

Chapter 43**HEAT IN BUILDINGS**

- § 43-1. **Heat required.**
- § 43-2. **Required temperatures.**
- § 43-3. **Nonapplicability.**
- § 43-4. **Contract or lease agreements.**
- § 43-5. **Penalties for offenses.**
- § 43-6. **Repair or replacement of heating system.**
- § 43-7. **Severability.**
- § 43-8. **When effective.**

[HISTORY: Adopted Liberty Village Board 10-17-1977 as L.L. No. 6-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Housing standards — See Ch. 48.

§ 43-1. Heat required.

Any owner, agent, lessee, superintendent or janitor of a building who has under his control a furnace, boiler or other device for the furnishing of heat to said building shall be required to furnish heat to all used portions of said building in accordance with the requirements of § 43-2.

§ 43-2. Required temperatures.

Heat shall be supplied whenever necessary and in sufficient quantity so that the temperature inside any dwelling does not fall below sixty-five degrees Fahrenheit (65° F.) at any time and

so that the temperature in any building used for the carrying on of any business, trade or profession does not fall below sixty-five degrees Fahrenheit (65° F.) during the usual working hours of the people employed therein.

§ 43-3. Nonapplicability.

This local law shall not apply to any building or the portion of any building used for the carrying on of any trade, business or profession in which a temperature of less than sixty-five degrees Fahrenheit (65° F.) is essential and unavoidable.

§ 43-4. Contract or lease agreements.

This local law may be varied only by express written contract or lease entered into by the parties; provided, however, that any such provision in any contract or lease shall be void and unenforceable if the contract or lease as a whole is unconscionable, considering the background and circumstances in existence at the time said contract or lease was made and the relative bargaining power of the parties to the contract or lease.

§ 43-5. Penalties for offenses. [Amended 12-6-1995 by L.L. No. 14-1995]

The penalty for any violation of this local law shall be two hundred fifty dollars (\$250.) per day, per unit, that the violation shall continue. If the violator is a corporation, then the president, vice president, secretary and treasurer thereof shall be personally, jointly and severally liable therefor.

§ 43-6. Repair or replacement of heating system.

In the event that there is a mechanical or other breakdown of the heating system, then the owner, agent, lessee, superintendent or janitor, as the case may be, shall immediately take such

steps as shall be reasonable and necessary to effect the repair and/or replacement of said heating system.

§ 43-7. Severability.

In the event that any provision of this local law shall be declared unconstitutional or otherwise null and void, it shall not effect any other provision not so held, which shall continue in full force and effect.

§ 43-8. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.