

[View this email in your browser](#)

Celeste Friend
Councilperson for Utica's Third Ward
celeste4utica@gmail.com 315-725-5987

Help others see this Newsletter!

Forward this email and tell them to sign up at www.UticaForAll.com

Here it is: the third in our series of "How Utica Works" Newsletter, meant to inform you of some of the important ways in which our local city government functions. This month our subject is a complicated one: Codes.

Below: I recently had a very productive meeting with our Codes Commissioner, Marques Phillips and Codes Officer John Napoli.



Like any City, Utica has a large number of Ordinances that regulate all sorts of things, from where we can and cannot park our cars, to dogs, litter, sidewalks, noise, dumpsters, signage, lights, grass and other plantings, etc. Regulating these sorts of things is necessary to any City and to people being able to live comfortably together

within an urban setting. These Codes are created, as a matter of law, by Ordinances passed by the Common Council. (The Common Council has authority to pass Resolutions, Ordinances, and Local Laws. Each of these kinds of laws have to meet different standard in order to pass, and have differing degrees of legal authority. Most codes of the City are the product of Ordinances.)

The City's Codes are enforced by, not surprisingly, the Department of Codes. Citing directly from their page on the City website: "The City of Utica Codes Department is committed to protecting the health, safety and well-being of the citizens of the City of Utica through the enforcement of the New York State Building and Property Maintenance Code. The City of Utica Codes Department works closely with property owners, neighborhood groups and organizations in an attempt to improve the appearance and safety of all buildings and property within the City of Utica." Their job is to enforce all the sorts of Codes listed above (and more), but also to enforce general New York State building codes. As such, they are the department responsible for issuing building permits and for inspecting that all construction in the City is conducted legally and meets safety standards. The Codes Department does a lot, and has a great deal of responsibility for keeping the City safe and looking good.

How do Codes actually get enforced? It happens in many stages. First, and in most instances, it is instigated by a complaint. Except in particularly egregious cases, we enforce the Codes that residents are complaining about; we do not go out looking for infractions that are not bothering anyone. The Codes Department will send out an officer to inspect the situation. They must be able to see the problem from the sidewalk or road: they have no legal authority to enter onto private property without an owner's permission. They then issue a citation, which gives the property owner formal, legal notice that they are not compliant with the law. They can either fix the problem, becoming compliant, or the City will pursue enforcement from the Courts.

For example, if a garage is beginning to fall down, and a neighbor decides that it is both unsightly and unsafe, that neighbor can call Codes. An Officer then visits the property, sees the half-fallen-down garage, and writes the property owner a citation or "ticket". The owner can then make necessary repairs or tear the garage down, and the Officer can return and see that the property is no longer violating Codes, and the citation is dismissed. But if the property owner decides to ignore the citation, then they will end up with a date to go to Court, and the property owner will go before a Judge who will be able to enforce the law, and require the property owner to either do necessary repairs or tear the garage down. The Judge may require that the owner return to Court within some time frame and show that they have become compliant with the law. If they don't become compliant then the Judge may fine, or even imprison them for contempt of court orders. (This rarely happens.) To summarize then, enforcing Codes has several steps and can under some circumstances take weeks or even months. (And during this Pandemic, with Courts having to close, it has been taking longer.)

In a few cases, the City can take more direct action to ensure the safety of our neighborhoods and residents. We have some "abatement" in our laws, which allow the City to fix certain problems using our own employees, and then charge a reasonable fee for that service by attaching that fee directly to that property's taxes.

Examples of abatements include grass cutting, trimming hedges that are creating a hazard to pedestrians or traffic, and boarding up and securing empty houses. In these instances, owners are still given the opportunity to fix the problem themselves, but after a reasonable period of time, the City can fix it themselves. This is good for everyone.

Like so many important government functions, this description I've just given you only really scratches at the surface. There are many more details and complications to this subject. But I hope that nonetheless, you understand a little better how our City works.

Have a topic you'd like to see covered in this mid-month Newsletter? Drop me a line. I'm always happy to hear from you.

Copyright © 2021 Committee to Elect Celeste Friend, All rights reserved.

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

