includes interest up to and including the date of payment, and also is inclusive of any amount claimed for pro-rata payment of all real property taxes, water and sewer rents, levies or charges paid or payable to a taxing entity.
3. The Claimant agrees, as a prerequisite to such advance payment, to execute and deliver or cause the execution and delivery to the Attorney General of all formal papers which the Attorney General deems necessary to authorize payment and to secure to the State a full release of all claims (other than the claim of Claimant) by reason of the aforementioned appropriation, including claims by reason of any estate or interest in the streams, lakes, drainage and irrigation ditches or channels, streets, roads, highways, or public or private rights-of-way, if any, adjacent to or abutting on the above-mentioned property required for the purposes of said project.

7. The Claimant hereby reserves the right to file a claim with the Court of Claims, or, if a claim has been filed, reserves the right to prosecute said claim, it being understood, however, that such reservation shall not extend or affect in any way the time limited for the filing of such claim as provided for in the Eminent Domain Procedure Law.

8. It is agreed that, if the Court of Claims finds the value of the property appropriated and legal damages caused by said appropriation as set forth in paragraph numbered 1 above is equal to or exceeds the advance payment made hereunder, the amount of such advance payment shall be deducted from the amount so found by the Court and the award of said Court shall be in the amount of the excess, if any, over and above said advance payment. It is also agreed that no interest shall be allowed in such award on the amount of such advance payment. In the event the amount so found by the Court is less than the amount of said advance payment, upon the filing in the office of the Clerk of the Court of Claims of a Certified copy of this agreement together with Certification by the Comptroller of the State of New York of such payment and upon application made to the Court on at least eight days notice to Claimant, the Court shall direct the Clerk to enter judgement dismissing the claim and awarding to the State the difference between the awards as found by the Court and the amount of said advance payment with appropriate interest. It is further agreed that in any trial of a claim that may be filed by the claimant, neither the determination of the Commissioner of Transportation, as hereinabove set forth, nor any data, estimates or appraisals made or prepared in support thereof, shall be evidence of the value of the claim or of the property affected by said claim.

9. It is understood and agreed by and between the parties hereto that, pursuant to statute, if no claim is filed by Claimant in the Court of Claims within the statutory time limit set forth in the Eminent Domain Procedure Law, then, upon the expiration of that time, this agreement for advance payment shall automatically become an Agreement of Adjustment in full and complete settlement of all claims as referred to in Paragraph #1 hereof without further ratification, approval or consent by Claimant and Claimant shall be deemed to have released Claimant's claim against the State without further acquittance, receipt or satisfaction therefore in consideration of the payment made hereunder.

10. This Agreement is exclusive of claims, if any, for payment of allowable moving expenses of owners, occupants or tenants of residential and commercial property.

THIS AGREEMENT shall inure to the benefit of and bind the distributees, legal representatives, successors, and assigns of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

Claimant:

The City of Cortland

BY: ✓

ITS: ✓

Payee ID# ✓

STATE OF NEW YORK
COUNTY OF ✓) ss.:

On the ✓ day of ✓ in the year ✓, before me, the undersigned, a Notary Public in and for said State, personally appeared ✓ personally known to me or proved to me on basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

✓
(Notary Public)

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP
PIN 302811

UNOFFICIAL

MAY 13 2014

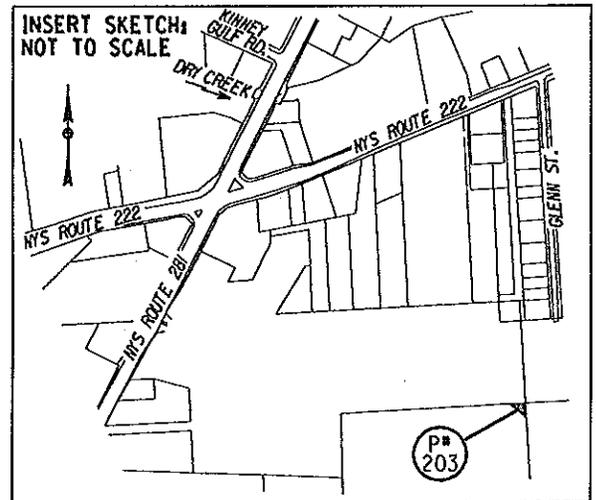
MAP NO. 176
PARCEL NO. 203
SHEET 1 OF 2 SHEETS

THE CITY OF CORTLAND
(REPUTED OWNER)
CCD L. 179 P. 28
TRN 309

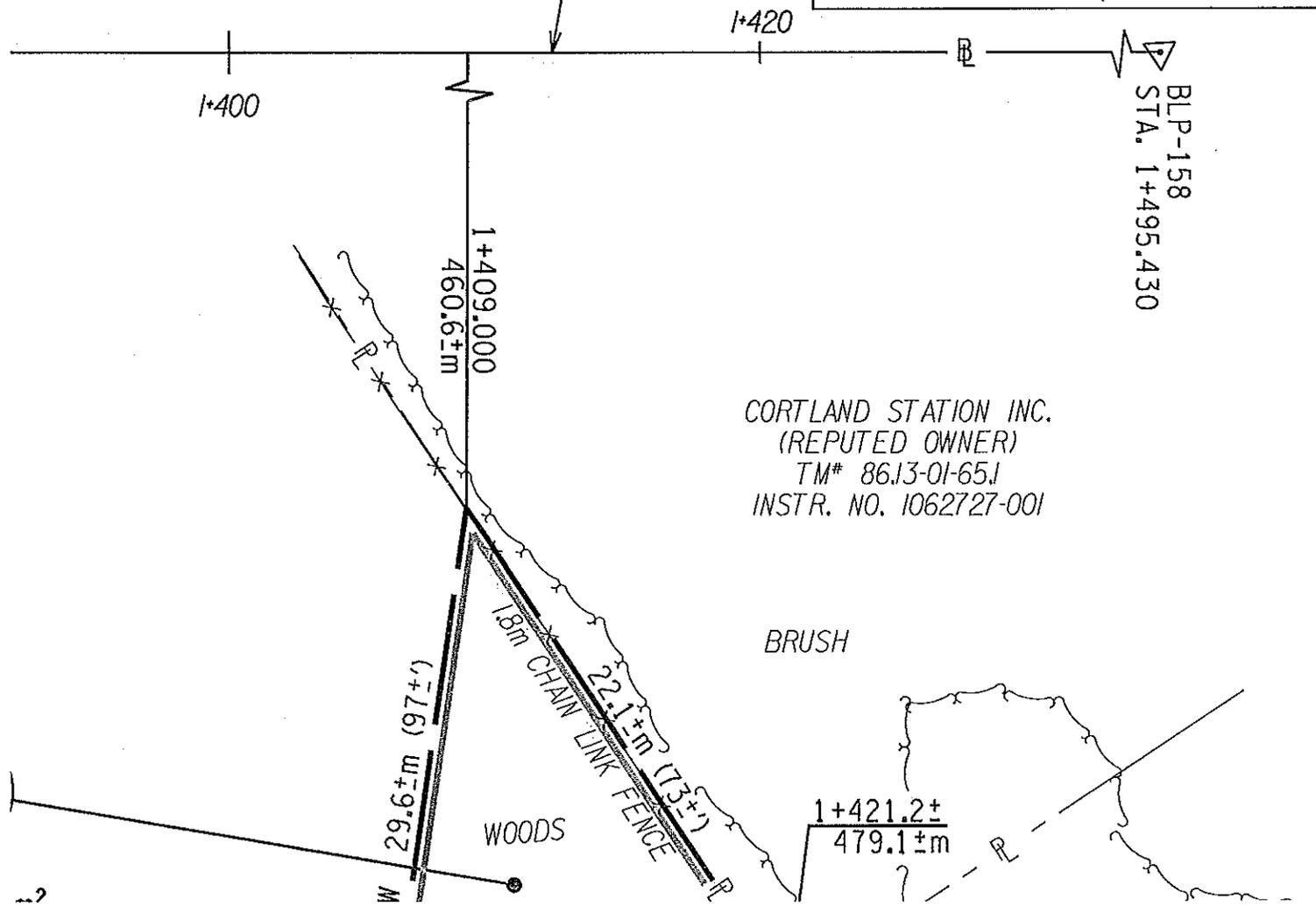
PARCEL SUMMARY:
Type: PERMANENT EASEMENT
Portion of 2013 Tax
Map Ref. No. 86.17-01-14
Town of Cortlandville
County of Cortland
State of New York

f Homer

ITUDE



2009 SURVEY BASELINE
N 30°16'07" E

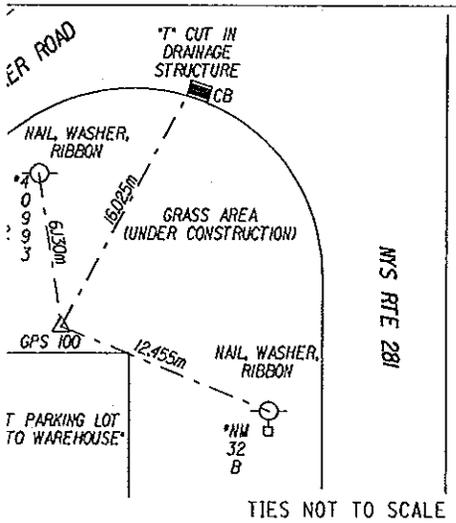


MAY 13 2014

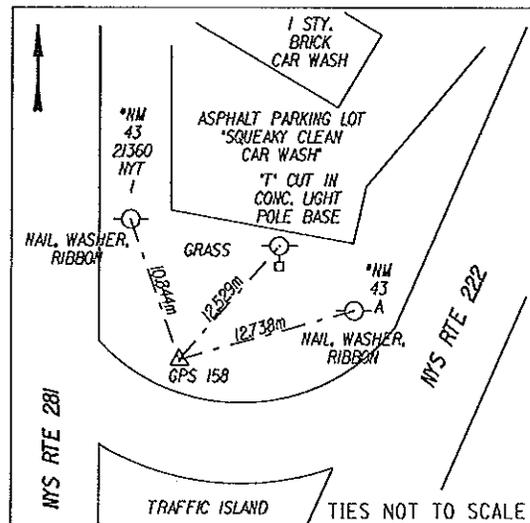
NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP

PIN 302811

MAP NO. 176
PARCEL NO. 203
SHEET 2 OF 2 SHEETS



BSTA. 1+000.000
 3 AND CAP STAMPED "SHUMAKER
 S" SET 15m± SOUTH OF LUKER
 ROAD AND 13m± WEST OF
 NYS RTE 281.
 'CS NAD 83/CORS 96 ZONE CENTRAL
 N: 288209.038
 E: 280873.403



BSTA. 1+495.430
 FENO MONUMENT STAMPED "NEW
 YORK STATE DEPT. OF TRANS."
 SET 3m± EAST OF NYS RTE 281 AND
 3m± NORTH OF NYS RTE 222.
 NYSPCS NAD 83/CORS 96 ZONE CENTRAL
 N: 288636.927
 E: 281123.126

PERMANENT EASEMENT FOR DRAINAGE SYSTEM

to be exercised in, on and over the property above delineated for the purpose of
erecting and maintaining thereon a drainage ditch and drainage structures, together with
to all that piece or parcel of property designated as Parcel No. 203, as shown on the

the owner of any right, title or interest in and to the property delineated as Parcel No. 203
's successors or assigns, the right of access and the right of using said property and such
er limited or restricted under this easement beyond that which is necessary to effectuate
as established by, the construction or reconstruction and as so constructed or
aintenance, of the herein identified project.

ie property
-y for
quisition

"Unauthorized alteration of a survey
map bearing a licensed land surveyor's
seal is a violation of the New York
State Education Law."

I hereby certify that this map was



NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP

UNOFFICIAL

MAY 13 2014

MAP NO. 178
PARCEL NO. 205
SHEET 1 OF 2 SHEETS

PIN 302811

CITY OF CORTLAND
(REPUTED OWNER)

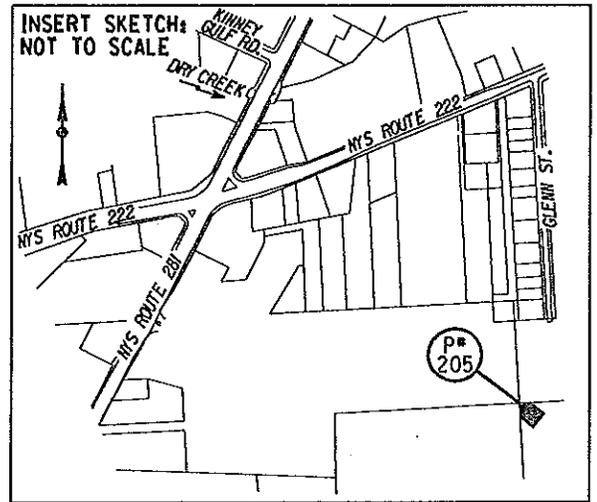
CCD L. 118 P. 183
TRN 311

PARCEL SUMMARY:

Type: PERMANENT EASEMENT
Portion of 1974 Tax
Map Ref. No. 86.71-01-01
City of Cortland
County of Cortland
State of New York

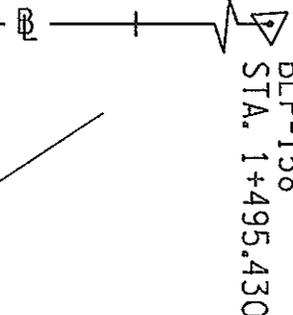
f Homer

SITUATION



2009 SURVEY BASELINE
N 30°16'07" E

1+420



CORTLAND STATION INC.
(REPUTED OWNER)
TM# 86.13-01-65.1
INSTR. NO. 1062727-001

1+421.2±
479.1±m

PIN W/CAP
"GBD SURVEYING"

WOODS

JOHN F. JACKSON
(REPUTED OWNER)
TM# 86.63-01-10
INST. NO. 19987097

19.5±m (64±')

15.5±m (51±')

P.O.B.

CORTLAND
(OWNER)
11-14
28

M 178
P 205

PE

G.W. ψ

(70±)

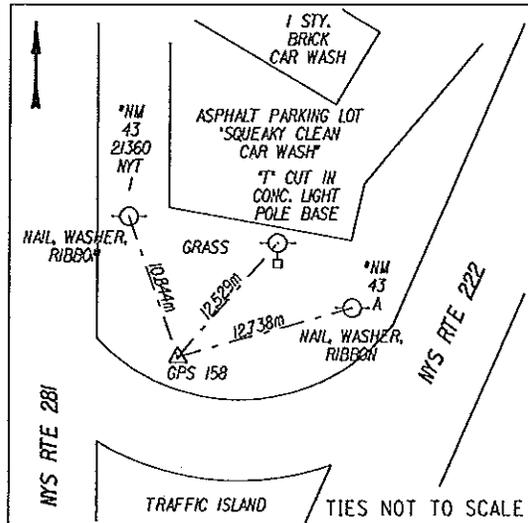
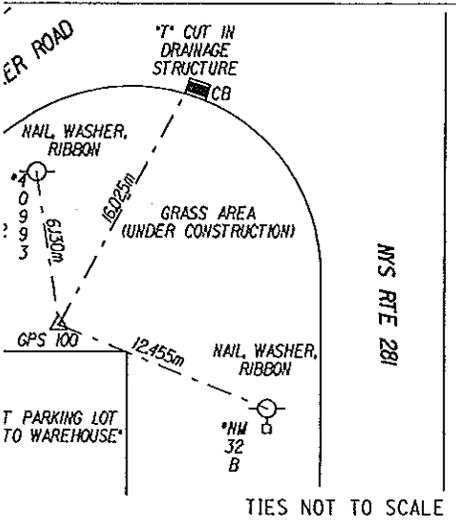
(7±)

MAY 13 2014

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP

PIN 302811

MAP NO. 178
PARCEL NO. 205
SHEET 2 OF 2 SHEETS



STA. 1+000.000
 R AND CAP STAMPED "SHUMAKER
 S" SET 15m± SOUTH OF LUKER
 ROAD AND 13m± WEST OF
 NYS RTE 281.
 CS NAD 83/CORS 96 ZONE CENTRAL
 N: 288209.038
 E: 280873.403

STA. 1+495.430
 FENO MONUMENT STAMPED "NEW
 YORK STATE DEPT. OF TRANS."
 SET 3m± EAST OF NYS RTE 281 AND
 3m± NORTH OF NYS RTE 222.
 NYSPCS NAD 83/CORS 96 ZONE CENTRAL
 N: 288636.927
 E: 281123.126

PERMANENT EASEMENT FOR DRAINAGE SYSTEM

to be exercised in, on and over the property above delineated for the purpose of
ducting and maintaining thereon a drainage ditch and drainage structures, together with
to all that piece or parcel of property designated as Parcel No. 205, as shown on the

the owner of any right, title or interest in and to the property delineated as Parcel No. 205
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as established by, the construction or reconstruction and as so constructed or
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ie property
-y for
quisition

"Unauthorized alteration of a survey
map bearing a licensed land surveyor's
seal is a violation of the New York
State Education Law."





CORTLAND POLICE DEPARTMENT

2012 Impound Car Money Request



October 13, 2014

TO: Mack Cook, Director of Administration & Finance
FROM: Deputy Chief Paul A. Sandy
RE: Request for Proceeds for Impound Scrap Money

POLICE VEHICLES:(A3120.206.00 account – Operational Equipment > \$5,000.00)

We are requesting the Common Council appropriate proceeds from the sale of four (4) vehicles from the City of Cortland Police Impound Lot, which had been classified as abandoned in accordance to Section 1224 (3)(a)of the New York State Vehicle & Traffic Law. These vehicles were unfit for auction and have been scrapped during a period from September 24, 2014 through October 3, 2014. The total proceeds from the sale of these vehicles for scrap was \$1,082.00, which if appropriated will be directly applied toward the purchase of new police vehicles in 2015.

\$1,082.00



879 McLean Road
 Cortland, NY 13045
 (607) 753-9386
www.cortlandspca.org

CCSPCA Agreement

THIS AGREEMENT made this _____ day of _____ 2014 between the **Cortland County Society for the Prevention of Cruelty to Animals, Inc. (CCSPCA)**, a domestic membership corporation created and existing under and by virtue of the laws of the State of New York, and having its office at 879 McLean Road, Cortland, New York, party of the first part and the **City of Cortland**, a city corporation of the State of New York having its office at 25 Court Street, Cortland, New York, party of the second part.

Witnesseth:

WHEREAS, the Common Council of the City of Cortland has appropriated the sum of Seventy-Five Thousand Five Hundred and 00/100 Dollars (\$75,500.00) for the year 2015 for the purpose of furnishing public dog related services pursuant to the provisions of section 1215, subsection (2) of the Agriculture and Market Law, in the City of Cortland, New York.

NOW, THEREFORE, for the purpose of carrying out the intentions of the parties, the party of the first part does hereby, in consideration of the sum of Seventy-Five Thousand Five Hundred and 00/100 Dollars (\$75,500.00), agrees to furnish said public dog related services to the citizens of the City of Cortland, and the City of Cortland, for the year 2015, and the party of the second part hereby covenants and agrees to pay the party of the first part for such services, the said sum to be paid in eleven (11) monthly payments of Six Thousand Two Hundred Ninety-One Dollars and Sixty-Six Cents (\$6,291.66) and one payment of Six Thousand Two Hundred Ninety-One Dollars and Seventy-Four Cents (\$6,291.74), with payment to be made on or before the first day of each and every month.

A. Dog Control Services.

In consideration of the payment to it by the City of Cortland in the sum of Seventy-Five Thousand Five Hundred and 00/100 Dollars (\$75,500.00) to be paid as specified above the CCSPCA hereby covenant and agrees that it shall, through its duly appointed agents, employees and subcontractors, within the corporate limits of said City, carry out the duties and responsibilities of Dog Control Officer in the enforcement of the provisions of Article 7 of the New York State Agriculture and Markets Law and its rules and regulations and of the provisions of the City of Cortland Dog Control Ordinances and amendments thereto.

1. The CCSPCA will through its duly appointed agents and employees, within the corporate limits of the City of Cortland, carry out the duties and responsibilities of Dog Control Officer in the enforcement of the provisions of Article 7 of the New

Mission Statement:

To strive to prevent cruelty to animals. To stop pet overpopulation. To promote public responsibility for the humane care, treatment and well-being of all animals through adoption, education, investigation and action.

C. Sheltering Services

1. The CCSPCA shall provide and maintain a shelter for seized dogs that conforms to the requirements of New York State Agriculture and Market Laws. Within those requirements, the CCSPCA shall provide proper care for all dogs, including adequate shelter, food and medical care.
2. The CCSPCA may test dogs for Parvo virus and shall provide Parvo and Rabies vaccinations for any dog with an unknown vaccination record.
3. The CCSPCA shall assess all seized and unredeemed dogs to determine their suitability for adoption.
4. The CCSPCA will meet the requirements of law to ensure that all adoptable dogs are spayed or neutered.
5. Those dogs whose temperament or serious health conditions do not permit adoption may be euthanized in a manner permitted by Article 7 of the law.
6. The CCSPCA shall open its shelter to the public for a reasonable number of hours each week to facilitate the adoption of seized, yet unredeemed dogs. It will make reasonable effort to screen adoption applicants to assure that all adopted dogs are appropriately placed.

D. This agreement may not be enlarged, modified or altered except by a written instrument signed and endorsed by both parties.

IN WITNESS WHERE OF the parties have caused their respective corporate seals to be hereunto affixed and these presents to be signed by their duly authorized officers the day and year first written above.

City of Cortland

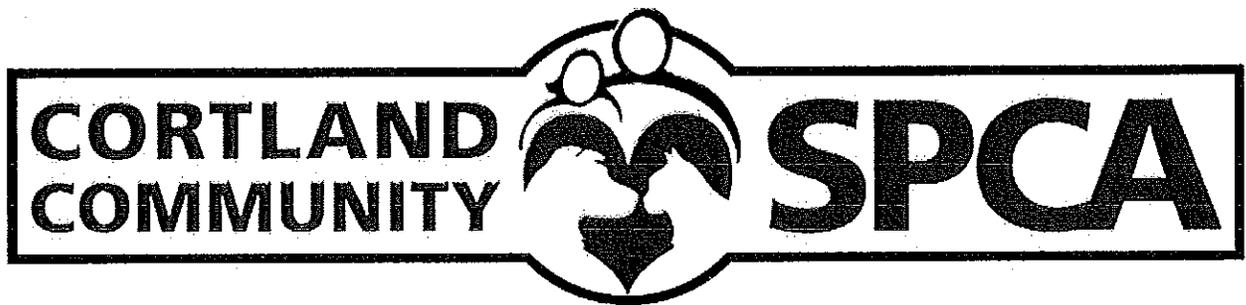
Cortland County Society for the
Prevention of Cruelty to Animals, Inc.

By: _____
Mayor

By: 
CCSPCA Executive Director – Bob Eckard

Mission Statement:

To strive to prevent cruelty to animals. To stop pet overpopulation. To promote public responsibility for the humane care, treatment and well-being of all animals through adoption, education, investigation and action.



879 McLean Road, Cortland, New York 13045
607-753-9386

September 25, 2014

City of Cortland,

We appreciate your continued support in our efforts to protect and care for stray, abandoned animals in our county. Although we have seen an increase in abandoned and abused animals, we are also proud of our many successes in the rehabilitation of sick and injured animals, fostering program and finding good forever homes.

We look forward to serving the city of Cortland in 2015. Please date, sign and return contract by mail to the Cortland Community SPCA by December 31, 2014.

Bob Eckard

Executive Director

Mission Statement:

To strive to prevent cruelty to animals. To stop pet overpopulation. To promote public responsibility for the humane care, treatment and well-being of all animals through adoption, education, investigation and action.