

HN 25-50

RESOLUTION

CITY OF HORNELL, NY August 25, 2025

BY: Sutfin/Hancock

WHEREAS, the Common Council of the City of Hornell recognizes that updating and modernizing the City Code is both beneficial and necessary; and

WHEREAS, the Law and Ordinance Committee has reviewed and approved proposed updates to the City Code for consideration by the Common Council; and

WHEREAS, the Common Council has reviewed and considered the proposed updates by the Law and Ordinance Committee; and

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Hornell hereby approves the proposed updates to the City Code; and

BE IT FURTHER RESOLVED, that said updates shall be effective immediately.

Carried – All Ayes (10)
Absent – None

§ 1-1 Penalties for offenses.

Except as otherwise provided, any person who shall violate any provision of this Code shall, upon conviction thereof, be punished by a fine of not less than \$75 nor more than \$250 for a first-time offense. Continued non-compliance with the same provision may constitute a separate offense for each day the violation persists. A second offense will carry a fine of no less than \$150 nor more than \$250. A third offense shall carry a fine of not less than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 115-2 Removal by city; notice to remove; liability for cost.

Upon receiving complaints or by viewing uncut brush, grass and weeds, the City of Hornell Codes Department, the City of Hornell Superintendent of Public Works or their designee can order the cutting or removal of brush, grass and weeds. The owner or occupant of said property shall be notified in a written form, hand-delivered or delivered by first class mail, or verbally delivered, that the brush, grass and/or weeds or snow and/or ice are to be removed with the receipt of the notice. Snow and/or ice shall be removed within 24 hours of receipt of the notice. Brush, grass, or weeds shall be corrected within 5 days of the date of the notice. If the grass, brush and/or weeds and/or snow and ice are not removed within that time frame, the Department of Public Works shall enter onto said property and cure the violation. The owner or occupant will then be billed at a rate to be determined by the Superintendent of Public Works. Unpaid bills over 60 days old as of March 31 may be levied on taxes assessed on the premises.

§ 280-18 Alcoholic beverages in restaurants, bars, and similar establishments

Established tax on alcoholic beverage sales consumed on site. This appears to be an outdated Code that is not a current practice. Recommended to be repealed.

Chapter 246 Rewards

Established rewards for property damage reports by the Common Council. This is outdated code that is not current practice. Recommended to be repealed.

§ 135-1 Prohibited animals and fowl

No person shall be permitted to keep within the corporate limits of the City, including unenclosed or enclosed private grounds, any cattle, beast of burden, goat, sheep, swine, chicken, goose, duck, or turkey.

§ 135-8 Seizure of unleashed dogs; alternative to seizure.

A. Dogs which are not restrained by leash and which are off the premises of the owner and are upon the premises of another person without the knowledge and consent of such person may be seized as hereinbefore provided, or, in the alternative, the Dog Control Officer or anyone duly authorized by the Chief of Police to enforce this article may issue a summons to the owner alleging a violation of this article and directing said person to appear before the City Judge at a time and date indicated thereon to answer said charge. A finding of guilty shall result in a fine of not less than \$50, and failure to appear at the time and date so designated may result in the issuance of a warrant by the City Judge.

B. Ownership of a dog may be proven by its dog tag number or proof of a dog license with the City Clerk's office. Such identification shall be presumptive evidence of its ownership.

§ 135-9 Licensing; fees; violations and penalties

B. License fees

(1)

Spayed/neutered: \$7.50.

(2)

Unspayed/unneutered: \$15.50.

(3)

In addition to the license fees set forth above, a late licensing fee of \$5 shall be assessed for each calendar year that a dog is found to be unlicensed beyond its required licensing date. This fee shall be in addition to any fees or fines incurred related to any tickets issued for dog license violations.

§ 135-24 Registration required; seizure; hearing

Established registration and requirements for pit bull dogs. Recognition any dog breed has the potential to be dangerous and there is an established legal process to determine a dangerous and/or vicious dog. This is an outdated practice and recommended to be repealed.

§ 198-4 Audio Devices, Radios, Phonographs and Musical Instruments.

No person shall operate or play any audio device, radio, phonograph, or any musical instrument or operate, or cause to be operated, any other noise making device in such manner or at such volume at any time so as to annoy the quiet, comfort or repose of persons in any neighborhood, neighboring dwelling, hotel or other type of residence.

§ 210-8 Spitting

Establishes Code regarding spitting and the Code appears to be outdated and not a current practice. Recommended to be repealed.

§ 205-3 James Street Park, Shawmut Park, & Union Square Park

A.

It shall be unlawful for any person, persons or organization to be in James Street Park or Shawmut Park between the hours of 12:01 a.m. and 5am.

B.

There will be no beverage brought into the park in any glass containers.

C.

There will be no selling of goods at any park except with the approval from the City of Hornell, including the Board of Public Works, Board of Public Safety, or other designated administrator of the City of Hornell.

D.

There will be no playing of golf in any City Park.

Chapter 267, Article 2

Refers to Merchandise Displays and sales on Sunday, which appears outdated and inconsistent with current practices. Recommendation to repeal all of Article 2 (§267-23, §267-24, §267-25).

§ 172-6 Scavengers

Established practice regarding scavengers and appears outdated and is not a current practice. Recommended for repeal.

§ 296-1 Outside storage limited.

In all residential, commercial, business, and industrial districts within the City of Hornell, the outside storage or parking of any unregistered, unlicensed, or inoperable motor vehicle is prohibited.

For the purposes of this chapter, an "inoperable motor vehicle" shall be defined as a vehicle that cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, having one or more flat tires, or incapable of being moved under its own power.

A motor vehicle shall also be considered in violation of this section if it has failed to pass or display a valid safety inspection sticker and is 30 or more days past the expiration of its last valid inspection. Such vehicles shall be subject to enforcement and removal under the same provisions as unregistered or inoperable vehicles.

No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled while stored outdoors. "Major disassembly or disrepair" means the removal or failure of essential components such as the engine, transmission, wheels, doors, or other structural parts which render the vehicle inoperable for more than 72 hours.

A vehicle may be considered abandoned if it is left unattended on public or private property without the owner's permission, without license plates, or if it has received two or more consecutive parking violations/tickets.

All major repairs, disassembly, or body work must be conducted inside a fully enclosed structure that is designed and approved for such purposes. Painting of vehicles is prohibited unless performed inside an approved spray booth or similar enclosed facility.

The outside storage of any other motor vehicle is prohibited, except for such unregistered or unlicensed motor vehicles belonging to a member of the armed forces of the United States who is serving in active military duty.

Storage for junkyards, garages, or car repair shops is permitted for a period of no longer than 15 days. After such time, said vehicles must be and shall be removed from the City of Hornell.

There shall be no outside storage in any residential or other district of motor vehicle bodies or motor vehicle parts at any time.

For the purpose of this chapter:

"Motor vehicle bodies" shall mean the main frame or shell of a vehicle, with or without internal components.

"Motor vehicle parts" include but are not limited to tires, rims, doors, fenders, bumpers, glass, mirrors, lights, hoods, or any other structural or mechanical component.

§ 296-2 Notice of violation sticker.

A sticker will be placed on vehicles in violation of this chapter stating that "this vehicle may be impounded if it is not removed within 10 business days."

§ 296-3 Reclaiming of vehicle; charges; disposition of unclaimed vehicles.

Any vehicle removed under this chapter may be reclaimed by the owner, who shall be responsible for the payment of any and all towing and storage fees as charged by the towing provider. The City of Hornell shall not be responsible for any fees incurred through the removal or storage of the vehicle.

If a vehicle is not claimed within 30 days from the date of impoundment, the vehicle may be disposed of in an approved and sanitary manner so as not to create a nuisance to the general public.

§ 296-4 Penalties for offenses.

Anyone who shall violate any provision of this chapter, in addition to any other charges imposed by removal and storage of said vehicle, shall be punishable as provided in § **1-1** of the Code.

§ 172-7 Stagnant Water

A. Legislative Intent- It is the intent of this article to protect the public health, safety, and welfare of the residents of the City of Hornell by preventing the accumulation of stagnant water on private and public properties. Stagnant water serves as a breeding ground for mosquitoes and other pests, which may transmit diseases such as West Nile Virus and pose a nuisance to the community. This article establishes regulations to eliminate stagnant water, ensure compliance through enforcement, and promote a healthy environment for all residents.

B. Definitions- For the purposes of this article, the following terms shall have the meanings indicated:

STAGNANT WATER: Any accumulation of water that remains standing for a period of three (3) days or more, whether in natural or artificial containers, including but not limited to pool covers, tires, buckets, flower pots, fountains, ponds, or other receptacles, and which is capable of serving as a breeding site for mosquitoes or other pests.

PROPERTY OWNER: The person, persons, or entity recorded as the owner of the property in the Steuben County Recorder's Office records, or any person having lawful control over the property.

RESPONSIBLE PARTY: Any person, including a tenant, lessee, or occupant, who causes, permits, or maintains a condition in violation of this article.

PUBLIC NUISANCE: Any condition involving stagnant water that endangers the public health, safety, or welfare by facilitating the breeding of mosquitoes or other pests.

C. Violations

1. No property owner or responsible party shall permit, maintain, or allow the accumulation of stagnant water on any property within the City of Hornell.
2. The owner or occupant of said property shall be notified in a written form, hand-delivered or delivered by first class mail, or verbally delivered, that the stagnant water is to be removed within 72 hours of the receipt of the notice.
3. Any stagnant water found to be a breeding source for mosquitoes or other pests is hereby declared a public nuisance and subject to immediate abatement as provided in this article.

§172-8 Penalties for Offenses

Violations of this chapter shall be punishable as provided in § 1-1 of the Code.

§ 160-10 Creation of nuisance; depositing on streets and other property.

A. All garbage disposed of within the limits of the City shall be disposed of in such manner as not to create a nuisance and in such manner as shall be approved by the Board of Health.

B. No person shall throw or deposit or cause to be thrown or deposited any garbage, as defined in this chapter, upon any street, alley, lane, gutter or any public grounds in the City or into any stream running through or adjacent to said City or other premises in said City.

C. No person shall place, deposit, or dispose of garbage, rubbish, recyclables, yard waste, construction debris, appliances, furniture, or other refuse on property not owned or leased by them, unless they have received explicit permission from the property owner and the disposal complies with all applicable City regulation.

§ 120-1 Residential occupancy permits.

F. Prior to the issuance of an occupancy permit within the City of Hornell, any and all landlords/property owners must designate an agent of at least 18 years of age, who resides Hornell, or within an hour's drive from the City of Hornell, to accept legal service on behalf of the property owner/landlord. Prior to the issuance of an occupancy permit, the property owner/landlord must provide such information to the Codes Office for the City of Hornell. Said information must include the name, address and telephone number of such designated agent. All service of process in the event that said property owner/landlord needs to be served or given notice by the City of Hornell shall be deemed sufficient service for the purpose of the City Code if the City serves the landlord/property owner or his or her designated agent.

§ 315-2 Word usage and definitions

HOME OCCUPATION

Any occupation for gain or support conducted entirely within a dwelling unit by members of the family residing in such dwelling unit, provided that:

(1)

There is no external display or advertising other than a sign erected in accordance with the applicable sign regulations.

(2)

There is no external storage of goods or materials.

(3)

Such home occupation is secondary to the main residential use and does not change the residential character of the dwelling unit nor create or become a nuisance, in particular with regard to noise, traffic, parking, odor, smoke, vibration, dust, heat or glare.

(4)

Not more than 25% of the residential floor area is used for the home occupation use.

(5)

Professionally licensed persons providing a personal service shall have no more than one employee where the home occupation is occurring in a residential location unless granted a variance to permit more than one employee by the Zoning Board of Appeals.

§ 222-3: Responsibility of Occupants

E.

No person shall feed any domesticated animals on the ground, other than in a suitable containers. The feeding of any animals domestic or non-domestic above the ground shall not be done in a manner so as to attract any other animals. Under no circumstances should food be scattered or loosely provided.

§ 120-3 Short-Term Rental Regulations

A. Purpose

The City of Hornell recognizes the growing prevalence of short-term rentals (STRs), such as those facilitated by platforms like Airbnb, and seeks to ensure such properties comply with building, fire, and safety standards to protect public health, safety, and welfare. This section establishes regulations for STRs to promote safe and responsible use within the City.

B. Definitions

For the purposes of this section:

- Short-Term Rental (STR): A dwelling unit, or portion thereof, rented for a fee for a period of less than 28 consecutive nights to persons other than the owner or their immediate family. This includes rentals facilitated by online platforms such as Airbnb, as well as bed-and-breakfasts, but excludes hotels or motels regulated elsewhere in this Code.
- Owner: The person(s) or entity holding legal title to the property used as an STR.
- Dwelling Unit: A building or portion thereof designed for residential occupancy, as defined in § 120-2 of this Chapter.
- Building Inspector: The City of Hornell Building Inspector or their designated representative responsible for enforcing this section.

C. Certificate of Occupancy

- No dwelling unit shall be used as an STR without a valid Certificate of Occupancy (COO) issued by the Building Inspector, as required for rental properties under this Chapter.
- The COO shall confirm compliance with all applicable building, fire, and health codes, including the New York State Uniform Fire Prevention and Building Code.
- Owners must maintain a valid COO for the duration of STR operations and provide a copy to the Building Inspector upon request.

D. Operational Standards

- Compliance with Codes: STRs shall comply with all applicable provisions of this Chapter, the New York State Uniform Fire Prevention and Building Code, and other City ordinances, including zoning, noise, and property maintenance regulations.

E. Inspections

- Semiannual Inspections: Every STR shall be inspected by the Building Inspector or their designee at least once every six months to ensure compliance with this section and applicable building, fire, and health codes.
- Emergency Inspections: The Building Inspector may conduct inspections without prior notice if there is reason to believe an immediate threat to life, health, or safety exists.

F. Enforcement and Penalties

- Violations: Failure to comply with any provision of this section, including failure to maintain a valid COO or allow inspections, shall constitute a violation.
- Penalties: Violators shall be subject to the penalties set forth in § 1-1 of the Hornell City Code.

G. Effective Date

This section shall take effect immediately upon adoption.