B.H. # 2
Local Law # 10

PROPERTY AND BUILDING NUISANCE REFORM LAW

ARTICLE I: General Provisions

§ 1. Findings and purpose.

The City of Cortland Council finds that a 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 Council 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 Council 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.

F. CONVICTION: The entry of a plea of guilty to or a verdict of guilty upon an accusatory instrument or to one or more counts of such instrument.

G. KNOWLEDGE OF PUBLIC NUICANCE: The presumption of knowledge by Subdivision 1 of §235.10 of the Penal Law shall be applicable to this chapter. Notice, by mail or personal service, of activities entailing a public nuisance to the property owner of record shall be evidence of knowledge of the public nuisance.

H. LOT: A parcel of land with or without buildings or structures delineated by lot line and having access to a street as defined in this chapter.

I. PENAL LAW: The New York State Penal Law.

J. PUBLIC NUISANCE: Includes but is not limited to:

(1) Any building, accessory building, business office, lot or yard used for the purpose of:

i. Illegal drug use, possession or distribution and/or loitering for the purpose of unlawfully using or possessing controlled substances as defined in Articles 220 and 221 and §240.36 of the Penal Law.

ii. Prostitution as defined in §230.00 of the Penal Law and loitering for the purposes set forth in §240.37 of the Penal Law.

iii. Loitering as defined in §240.35 of the Penal Law.

iv. Obscene performances and/or promotion of obscene material as defined in Article 235 of the Penal Law.

v. A business, activity or enterprise which is not licensed as required by federal, state or local law and/or ordinance.

vi. Unlawful activities described in §123 of the Alcohol Beverage Control Law (unlawful sale, manufacture or consumption).

vii. Gambling activities described in Article 225 of the Penal Law.

viii. Animal fighting as defined in §351 of the Agriculture and Markets Law of the State of New York.

ix. Occupancy as defined by the City Charter.

(2) Any building, accessory building, business office, lot or yard used for the purpose of, or to aid in, the commission of a violation of Article 265 of the Penal Law (firearms and dangerous weapons).

(3) Any building, accessory building, business office, lot or yard wherein:

i. There exists or is occurring a violation of Chapter 300 of the City Code ("Zoning"), or other provision of the fire, property maintenance or unsafe building provisions of the City Code or New York State Uniform Fire Prevention and Building Code.

ii. There is or has occurred a criminal nuisance as defined in §§240.45 and 240.46 of the Penal Law.

iii. There is or has occurred a violation of the provisions of §§165.40, 164.45, 165.50 (criminal possession of stolen property), 170.65 (forgery of vehicle identification number), 170.70 (illegal possession of vehicle identification number) and 175.10 (falsifying business

receipts) of the Penal Law and of §415-a (vehicle dismantlers) of the Vehicle and Traffic Law.

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.

§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, on such property or neighborhood shall be prima facie evidence that a public nuisance exists at said location.

§4. Types of relief; special proceeding; enforcement.

A. The City Attorney shall bring and maintain a civil proceeding in the name of the City for the following types of relief:
   (1) Permanent injunction.
   (2) Temporary closing order.
   (3) Temporary restraining order.
   (4) Temporary injunction.
   (5) Civil penalties.

B. The notice. The City Attorney shall name as defendants the building, describing it by tax map number and/or street address, and at least one of the owners of some part of or interest in the property.

C. The petition.
   (1) The City Attorney shall bring and maintain a civil special proceeding in the name of the City of Cortland in the Supreme Court of Cortland County, or any other court of competent jurisdiction, to permanently enjoin the public nuisance and the persons conducting, maintaining or permitting the public nuisance, as defined in § 2 of this chapter, from further conducting, maintaining or permitting the public nuisance in the manner provided in this article. The owner, operator and/or lessee of a building, structure or place wherein the public nuisance is being conducted, maintained or permitted may be made defendants in the action.
   (2) The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this chapter.
   (3) The petition shall allege the facts constituting the nuisance and name as defendants the building, structure or place wherein the nuisance is being conducted, maintained or permitted, by describing it by tax map number or street address, and at least one of the owners who possesses some part of or an interest in the property.
   (4) Any petition filed under this chapter shall be verified or accompanied by an affidavit(s) for purposes of showing that the owner or his/her agent has notice of the nuisance and has had an opportunity to abate the nuisance.
   (5) The petition shall contain a description of the attempts by the applicant to notify and locate the owner of the property and/or the owner's agent.
   (6) The petition shall describe the adverse impact associated with the property on the surrounding neighborhood.

D. In rem jurisdiction over building, structure or place. In rem jurisdiction shall be complete over the building, structure or place wherein the public nuisance is being conducted, maintained or permitted by affixing the notice and petition to the door of the building, structure or place, and by mailing the notice and petition by certified or

registered mail, return receipt requested, and by first class mail, to one of the owners 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 Local Law Enforcement 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 Local Law Enforcement 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 associated with these repairs or alterations shall become a lien against said property and shall have priority before any mortgage or other lien that exists prior to such filing, except tax and assessment liens and any nuisance abatement lien.

C. A judgment awarding a permanent injunction, pursuant to this chapter, may direct the closing of the building, structure or place by the Local Law Enforcement, to the extent necessary to abate the nuisance, and shall direct the Local Law Enforcement to post a copy of the judgment and a printed notice of such closing conforming to the requirements of § 5-H. Mutilation or removal of such a posted judgment or 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 $250 or by imprisonment not exceeding 15 days, or by both, provided that such judgment contains therein a notice of such penalty.

D. The closing directed by the judgment shall be for such period as the court may direct, but in no event shall the closing be for a period of more than one year from the posting of the judgment provided for this section. If the owner shall file a bond in the value of the property ordered to be closed and submit proof to the court that the nuisance has been abated and will not be created, maintained or permitted for such period of time as the building, structure or place has been directed to be closed in the judgment, the court may vacate the provisions of the judgment that directed the closing of the building, structure or place.

E. A closing by the local law enforcement pursuant to this section shall not constitute an act of possession, ownership or control by the local law enforcement of the closed premises.

F. Intentional disobedience or resistance to any provision of a judgment awarding a permanent injunction pursuant to this chapter, in addition to any other punishment prescribed by law, shall be punishable by a fine of not more than $1,000 or by imprisonment not exceeding six months, or by both.

G. Upon the request of the City Attorney or the Mayor, or local law enforcement with jurisdiction shall assist in the enforcement of a judgment awarding a permanent injunction entered in an action brought pursuant to this chapter.

H. A judgment rendered awarding a permanent injunction pursuant to this chapter shall be and become a lien upon the building, structure or place named in the petition in such action, such lien to date from the time of filing a notice of liens pending in the office of the clerk of the county wherein the building, structure or place is located. Every such nuisance abatement lien shall have priority before any mortgage or other lien that exists prior to such filing, except tax and assessment liens.

I. A judgment awarding a permanent injunction pursuant to this chapter shall provide, in addition to the costs and disbursements allowed by the Civil Practice Law and Rules, upon satisfactory proof, by affidavit or such other evidence as may be submitted, the actual costs, expenses and disbursements of the City in investigating, bringing and maintaining the action, including reasonable attorneys' fees and litigation expenses.

§ 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.

D. Temporary restraining order.

(1) A temporary restraining order may be granted pending a hearing for preliminary injunction where it appears by clear and convincing evidence that a public 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 restraining order. This order shall restrain the defendants and all other persons from removing or transferring off the property or in any manner interfering with the fixtures and movable property used in conducting, maintaining or permitting the public nuisance and from further conducting, maintaining or permitting the public nuisance. Upon granting a temporary restraining order, the court shall direct the holding of a hearing for the preliminary injunction.

(2) Service of temporary restraining order. Unless the court orders otherwise, a temporary restraining order and 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.

E. Temporary closing order; temporary restraining order.

(1) If, on motion for a preliminary injunction, the City Attorney submits evidence warranting both a temporary closing order and a temporary restraining order, the court shall grant both orders.

(2) Enforcement of temporary closing orders and temporary restraining orders. Temporary closing orders and temporary restraining orders shall be enforced by the City Attorney and the Cortland County Local Law Enforcement's Department or other law enforcement officer or agency with jurisdiction.

F. Inventory upon service of temporary closing orders and temporary restraining orders. The officers serving a temporary restraining order shall forthwith make and return to the court an inventory of personal property situated in and used in conducting, maintaining or permitting a public nuisance within the scope of this chapter and shall enter upon the building, structure or place for such purpose. Such inventory shall be taken in any manner which is deemed likely to evidence a true and accurate representation of the personal property subject to such inventory, including but not limited to photographing such personal property.

G. Closing of premises pursuant to temporary closing orders and temporary restraining orders. The officers servicing a temporary restraining order shall, upon service of order, command all persons present in the building, structure or place to vacate the premises forthwith. Upon the building, structure or place being vacated, the premises shall be securely locked and all keys delivered to the officers serving the order, who thereafter shall deliver the keys to the fee owner, lessor or lessee of the building, structure or place involved. If the fee owner, lessor or lessee is not at the building, structure or place when the order is being executed, the officers shall securely padlock the premises and retain the keys until the fee owner, lessor or lessee of the building is ascertained, at which time the officers shall deliver the keys to such owner, lessor or lessee, if such individual resides within Cortland County.

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

nuisance has been resumed. Intentional disobedience of, or resistance to, an inspection provision of an order vacating 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. 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 an inspection provision of an order vacating a temporary restraining order.

B. A temporary restraining order may be vacated by the court, upon notice to the City Attorney, when the defendant gives an undertaking and the court is satisfied that the public health, safety or welfare will be protected adequately during the pendency of the action. The undertaking shall be in an amount equal to the assessed valuation of the building, structure or place where the public nuisance is being conducted, maintained or permitted or in such other amount as may be fixed by the court. The defendant shall pay to the City, in the event that a judgment of permanent injunction is obtained, its actual costs, expenses and disbursements in investigating, bringing and maintaining the action, including reasonable attorneys' fees and litigation expenses.

C. Vacating a temporary injunction or a temporary restraining order. When the defendant gives an undertaking in the amount of the civil penalty demanded in the complaint, together with costs, disbursements and projected annual costs of the prosecution of the action to be determined by the court, upon a motion on notice to the City Attorney, a temporary injunction or a temporary restraining order shall be vacated by the court. The provisions of the Civil Practice Law and Rules governing undertakings shall be applicable to this chapter.

§ 8. Preliminary injunction of bulk transfer.

A. Generally, pending an action pursuant to this chapter, the court may grant a preliminary injunction enjoining a defendant from making a bulk transfer, as defined as this section.

B. If, on a motion for a preliminary injunction against a bulk transfer, the City Attorney shall show by clear and convincing evidence that a public nuisance within the scope of this chapter is being conducted, maintained or permitted, a temporary restraining order may be granted, without notice, restraining the defendants and all persons from making or permitting a bulk transfer, as defined in this section, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Application for a temporary restraining order shall be made pursuant to § 7.

C. "Bulk transfer" defined. A bulk transfer is any transfer of a major part of materials, supplies, merchandise or other inventory or equipment of the transferor in the building, structure or place where the public nuisance is being conducted, maintained or permitted that is not in the ordinary course of the transferor's business.

D. Enforcement of preliminary injunction. A preliminary injunction shall be enforced by the local enforcement with jurisdiction.

E. Preliminary injunction. If the court grants a preliminary injunction, the provisions of § 6 of this article shall be applicable.

§ 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 with 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.