

**TROY CITY COUNCIL  
GENERAL SERVICES MEETING AGENDA  
Tuesday, August 23, 2016  
6:30 PM**

Pledge of Allegiance  
Roll Call

**LOCAL LAW**

**ORDINANCES**

**60.** Ordinance Amending The Code Of The City Of Troy, Chapter 176: Housing And Property Maintenance, § 176-16 Exterior Property Areas And § 176-17 Exterior Structure. (Council President Mantello) (At the Request of the Administration) **Tabled at 8-17-16 meeting**

**61.** Ordinance Amending The Code Of The City Of Troy, Chapter 247: Solid Waste. (Council President Mantello) (At the Request of the Administration) **Tabled at 8-17-16 meeting**

**62.** Ordinance Amending The Code Of The City Of Troy, Chapter 251: Streets And Sidewalks § 251-11 Fees For Permits. (Council President Mantello) (At the Request of the Administration) **Tabled at 8-17-16 meeting**

**ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, CHAPTER 176:  
HOUSING AND PROPERTY MAINTENANCE, § 176-16 EXTERIOR PROPERTY AREAS  
AND § 176-17 EXTERIOR STRUCTURE**

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The City of Troy, in City Council convened, ordains as follows:

Section 1: Chapter 176: Housing and Property Maintenance, § 176-16 Exterior property areas and § 176-17 Exterior structure are amended to add new matter underlined:

**§ 176-16 Exterior property areas.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit or premises, for the purpose of living therein, which does not comply with the following requirements. The Director of Code Enforcement of the City of Troy and/or his/her designee shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements.

**A.**

Sanitation. All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish or garbage.

**B.**

Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon.

**C.**

~~Noxious weeds. All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.~~

Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of notice of violation, they shall be subject to prosecution in accordance with Section 176-12 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, and duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**D.**

Insect and rodent harborage. Every owner of a dwelling or multifamily dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises; except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or

public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

**E.**

Accessory structures. All accessory structures including detached garages shall be maintained structurally sound and in good repair.

**F.**

Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Exception: Unless approved by the Director of Code Enforcement and the Planning Commission.

**§ 176-17 Exterior structure.**

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or multifamily dwelling, dwelling unit, rooming house, rooming unit, or portion thereof for the purpose of living therein, which does not comply with the following requirements.

**A.**

Foundations, walls and roof. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

**B.**

Foundations. The foundation elements shall adequately support the building at all points.

**C.**

Exterior walls. All exterior walls, eaves, soffits, fascia, cornices, overhangs and trim shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.

[Amended 9-1-2011 by Ord. No. 5]

**D.**

Roofs. The roof shall be structurally sound, tight, and have no defects which might admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.

**E.**

Stairs, porches and railings. Stairs and other exit facilities shall be adequate for safety, as provided in the Uniform Fire Prevention and Building Code and shall comply with the following subsections.

**F.**

Structural safety. Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected, as required by the Uniform Fire Prevention and Building Code, and shall be kept in sound condition and good repair.

**G.**

Handrails. When the Inspector deems it necessary for safety, every flight of stairs which is three risers or more high shall have handrails, which shall be located as required by the Uniform Fire

Prevention and Building Code, and every porch which is three risers or more high shall have handrails so located and of such as required by that code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

**H.**

Windows, doors and hatchways. Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

**I.**

Windows to be glazed. Every window sash shall be fully supplied with glass windowpanes (or an approved substitute), which are without open cracks or holes.

**J.**

Windows to be tight. Every window shall be in good condition and fit reasonably tight within its frame.

**K.**

Windows able to be opened. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

**L.**

Door hardware. Every exterior door, door hinge, and door latch shall be maintained in good condition.

**M.**

Doors to fit in frame. Every exterior door, when closed, shall fit reasonably well within its frame.

**N.**

Window and door frames to fit in wall. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering any dwelling or multifamily dwelling.

**O.**

Basement hatchways. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling or multifamily dwelling.

**P.**

Exit doors. Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.

**Q.**

Screening. Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements:

**(1)**

Guards for basement windows. Every basement or cellar window which is openable shall be supplied with corrosive-resistive rodent-proof shields of not less than No. 22 U.S. gage perforated steel sheets, or No. 20 B&S gage aluminum, or No. 16 U.S. gage expanded metal or wire mesh screens, with not more than one-half-inch mesh openings, or with other material affording equivalent protection against the entry of rodents, including storm windows.

**(2)**

Insect screens. From May 1 to October 15 of each year, every door opening directly from any dwelling or multifamily dwelling unit to the outdoors and every window or other outside opening used for ventilation purposes shall be supplied with a screen of not less than 16 mesh per inch and every swinging screen door shall have a self-closing device in good working condition,

except that no such screens shall be required for a dwelling unit on a floor above the fourth floor. After compliance with above in any one season, in two-family and multidwelling units, every occupant thereof shall be responsible for the maintenance and repair of said screens in their individual dwelling unit

**R.**

Exterior wood surfaces. Exterior wood surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservatives.

**S.**

Roof gutters and downspouts shall be maintained and anchored and kept in good working condition. No gutter shall be installed so that water is discharged onto a neighbor's property or City right-of-way.

**T.**

Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

[Added 9-1-2011 by Ord. No. 5]

**Section 2.** This Ordinance shall take effect 30 days after approval by the Council.

Approved as to form, August 9, 2016

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Kevin P. Glasheen, Corporation Counsel

## MEMO IN SUPPORT

The amendment to this ordinance in Subsection C is intended to provide greater clarity to the term weeds and also to provide Code Enforcement with a more effective provision to require property owners to maintain the open areas of their property in a manner that improves the overall appearance of the respective property and, in so doing, also helps to improve the appearance of the respective neighborhood.

The addition of Subsection E is intended to provide Code enforcement with an additional tool with which to deal with the problem of unsightly and/or inappropriate markings on buildings. It also places responsibility on an owner to restore the surface that has been defaced so that unsightly markings on buildings will not remain for extended periods of time.

The City realizes that there can be attractive and appropriate artwork, such as certain wall murals, that can be placed to good effect on certain buildings. This amendment provides Code Enforcement with the ability to make exceptions for such appropriate art work.

Subsection T is intended to provide Code Enforcement with a tool to deal with the recurring problem of deteriorated exterior gates to respective properties. Such gates fail to perform their basic function of securing an owner's property from the entry of children or unauthorized persons creating potential safety issues or a means for illegal entry or other illegal activities.

**ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, CHAPTER 247: SOLID WASTE**

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The City of Troy, in City Council convened, ordains as follows:

**Section 1: § 247-9** entitled Duties of owners and occupants. This section amended to add new matter underlined:

**§ 247-9 Duties of owners and occupants.**

[Amended 10-6-1977]

A.

The owner or occupant of any lot, store, building or house in said City who may desire that any of the solid wastes covered by the provisions of this chapter should be removed by the Department of Public Works, or by a contractor engaged by the City or by scavengers employed by individual owners, from the premises owned or occupied by him, shall secure the same in heavy-duty plastic bags tied at the top, or specially treated paper bags and deposit same, in the case of garbage or moist or liquid waste, in water-tight, covered wooden, plastic or metal containers and, in the case of ashes or dry waste or rubbish, in covered plastic or metal containers.

[Amended 5-1-2003 by Ord. No. 4]

B.

In the case of commercial and industrial waste such as cardboard boxes, crates, cartons, etc., all such solid wastes must be flattened and securely tied for removal. All bulk refuse shall be placed at the curb at the time specified by the Department. Leaves and lawn clippings shall be placed in approved containers. Tree trimmings and hedge trimmings shall be securely tied in bundles not heavier than 75 pounds and not more than five feet in length nor more than 18 inches in diameter. The City shall not provide collection for hazardous refuse, junk vehicles or sewage solids. All other solid wastes shall be placed in acceptable containers not exceeding 50 pounds in weight or 20 gallons in capacity.

C.

Standard containers which have rusted through the sides or bottom or are bent, dented or damaged to the extent that they are not water-, fly- or rodent-tight shall not be used for storing solid wastes. These containers may be classed as solid waste and collected and disposed of as such by the person or agency responsible for the collection of solid wastes. The person or agency shall first place a tag upon such receptacle, stating that the receptacle fails to meet the requirements of this article. In the event that the container is not repaired or replaced before the next collection period, it shall be collected as solid waste.

D.

All sweepings of sidewalks or premises must be picked up and placed in such containers.

E.

Such containers, when filled with solid wastes to be removed, shall be placed at the curb adjacent to the premises owned or occupied by him/her or, if there be an alley in the rear of such premises, in such alley close to such premises, not more than 12 hours before collection of solid wastes in the residential areas and not more than 10 hours before collection of solid wastes in the business areas of the City.

F.

It shall be the duty of such owner or occupant to cause wooden, plastic or metal containers, when emptied of their contents by the Department, to be removed from the curb or alley.

G.

All solid waste containers shall be marked for identification by the owner, either by name or street number.

H.

It is the owner's responsibility to provide a minimum of two containers per residential unit.

**Section 2.** This Ordinance shall take effect 30 days after approval by the Council.

Approved as to form, August 10, 2016

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Kevin P. Glasheen, Corporation Counsel

## MEMO IN SUPPORT

Code Enforcement, on a regular basis, is either being contacted or observing situations where there is excess trash or garbage that cannot be contained in appropriate trash containers and is being piled next to a trash container. This type of situation creates an unsightly condition as well as a potential health hazard. This type of situation is often due to the lack of an adequate number of trash containers to hold the trash for each residential unit and is most prevalent in connection with multiple dwelling units.

The addition of subsection H. to Sec. 247-9 requires a minimum of two trash containers per dwelling unit. It is hoped that this requirement will significantly reduce the problem of overflowing trash and garbage due to a lack of adequate trash container capacity.

**ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, CHAPTER 251:  
STREETS AND SIDEWALKS § 251-11 FEES FOR PERMITS**

The City of Troy, in City Council convened, ordains as follows:

**Section 1:** § 251-11 Fees for permits. This section is amended to add new matter underlined:

**§ 251-11 Fees for permits.**

**A.**

The fees for permits for repairs to sidewalks and water/sewer lines with the erection of barricades shall be ~~\$50~~ \$200, per permit.

**B.**

Permit fees for ~~repairs to sidewalks and erection of barricades and~~ excavation of public streets shall be based upon the following schedule: Two dollars and fifty cents per square foot of final excavation up to 100 square feet, plus \$1.50 per square foot of final excavation over 100 square feet.

**C.**

Dumpster permits.

[Added 6-7-2012 by Ord. No. 3]

**(1)**

A dumpster permit is required of any dumpster or portable storage unit placed on residential or commercial property in the city right of way. This includes permanent dumpsters for businesses, temporary roll off dumpsters, and portable storage pods. If a temporary or roll-off dumpster is placed as part of a long-term remodeling project, it should be kept clean, in good repair and free of offensive odors. It should be cleaned a minimum of two times a year. (Additional cleaning may be required by the City.) Cleaning dumpsters on the street or sidewalk is not permitted.

**(2)**

The permit fee is ~~\$50~~ for residential buildings with 3 or less units will be \$100 a month. All other residential and commercial buildings will be \$200 a month.

**(3)**

The dumper permit must be prominently displayed.

**(4)**

If a dumpster company places a dumpster on a property where there is no visible permit authorizing its placement, the dumpster company will be fined \$500. Dumpster companies will receive notification in writing, from the Director of Code Enforcement upon passage of this law. A list of notified companies will be kept.

**Section 2.** This Ordinance shall take effect 30 days after approval by the Council.

Approved as to form, August 10, 2016

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Kevin P. Glasheen, Corporation Counsel

## **MEMO IN SUPPORT**

The amendments proposed by this ordinance are intended to increase outdated fees, to clarify the fee provision relating to the excavation of public streets and to discourage the temporary placement of dumpsters for extended periods of time. A recurring problem in the City has been the presence of unsightly dumpsters and storage pods at various locations in the City supposedly on a temporary basis but which have remained in place for lengthy periods of time. Previously, a flat fee of \$50 was charged as a permit fee for the placement of a dumpster or storage pod which provided no economic incentive to remove a dumpster in an expeditious manner. Pursuant to this amendment, an increased fee will be charged on a monthly basis which hopefully will provide an economic incentive for parties utilizing dumpsters or storage pods on a temporary basis to make use of them as needed but also to remove them in an expeditious manner.