City of Kingston, NY
Thursday, June 19, 2014

Chapter 333. RENTAL PREMISES, PROPERTY MAINTENANCE FOR TENANTS OF

[HISTORY: *Editor's Note: Former Ch. 333, Refrigeration Systems, Water Consuming, adopted 8-7-1984 by L.L. No. 3-1984, approved 8-28-1984, as Ch. 95 of the 1984 Code, was repealed 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000.* **Adopted by the Common Council of the City of Kingston 11-7-2012, approved 11-8-2012. Amendments noted where applicable.]**

GENERAL REFERENCES

Alarm systems — See Ch. **142**.
Animals — See Ch. **151**.
Unsafe buildings — See Ch. **178**.
Electrical regulations — See Ch. **208**.
Fire prevention — See Ch. **233**.
Plumbing — See Ch. **321**.
Solid waste — See Ch. **350**.
Streets and sidewalks — See Ch. **355**.
Abandoned motor vehicles — See Ch. **384**.

§ 333-1. Definitions.

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

RENTED RESIDENTIAL PREMISES

Includes all premises used or intended for dwelling or related purposes, permanent or transient by a tenant(s).

TENANT

A person in possession or control of premises under a written lease or oral agreement for the payment of money.

§ 333-2. General requirements.

Tenants of rented residential premises shall maintain the rented premises in conformance with the following standards. Tenants shall only be responsible for conditions that he or she actually caused.

§ 333-3. Open areas.

A. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passage. Structural repairs are the responsibility of the property owner.
B. Yards, courts and vacant lots shall be kept clean and free of hazards.
C. Open fires shall not be permitted, unless authorized and approved pursuant to local law and in conformity with state air pollution control regulations.
D. Vehicles shall not be parked between the front line(s) of the building extended to the side lines and

the front line of the lot, except in formally designated parking area.

§ 333-4. Buildings and structures.

A. Floors, walls, including windows and doors, ceilings and other interior surfaces within the rented residential premises shall be maintained in clean and sanitary condition so as not to attract insect, vermin and rodent harborage and infestation.

B. Extension cords. Electrical extension cords shall not be used in excess. If extension cords must be used, they must not cross any pathways, or be placed under carpets or rugs. They also should not be a tripping hazard.

C. Electrical.

(1) Tenants who are not licensed electricians shall not do any electrical work, nor shall they tamper with any electrical wiring in any way, nor shall they permit third parties who are not licensed electricians to do such electrical work, or to tamper with any electrical wiring in any way.

(2) Electrical light fixtures and other heat-generating appliances shall not be covered with fabric or other combustible material.

D. External decorative lighting, including but not limited to holiday lighting, shall not be hung by tacks or nails in such a manner as to create a fire hazard.

E. Excessive amounts of loose fabric when used as a wall or ceiling covering is a fire hazard and is not permitted.

F. Tenants may not store or place anything in such a way that it might block or prevent the use of a means of exiting from a room, apartment, or building. Items should not be stored by tenants in unfinished areas of buildings (cellars, attics, etc.), which could contribute to combustion in a fire or block access by emergency personnel. (i.e., mattresses, old boxes, lumber, clothes, etc.).

G. Tenants shall not store combustible or flammable liquids in their residence, or in accessory buildings, except in sealed, approved containers.

H. Flammable and combustible liquids shall not be stored in hallways, exits, stairways or areas normally used for the safe passage of people.

I. Unfinished areas of buildings, such as cellars or attics, shall not be used for any activities whatsoever other than for utility purposes.

J. Rugs or carpet shall not be installed in such a way as to obstruct the smooth opening or closing of any doors.

K. Cooking and refrigeration appliances, kitchens, and bathrooms must be kept in a clean and sanitary condition so as not to attract insect, vermin and rodent harborage and infestation.

L. Food garbage shall not be stored on premises in such a way or for such a period of time so as to become a health hazard.

§ 333-5. Infestation and screening.

For single-occupancy premises only:

A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

B. Where rodent infestation exists, windows and other openings in basements and cellars shall be screened to prevent entrance of rodents.

§ 333-6. Garbage and refuse.

A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse within rental dwellings. Storage containers in rental dwellings shall be of an approved flame-resistant material.

B. The accumulation or storage of garbage or refuse in public halls or stairways shall be prohibited.
C. Tenants should not place loose bags of garbage and or recyclables outside the premises or in a garage area, except within the confines of a receptacle designed for such use.
D. Tenants shall not store or leave interior furniture outdoors except for disposal in accordance with applicable rules and regulations of the Department of Public Works.

§ 333-7. Junk.

A. Refrigerators, and similar equipment with locking mechanisms, shall not be discarded, abandoned or stored on premises accessible to children, without first removing the locking devices or the hinges of the doors.
B. Junked vehicles, equipment and materials shall not be stored in open areas of premises.

§ 333-8. Domestic animals and pets.

Domestic animals and pets shall be kept in an appropriate manner so as not to constitute a hazard or nuisance. All pet waste shall be promptly collected and disposed of in a sanitary manner.

§ 333-9. Smoke detectors; carbon monoxide detectors; fire extinguishers; sprinkler systems.

A. Smoke detectors and carbon monoxide detectors shall not be removed, damaged or disabled in any way. Smoke and carbon monoxide detectors shall not be disabled by the tenant(s).
B. The detectors shall not be disconnected from a power source or rendered inoperable in any way. Batteries in smoke detectors located in a residential premises must be maintained by the tenant(s) of the premises.
C. It shall be the duty of the tenant(s) of any residential premises to keep and maintain such detectors located within their dwelling unit, or sleeping room, in good repair and operable condition and to notify the landlord to replace any and all devices which are stolen, removed, missing or rendered inoperable during their tenancy of such dwelling unit with an identical device or an equivalent device, as approved by the owner.
D. Fire extinguishers shall not be used for any purpose other than that for which they were designed.
E. Sprinkler systems shall not be tampered with in any way whatsoever, nor shall sprinkler heads be used to hang anything from.

§ 333-10. Exits; hardware for doors.

A. Prohibited locking devices. No hasp, lock, padlock, bar, chain or other device, which is openable only from the exterior, shall be installed by a tenant(s) on any door, which is used or intended to be used, as a means of egress.
B. Locking devices required.
   (1) It is the responsibility of all landlords to ensure that exit doors from dwelling units, and doors from bedrooms, sleeping rooms or lodging units which are located within dwelling units, rooming or boarding houses, in which three or more unrelated individuals reside, shall be equipped with a locking device which is securable by means of a key from the outside and which is provided, on the inside, with a simple type of releasing device, such as a knob, handle or panic bar, the method of operation of which is obvious, even in darkness. No tenant shall remove and/or disable said locking devices.
   (2) It is the responsibility of all landlords to ensure that all openable windows located within 10 feet, measured vertically, or within six feet, measured horizontally, of ground level, or of exterior balconies, porches, stairs, fire escapes, railings, roof surfaces or any other accessible

structure, shall be equipped with sash locks designed to be openable from the inside only. Sash locks shall be easily openable without the use of keys and be maintained in good repair. No tenant shall remove and/or disable said sash locks.

C. Self-closing doors shall not be blocked in the open position, and automatic doors shall not be removed.

D. Exit lights and signs shall not be tampered with. If exit lights are out or malfunctioning, the landlord must be notified.

§ 333-11. Violations and enforcement.

A. Whenever the City Code Enforcement Officer finds that there has been a violation of these standards, the Code Enforcement Officer shall issue a notice of violation and order to remedy to the person or persons responsible. The order shall:

(1) Be in writing.

(2) Identify the premises.

(3) Specify the violation and remedial action to be taken.

(4) Provide a reasonable time limit for compliance.

(5) State the time within which an appeal may be taken.

(6) If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, include, in the order, a statement that if the violation is not remedied within the time limit specified in the order, the City may remedy the violation.

B. A notice of violation and order may be served as follows:

(1) By personal service upon the tenant(s).

(2) By posting a copy thereof on the door of the tenant(s) premises, or if access thereto is denied, by posting a copy thereof on the outside door of the building and mailing a copy to the tenant(s) in a postpaid wrapper addressed to the tenant(s).

C. In case the tenant(s) shall fail, neglect or refuse to remove, eliminate or abate the violation, or in the case that the owner, lessor or agent fails to cause the tenant(s) to remove the violation within the time specified, the Code Enforcement Officer shall forward the notice of violation to the Corporation Counsel who shall prosecute same as provided herein.

D. If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, and the violation order has been served, but the violation has not been remedied within the time limit specified in such violation order, the City may remedy the violation.

§ 333-12. Penalties for offenses.

Failure to comply with a violation order, within the time limit stated therein, shall constitute an offense. A person convicted of an offense shall be punished by a fine not to exceed $250 or imprisonment, or both. Each week that a violation continues shall be deemed a separate offense and so subject the occupant to an additional penalty as provided above.

§ 333-13. Violations constitute substantial obligation of tenancy.

Unless otherwise provided for by state or federal law or the provisions of a lease, the compliance with the provisions of this chapter shall constitute a substantial obligation of every residential tenancy and the violation thereof shall be grounds for termination of the tenancy.