

ORDINANCE NO. 2 of 2012

**AN ORDINANCE AMENDING THE PROVISIONS OF § 158-66
OF THE HOUSING CODE REGARDING ADMINISTRATIVE FEES**

BE IT ORDAINED by the Common Council of the City of Oneonta as follows:

Section 1. The current provisions of § 158-66 B., F. (3) and G. of the City of Oneonta Housing are hereby repealed and the following new provisions are adopted in their place:

B. The penalties and fees herein prescribed shall not continue to accrue upon a property or be imposed upon a person who, by operation of law, acquires premises for which a violation order has been issued or an administrative fee imposed for a period of six months after the date of such acquisition of the premises. Nevertheless, the penalties shall attach and administrative fees shall recommence upon the expiration date of such six-month period if the violations have not been corrected or the inspections and reports required by this provision have not been submitted to the City.

F. (3) Administrative fees shall not attach to a property that is sold either at a court ordered foreclosure sale or by the transfer of ownership by deed to a bona fide mortgage holder after the commencement of a foreclosure action duly filed against said property. In such case, the fee shall still be imposed upon the prior owner and may be collected in the same manner as any other fee owed to the City.

G. Any person wishing to dispute any finding upon which any administrative fee under this provision is imposed, may appeal such determination to the Board of Public Service. Appeals must be submitted to the Code Enforcement Office, and must be received by the Code Enforcement Office within 30 days of the date of the bill for payment of the administrative fee. Appeals must be submitted in writing and must clearly state the basis for the appeal and why the factual determination of the code enforcement officer was either incorrect, without factual basis or why compliance created undue hardship to an owner occupied property. Any appeal filed without written allegations of specific incorrect facts or incorrect procedures on the part of the City, its employees or agents, or without documentary showing of financial hardship to an owner occupied property shall be dismissed without further hearing. A claim of ignorance of the provisions of the statute shall not constitute a basis for a valid appeal.

Section 2. This ordinance shall take effect immediately.